

**Workforce Development System
Program Guidance Letter #24-03
September 23, 2024**

To: Workforce Development Community

SUBJECT: Guidance for Local Workforce Development Boards (LWDBs) on the New York State Department of Labor (NYSDOL) Office of Just Energy Transition (OJET) Renewable Energy Training Initiative (RETI)

ACTION

1. Funding

NYSDOL will issue \$4M in New York Power Authority (NYPA) State funding to interested LWDBs for the OJET RETI through a Notice of Obligational Authority (NOA) process. This funding can be used for:

- The up-skilling or re-skilling of workers transitioning from fossil fuel to clean energy positions;
- The up-skilling or re-skilling of residential workers in weatherization, building performance, and retrofitting, including fees for required industry-recognized credentials; and
 - Acceptable industry-recognized credentials for residential building science education can be found at: <https://bsesc.energy.gov/recognition>.
- Wraparound services during training, including but not limited to, childcare, transportation, housing, food, mental health services, and substance use treatment or services.

Total available funding to interested LWDBs is provided on a scale based on the percentage of census tracts designated as Disadvantaged Communities ([DACs](#)) within the Local Workforce Development Area (LWDA):

- 0-20% DACs – Up to \$90,000;
- 20.1%-31% DACs – Up to \$175,000; and
- 31.1%-100% DACs – Up to \$250,000.

Additional information about DAC criteria, maps, fact sheets, public hearings, and more can be found at <https://climate.ny.gov/resources/disadvantaged-communities-criteria/>.

Individuals participating in up-skilling or re-skilling can receive funding on the following scale:

- Up to \$10,000
 - Dislocated Workers (DWs);
 - Workforce Innovation and Opportunity Act (WIOA) Adult Program participants; and
 - New hires in the clean energy field.
- Up to \$5,000
 - Incumbent workers.

State funding issued to LWDBs for the OJET RETI is subject to the following Workforce Development System Technical Advisories (WDS TAs):

- [#11-02.5](#): UPDATED Financial Reporting and Cash Draw-down Policy and Procedures for Workforce Innovation and Opportunity Act, Workforce Investment Act, Trade Adjustment Act and Other Federal Funding;
- [#16-02](#): Retention of Records by Local Workforce Development Boards;
- [#17-03](#): Renovation Costs and Equipment Acquisitions Utilizing Workforce Innovation and Opportunity Act (WIOA) Funds;
*Note that for the OJET RETI, prior approval from NYSDOL is required for any equipment acquisition costing \$1,000 or more.
- [#17-04](#): Final Fiscal Closeout of Expiring Federal Funds;
- [#21-04](#): Monitoring – New York State Department of Labor (NYSDOL) Workforce Innovation and Opportunity Act (WIOA) Monitoring/Oversight of and Provision of Technical Assistance to Local Workforce Development Boards (LWDBs) and LWDB Responsibilities Relating to NYSDOL’s Monitoring Process; and
- [#21-05](#): Monitoring – Remote and/or Onsite Subrecipient Oversight and Monitoring Responsibilities for Chief Elected officials (CEOs) and Local Workforce Development Boards (LWDBs).

2. Allowable Costs

Allowable costs for the OJET RETI include:

- Program staffing and Outreach costs (i.e., career services staff salaries and fringe, outreach/recruitment costs);
- Administration, up to 10% of the program budget (i.e., fiscal, legal, HR Management costs);
- Equipment, defined as an item having a useful life of more than one (1) year and an acquisition cost of \$1,000 or more per unit;

WE ARE YOUR DOL



- Participant payments (i.e., transitional job wages, stipends, incentive payments);
- Customized training;
- Work experiences (such as internships);
- On-the-Job Training (OJT) wage reimbursement to businesses of up to 90%, with the expectation employment will continue after the OJT period if the participant performs successfully (This includes the OJT portion of a Registered Apprenticeship);
- Classroom training, including credentials and certifications (This includes the Related Instruction portion of a Registered Apprenticeship);
- Wraparound services, including but not limited to:
 - Transportation;
 - Housing;
 - Childcare;
 - Food;
 - Mental health services;
 - Substance use treatment or services;
 - Life skills training; and
 - English as a Second Language (ESL).

See the Key Terms section for additional descriptions and examples of these wraparound services.

- Assistance with work and/or training-related expenses including union fees, uniforms, work boots, protective eye gear, school supplies, and electronic devices for participants (if such electronic devices are \$999 or less per unit); and
- Other participant needs not covered under the above categories.
 - NYSDOL will review “other” needs on a case-by-case basis.

3. Eligible Participants

Participants must be, at a minimum, age 18 or older. At least 35% of participants must reside within DACs, and priority for participation must be given to individuals with additional barriers to employment including, but not limited to:

- Veterans;
- Individuals with disabilities;
- Low-income individuals;
- Individuals formerly justice-involved;

WE ARE YOUR DOL



Department
of Labor

- Homeless individuals;
- Single parents;
- Youth 18 – 24 years old; and
- Incumbent or unemployed fossil fuel workers.

See the Key Terms section for the full list of individuals with barriers to employment.

4. Training

Training programs in renewable energy must fall into the following categories:

- Building electrification and enabling energy efficiency technologies and practices to support electrification (e.g., heat pumps, geothermal, thermal energy network systems, advanced building controls, high-performance envelope, and weatherization);
- Renewable energy generation, interconnection, transmission, distribution, and storage;
- Electric vehicle charging station installation and repair; and/or
- Energy-intensive industries (cement, metal processing, chip making) with a focus on studying and reducing energy consumption.

See the Key Terms section for links to descriptions and examples of these renewable energy categories.

This initiative is intended to meet local needs. If there is a training or course in the local area or region that is in demand but not listed above, please send the training or course information, including provider name and contact information, website if available, course name(s), and cost to OJET@labor.ny.gov for review.

5. OJT Guidelines

OJT is an allowable cost for the OJET RETI. Wage reimbursement to businesses may be up to 90%, with an average cost per participant of \$5,000.

NYSDOL will streamline some aspects of the OJT portion of the OJET RETI. LWDBs will not be required to strictly adhere to WIOA OJT requirements or the LWDB's local OJT policy. However, there are some WIOA OJT requirements that remain under the OJET RETI, including:

- Due Diligence – LWDBs must:
 - Review responses to the business's Responsibility Questionnaire, or Attestation if the Responsibility Questionnaire was submitted within the last 12 months;

WE ARE YOUR DOL

- Ensure the business is registered with the New York State Department of State’s [Division of Corporations](#);
- Review the business’s Federal Occupational Safety and Health ([OSHA](#)) records; and
- Ensure the business complies with Unemployment Insurance (UI) records; Worker Adjustment and Retraining Notice (WARN) notices and/or participation in the Shared Work program; does not have any open investigations with NYSDOL’s Public Work, Labor Standards, and/or Safety and Health Divisions; and has Workers’ Compensation Insurance and Disability Insurance coverage.

Requests for due diligence must be made to OJTDueDiligence@labor.ny.gov using the subject line, “OJET RETI Due Diligence Request – [Business Name].” Please also CC the appropriate Business Services Representative (BSR) on the email request.

- Skill Gap Analysis – The business must provide information on its skill gap(s) and how it determined its need for OJT(s).
- Training Plans – The business must provide a training plan for each trainee that includes:
 - Trainee name and job title;
 - Supervisor name and job title;
 - Trainee wage and reimbursement percentage;
 - Start and end dates of training;
 - Number of hours of training;
 - Job description;
 - Skills and competencies to be learned; and
 - How the successful completion of training will be measured (i.e., minimum number of hours to be completed, a business evaluation, and/or mastery of skill(s)).

NYSDOL developed a template for the training plan, available by contacting the appropriate BSR.

- Monitoring – Monitoring of the OJT worksite must take place at the mid-point and end of the training period. Virtual OJT monitoring will be permitted.

6. Data Reporting

An OJET RETI One-Stop Operating System (OSOS) [Desk Guide](#) was created to assist staff in recording services provided to individuals participating in the initiative. All staff completing data entry must comply with WDS TA [#17-07](#): Use of One-Stop Operating System and Re-Employment Operating System.

WE ARE YOUR DOL

BACKGROUND

In 2019, the New York State (NYS) Climate Leadership and Community Protection Act (Climate Act) was signed into law. The Climate Act is among the most ambitious climate laws in the nation and requires NYS to reduce economy-wide greenhouse gas emissions 40% by 2030 and no less than 85% by 2050 from 1990 levels.¹

Upon the Climate Act being signed into law, a Scoping Plan was developed. The Scoping Plan is the framework for how NYS will reduce greenhouse gas emissions and achieve net-zero emissions, increase renewable energy use, and ensure all communities equitably benefit in the clean energy transition.²

As recommended by the Scoping Plan, OJET was established in 2023 within NYSDOL. OJET's mission includes connecting workers to opportunities for quality jobs, upskilling, and training, focusing on serving those who are traditionally underrepresented, especially within DACs.

KEY TERMS

1. Individual with a Barrier to Employment (WIOA Sec. 3 (24)): A member of one (1) or more of the following populations:

- Displaced homemakers;
- Low-income individuals;
- Indians, Alaska Native, and Native Hawaiians (as such terms are defined in 29 USCS §3221);
- Individuals with disabilities (including youth with disabilities and recovering addicts);
- Older individuals;
- Formerly incarcerated individuals;
- Homeless individuals or homeless children and youth;
- Youth who are in or have aged out of the foster care system;
- Individuals who are English Language Learners, have low levels of literacy, or those facing substantial cultural barriers;
- Eligible migrant and seasonal farmworkers;
- Single parents (including single pregnant women);
- Long-term unemployed individuals;

¹ <https://climate.ny.gov/>

² <https://climate.ny.gov/scoping-plan>

- Individuals within two (2) years of exhausting lifetime eligibility under Part A of Title IV of the Social Security Act; or
- Other groups as the Governor determines to have barriers to employment.

For purposes of the program, Veterans, Temporary Assistance for Needy Families (TANF), and Supplemental Nutrition Assistance Program (SNAP) recipients are also considered individuals with a barrier to employment.

2. Wraparound Services

- Transportation:** Assists participants in commuting to and from employment and training programs through shuttle services, public transit passes, gas cards, access to vehicles, and driver's license assistance.³
- Housing:** Facilitates access to organizations that can provide temporary and permanent housing solutions or establishes partnerships with local housing authorities for housing vouchers.⁴
- Childcare:** Offers subsidized and affordable childcare options, including before and after school programs, daycare, in-home care, and on-site childcare.⁵
- Food:** Provides meals during training and facilitates access to organizations that can be a temporary supplement, such as local food pantries or the Supplemental Nutrition Assistance Program (SNAP).
- Mental health services:** Facilitates access to organizations that provide mental health counseling; provides flexibility, as necessary and appropriate, for participants to attend appointments during training; establishes partnerships with local behavioral health organizations for support; and makes a commitment and takes steps to be [a trauma-informed organization](#) where people can bring their whole selves and be valued for who they are and their lived experiences.
- Substance use treatment and services:** Facilitates access to organizations that provide substance use treatment services; provides flexibility, as necessary and appropriate, for participants to attend appointments during training; encourages [peer support workers](#) to help participants stay engaged in the recovery process; and makes a commitment and takes steps to be a trauma-informed organization where people can bring their whole selves and be valued for who they are and their lived experiences.
- Life skills training:** Facilitates access to programs that hone life skills such as self-confidence, self-regulation, financial planning, goal-setting, teamwork, conflict resolution, and critical thinking to assist with overcoming economic and social barriers.

³ Defined by NYS Office of Strategic Workforce Development Best Practices <https://esd.ny.gov/workforce-development-best-practices>

⁴ Ibid

⁵ Ibid

3. Renewable Energy Programs

- a. Building electrification and enabling energy efficiency technologies and practices to support electrification (e.g., Heat pumps, Geothermal, Thermal energy network systems, Advanced building controls, High-performance building envelope, and Weatherization);
- b. Renewable energy generation, interconnection, transmission, distribution, and storage;
- c. Electric vehicle charging station installation and repair; and/or
- d. Energy-intensive industries (cement, metal processing, chip making) with a focus on studying and reducing energy consumption.

4. New York Power Authority (NYPA): NYPA is America's largest state power organization. NYPA's mission is to lead the transition to a carbon-free, economically vibrant New York State (NYS) through customer partnerships, innovative energy solutions, and the responsible supply of affordable, clean, and reliable electricity. NYPA serves the public without the use of tax revenue or state credit. Projects are funded through bond sales to private investors, and bondholders are repaid with proceeds from operations (<https://www.nypa.gov/>).

5. NYS Climate Leadership and Community Protection Act (Climate Act): The Climate Act is among the most ambitious climate laws in the nation and requires NYS to reduce economy-wide greenhouse gas emissions 40% by 2030 and no less than 85% by 2050 from 1990 levels. It was signed into law in 2019 (<https://climate.ny.gov/>).

6. Climate Action Council: The Climate Action Council was formed in 2020, as directed by the Climate Act. It is a 22-member appointed body that prepared a Scoping Plan to serve as the roadmap to achieve NYS's clean energy and climate goals. The Climate Action Council held more than 32 public meetings to develop and finalize the Scoping Plan (<https://climate.ny.gov/Resources/Climate-Action-Council>).

7. Scoping Plan: The Scoping Plan is the framework for how NYS will reduce greenhouse gas emissions and achieve net-zero emissions, increase renewable energy use, and ensure all communities equitably benefit in the clean energy transition (<https://climate.ny.gov/resources/scoping-plan>).

8. Climate Justice Working Group (CJWG): The CJWG was convened by the Climate Action Council and tasked with:

- Developing [criteria to identify disadvantaged communities](#) to ensure frontline and underserved communities benefit from NYS's clean energy transition; and
- Compiling the [Disadvantaged Communities Barriers and Opportunities Report](#), which analyzes why some communities are disproportionately impacted by climate change and air pollution and have unequal access to

WE ARE YOUR DOL

clean energy (<https://climate.ny.gov/Resources/Climate-Justice-Working-Group>).

9. Disadvantaged Communities (DACs): The CJWG used 45 indicators to identify DACs. The DAC criteria identifies 1,736 census tracts across NYS, representing 35% of all census tracts. A requirement of 35%, with a goal of 40%, of the benefits from NYS's investments must be directed to DACs. Additional information about DAC criteria, maps, fact sheets, public hearings and more can be found here: (<https://climate.ny.gov/resources/disadvantaged-communities-criteria/>).

10. Office of Just Energy Transition (OJET): Established in 2023 within NYSDOL, and as directed by the Scoping Plan, OJET's mission includes connecting workers to opportunities for quality jobs, upskilling, and training with a focus on serving those who are traditionally underrepresented, especially within DACs. In addition, OJET assists businesses by upskilling their workers and connecting them to a trained workforce and helping them navigate eligible hiring incentives and available funding (<https://dol.ny.gov/office-just-energy-transition-ojet>).

REFERENCES

WIOA [Sec. 3\(24\)](#)

20 CFR §[680.180](#), [680.760](#), and [681.600](#)

OJET Green Jobs Tableau Dashboard: <https://dol.ny.gov/exploring-occupations-green-topic>

TA #[17-07](#): Use of One-Stop Operating System and Re-Employment Operating System

Program Guidance Letter (PGL) #[21-02](#): Guidance for Local Workforce Development Boards (LWDBs) on Electronic Devices for Participants

INQUIRIES

Questions regarding this PGL should be sent to OJET@labor.ny.gov.

WE ARE YOUR DOL



Department
of Labor