

	<b>West Central Region Local Policy</b>	
	<b>Subject:</b> Incumbent Worker Policy	<b>Release Date:</b> 10/4/22
	<b>Reference:</b> OWD Issuance 23-2017	<b>Revision:</b> 4

## Purpose

This West Central Region issuance establishes a local policy for the Workforce Innovation and Opportunity Act (WIOA) Incumbent Worker Training Program as outlined in WIOA Section 134 et.AL. [29U.S.C. 3174] and identifies the requirements for One Stop Operators and program providers to adhere to in providing such services to adults, dislocated workers and youth employed by an in-demand industry sector and/or occupation.

## Definitions

- “Incumbent Worker Training” (IWT) means work based and/or classroom training by an employer which assist workers in obtaining skills necessary to retain employment or to avert layoffs. IWT provides both workers and employers with the opportunity to build and maintain a quality workforce and increase both participants’ and companies’ competitiveness. Training will be conducted for ‘in demand’ industries as established by the Workforce Development Board. (IWT is not permitted to be used to provide the occupational training for new hire needs (refer to OJT program)). If a collective bargaining agreement covers the employer, then union concurrence with the training services is required.
- Incumbent Worker means an individual who is employed, meets Fair Labor Standards Act requirements for an employer-employee relationship, and has an established employment history with employer, working on average at a minimum of 32 hours per week and employed at the respective employer for more than six (6) consecutive months.
- In-Demand Sector or Occupation means an industry sector that has a substantial current or potential impact on the state, regional or local economy or contributes to the growth or stability of other sector supporting businesses or an occupation that currently has or is projected to have a number of positions in an industry sector so as to have a significant impact on the state, regional or local economy. The determination of whether an industry sector or occupation is in-demand shall be made by the local board, as appropriate, using state and regional business and labor market projections, provided by MERIC. [WIOA Section 3(23)].
- Sector Industries as defined by the local board are: Healthcare/Social Assistance, Manufacturing, Retail Trade, and Food Production.

## Employer Criteria

The employer’s eligibility is based on the following factors:

1. The occupation(s) for which incumbent worker training is being provided must be in-demand as determined by labor market information and the industry sectors identified by the West Central Region.

The characteristics of the incumbent workers to be trained and how they would benefit from retention or advancement. Target population: individuals with barriers to employment.

2. The number of employees the employer plans to train or retrain. Employers applying for IWT funds must have at least one full-time, permanent worker (other than the owner) and be financially viable. For the

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purpose of these funds, any incumbent worker to be trained must be working at a facility located in the West Central Region.

1. The quality of training. The training should allow the employee to gain industry-recognized training experience and/or lead to industry-recognized credentials. The implementation of registered apprenticeship programs is encouraged. Training can include, but is not limited to, industry or company-specific work skills, basic job skills, technical computer skills, new manufacturing technologies, equipment operation training, and changes in production processes.
2. The employee’s advancement opportunities post-training. (Advancement opportunities and wage increases)
3. Training may be conducted at the employer’s own facility, at a public or private training provider’s facility, or a combination of sites that best meet the needs of the business. The company selects the training provider that best suits their training needs. Trainers may be public or private professional trainers, equipment vendors, or subject matter experts.
4. If IWT is being provided to a cohort of employees, not every employee in the cohort must have an established employment history with the employer for six (6) months or more, if the majority of employees being trained meets the employment history requirement.

**Employee Criteria**

1. The paid employee must have worked six (6) consecutive months with the applicant’s business (which may include time spent as a temporary or contract worker performing work for the employer receiving IWT funds).
2. Employee must be at least 18 years of age and registered with Selective Service; a citizen of the United States or a non-citizen whose status permits employment in the United States.
3. To receive IWT, an incumbent worker does not have to meet the eligibility requirements for participation in career and training services for adults and dislocated workers under WIOA, unless they are also enrolled as a participant in the WIOA adult or dislocated worker program.

**Employer Matching Requirements:**

1. Cash payments or in-kind.
2. The employer can provide in-kind matching resources, such as trainee wages and benefits paid during the training period, leasing costs for classroom space, equipment purchased for training, training materials and supplies, training curriculum development expenses, and travel and lodging costs.
3. The minimum amount of employer share in the Incumbent Worker Training depends on the size of the employer:
  - At least 10 percent of the cost, for employers with 50 or fewer employees;
  - At least 25 percent of the cost, for employers with 51 to 100 employees; and

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- At least 50 percent of the cost, for employers with more than 100 employees.

### **Funding**

- The availability of Incumbent Worker Training funds is based on the continuing availability of funds from the Division of Workforce Development.
- Grants will be funded based on the size of the company, the number of people trained, and the cost of the training.
- The maximum grant amount is \$10,000 per employer, per program year (July 1 – June 30). Higher funding amounts may be approved by the local Workforce Development Board Executive Director.
- Funds are awarded through an application process.

### **Employer Assurances**

- Employer assures they will disclose whether they are currently receiving training funds, either directly or indirectly, from Missouri state government. (If an employer is receiving training funds from Missouri state government they are not eligible to receive IWT funds as it would be a duplication of funding). •Employer assures they are not presently debarred, suspended, proposed for disbarment, and declared ineligible, or voluntarily excluded from participation in transactions by USDOL or the State of Missouri.
- Employer assures they do not have any outstanding tax liability to the State of Missouri and will disclose outstanding tax liabilities with other state(s).
- Employer assures they will not make offers of gratuities or favors to any officer, employee or board member, or to any subcontractor staff of WDB.
- Employer assures they have not relocated from any location in the U.S., until the date that is 120 days after the date on which business commences operations at a new location, if the relocation of such business or part of a business results in a loss of employment for any employee of such business at the original location and such original location is within the United States.
- Employer assures that all records relating to activities covered under the Incumbent Worker Training Program will be available and accessible, upon request, during normal business hours and as often as deemed necessary by state and federal duly authorized representative(s), for the purposes to include monitoring, reviewing, verification, audit, and/or investigation. This shall include authorization to make excerpts or transcripts from all applicable records.

### **WDB Criteria**

- The Workforce Development Board of Western Missouri, Inc., (WDB) reserves the right to accept or reject any or all applications submitted.
- WDB does not commit to pay for any cost incurred prior to the execution of any contract.

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- All applications and their accompanying attachments will become property of the WDB after submission, and materials will not be returned. In addition, all materials that are produced under the grant funded training become the property of WDB.

- Costs incurred by a contracted entity in the delivery of services shall be reimbursed based on mutually-agreed upon conditions and delivery schedules with the submission of appropriate documentation.

- Payment/reimbursement must occur after wage increase/advancement is met and documentation is provided by the employer.

**Performance Accountability:**

The employer must agree to provide performance records which may include: number of employees entering training, number of employees completing training, beginning and ending wages of trainees, and employee satisfaction surveys.

The employer must provide documentation to verify matching funds.

A final report on the training is due no later than thirty (30) days from the end of the training.

**Monitoring**

The employer will be informed that the Agency, Division of Workforce Development, U.S. Department of Labor, or other such related agencies may monitor the training records to ensure compliance with rules and regulations.

**Equal Opportunity**

The Employer must agree to not discriminate against any participant because of age, race, creed, color, religion, political belief or affiliation, sex, national origin, ancestry or disability.

**Americans with Disabilities Act**

The Employer must agree to comply with the Americans with Disabilities Act of 1991, Public Law 101-336, or as amended and associated code of federal regulations published in the Federal Register as applicable to the Employer directly or indirectly as recipients of contracted funds for the State of Missouri.