

Oklahoma Employment Security Commission

Jon Brock, Executive Director



Frank Keating, Governor

Representing Employers
George Ollie, Jr., Commissioner
Ted Weber, Commissioner

Representing the Public
Rev. W. B. Parker, Chairman

Representing Employees
David Hill, Commissioner
DeWayne Goodman, Commissioner

Oklahoma Employment and Training Issuance #31-2000

TO: WIA Board Staff

FROM: Eddie Foreman, Director

DATE: May 24, 2000

SUBJECT: Oklahoma's Interim Final Policy on WIA Participant Payments

PURPOSE: To establish Oklahoma State policy for payment to individuals enrolled in or employed under the on-the-job training (OJT) program. Comments must be submitted by June 16, 2000. Please send comments to me electronically via my e-mail address.

MESSAGE: Individuals enrolled in on-the-job training or employed in activities under this title shall be compensated at the same rates, including any periodic raises, as trainees or employees who are similarly situated in similar occupations with the same employer and who have similar training, experience, and skills. Such rates shall be in accordance with applicable law, but in no event less than the higher of the rate specified in section 6(a)(1) of the Fair Labor Standards Act of 1938 [29 U.S.C. 206(a)(1)] or less than the applicable State or local minimum wage law.

ALLOWANCES, EARNINGS, AND PAYMENTS — Any allowances, earnings, and payments to individuals participating in programs under this title shall not be considered as income for the purposes of determining eligibility for the amount of income transfer and in-kind aid furnished under any federal or federally assisted program based on need, other than as provided under the Social Security Act (42 U.S.C. 301 et seq.).

LABOR STANDARDS

1. Limitations on Activities Impacting Wages of Employees — No funds under this title shall be used to pay the wages of incumbent employees during their participation in economic development activities that are provided by a statewide workforce investment system.
2. Prohibition — Any participant enrolled in a program or activity authorized under this title (referred to in this section as a "specified activity") shall not displace (including a partial displacement, such as a deduction in the hours of nonovertime work, wages, or employment benefits) any currently employed employee (as of the date of the participation).

ACTION: Please distribute this issuance to appropriate staff and include it as part of your permanent records.

LS/jyg