



Administrative Policy

POLICY NUMBER
FG – OSPS 89

Title:	Employed and Incumbent Worker Training
Program:	Workforce Innovation and Opportunity Act
Adopted:	August 22, 2011
Revised:	January 2016
Effective:	January 11, 2016

I. PURPOSE AND SCOPE

This administrative policy updates the requirements and restrictions for Employed Worker and Incumbent Worker Training (IWT) provided by Local Workforce Development Boards (LWDBs).

II. BACKGROUND

The Workforce Innovation and Opportunity Act (WIOA) establishes a framework to assist unemployed adults and dislocated workers attain employment that provides a self-sufficient wage. WIOA recognizes that employed workers may also require help in order to obtain or retain jobs that lead to self-sufficiency. It allows the use of local formula funds to serve employed workers and encourages states to use their state-level funds to develop innovative incumbent worker programs. The Florida Legislature has established a statutory commitment to provide incumbent worker training for the purpose of assisting with the continuing education and training needs of existing Florida businesses.

Under the Workforce Investment Act (WIA), only state-level funds could be used to conduct Incumbent Worker Training unless a state had a waiver to allow Local Boards to use their local

funds for that purpose. In Florida, state legislation has authorized the funding of a state-level Incumbent Worker Training Program since the beginning of WIA. CareerSource Florida has reviewed and modified their IWT guidelines to ensure compliance with WIOA. A copy of those guidelines may be accessed [here](#). In addition, WIOA now allows the use (without a waiver) of local funds for IWT.

III. AUTHORITY

Workforce Innovation and Opportunity Act, Title I, Pub. L. No 113-128, §§134(d)(4).

Workforce Innovation and Opportunity Act; Joint Rule for Unified and Combined State Plans, Performance Accountability, and the One-Stop System Joint Provisions, Vol. 80, No. 73 Fed. Reg., 20573 (proposed April 16, 2015) (to be codified at 20 C.F.R. pts. 680.780, 680.790, 680.800, 680.810, 680.820, 682.210(b) and 682.320(b)(3).

"Guidance on Services Provided through the Adult and Dislocated Worker Program under the Workforce Innovation and Opportunity Act (WIOA or Opportunity Act) and Wagner Peyser, as Amended by WIOA, and Guidance for the Transition to WIOA Services," U.S. Department of Labor, Employment and Training Administration 3-15 available at http://wdr.doleta.gov/directives/attach/TEGL/TEGL_03-15_Acc.pdf.

IV. POLICIES AND PROCEDURES

WIOA distinguishes between an employed worker and an incumbent worker in several ways.

Employed Worker

1. An employed worker is an individual currently working who has been determined by a onestop operator to be in need of employment and services in order to obtain employment that allows for self-sufficiency, in accordance with the locally established definition of that term.
2. An employed worker who currently meets the local definition of self-sufficiency, but needs services in order to retain their self-sufficient employment, also may be served if documentation is obtained from the employer that the employee will not be retained unless additional training or services are received.
3. Dislocated workers who have become re-employed in "income maintenance" jobs (a job with a lower rate of pay than the job of dislocation) if training is determined necessary in order to obtain or retain employment that leads to economic self-sufficiency.
4. Employed workers must have the skills and qualifications to successfully participate in the selected program of training services.

5. Local One-Stop Career Centers are required to complete a WIOA application and enter participation information into the state's management information system.

Employed Worker Training

1. WIOA employed worker services primarily are provided for the benefit of the employed worker but it is recognized that these services may also benefit the employer.
2. Employed workers must be given the same customer choice options as other WIOA clients (except for eligible employed workers who are enrolled in customized training with their employers).
3. Training must be provided in compliance with the Eligible Training Provider and Individual Training Account (ITA) requirements unless it is customized training or On- the-Job Training.

OJT and Customized Training for employed workers must relate to the introduction of new technologies, introduction to new production or service procedures, upgrading to new jobs that require additional skills, workplace literacy, or other appropriate purposes as identified by the Local Board. Other appropriate purposes must be clearly defined and approved by the Local Board.

Incumbent Worker

1. An incumbent worker does *not necessarily* have to meet the eligibility criteria for employed adults or dislocated workers but Local One-Stop Career Centers still are required to complete a WIOA application and enter participation information into the state's management information system.
2. Obtaining or retaining employment that leads to self-sufficiency is not a prerequisite for incumbent worker training. For locally-funded IWT, age, citizenship/right to work, and compliance with the Selective Service registration requirements still must be met.
3. Incumbent worker participants are subject to selection for the federally mandated data validation. Therefore, all eligibility documentation requirements apply to incumbent workers.

Incumbent Worker Training

1. Incumbent worker training is developed with an employer or employer association (group of employers) to retain a skilled workforce or avert the need to lay off employees by assisting the workers in obtaining the skills necessary to retain employment.
2. Local Boards must consider the characteristics of the participants; the relationship of the proposed training to the competitiveness of the participant and the employer; and, other factors the Local Board may determine appropriate, including number of employees trained,

wages and benefits including post training increases, and the existence of other training opportunities provided by the employer when determining to do Incumbent Worker Training with an Employer.

3. Incumbent Worker Training may only be conducted with the commitment of the employer (or group of employers) to retain or avert the layoffs of the incumbent worker(s) being trained.
4. Employers must contribute a non-Federal share in an amount not be less than—
 - 10 percent of the cost, for employers with not more than 50 employees;
 - 25 percent of the cost, for employers with more than 50 employees but not more than 100 employees; and
 - 50 percent of the cost, for employers with more than 100 employees.
5. The non-Federal share provided by an employer participating in the program may include the amount of the wages paid by the employer to a worker while the worker is attending a training program under this paragraph. The employer may provide the share in cash or in kind, fairly evaluated.
6. LWDBs are required to report performance outcomes for any incumbent worker participant in the Workforce Investment Act Standardized Record Data (WIASRD) system and the state's Management Information System. All participants in IWT projects must be reported.

Local Options

Local Boards may either choose to follow the Incumbent Worker Training Guidelines established by CareerSource Florida (available at <http://careersourceflorida.com/trainingsolutions/incumbent-worker-training/>) or establish their own local policy and procedures.

1. Local Boards that choose to develop their own policy and procedures must address all provisions found in the WIOA, its accompanying regulations, and relevant training and guidance letters. Such policies should also address reporting performance outcomes.
2. Locally developed policy and procedures must be written and must be available for review by DEO.