

POLICY TYPE: Incumbent Worker Training
EFFECTIVE: July 1, 2022
REVISED:

**PURPOSE/BACKGROUND:**

Under the Workforce Innovation and Opportunity Act (WIOA) the Local Workforce Development Board (WDB) has the authority to set aside up to 20% of its Adult and Dislocated Worker formula funds for Incumbent Worker Training. This policy establishes the parameters by which Incumbent Worker Training programs may be provided in the Lane Workforce Development Area.

**REFERENCES**

TEGL 10-16 Change 1 Attachment 8, dated August 23, 2017

TEGL 19-16, dated March 1, 2017

WIOA Public Law 113-128, Section 134

WIOA Final Rule Part 680

**OVERVIEW OF INCUMBENT WORKER TRAINING**

Incumbent worker training provides businesses with the opportunity to build and maintain a quality workforce and increase competitiveness while increasing the skills of current workers. It is a type of work-based training and upskilling designed to ensure that employees of a company can acquire the skills necessary to retain employment and advance within the company, or to avert a layoff. Incumbent worker training is designed to be responsive to a business (or group of businesses) and is primarily used to:

- Avert a potential layoff of employees; or
- Increase the skill level of current employees so they can be promoted within the company and create backfill opportunities for the employer(s).

The WIOA requires that the WDB establish an Incumbent Worker Training Policy that specifies:

- What types of businesses are eligible to participate;
- Characteristics of employee's eligibility to participate in incumbent worker training;
- The amount of non-federal share of costs to be paid by participating businesses (i.e. Employer Match Requirements).

**ELIGIBLE BUSINESSES**

To be eligible to receive incumbent worker training funding through the Lane WDB, the business must meet the following criteria:

- Be a member of the Industry Sector Partnership in Lane County representing the sector in which the business is primarily established. In Lane County, this may include:
  - Technology Industry Sector Partnership
  - Food & Beverage Industry Sector Partnership
  - Construction/Aggregate Industry Sector Partnership
  - Transportation Industry Sector Partnership
  - Wood Products Industry Sector Partnership
  - Emerging Sector Partnerships of:
    - Healthcare
    - Bioscience
    - Creatives
    - Manufacturing
    - Leisure and Hospitality
- AND, have advancement opportunities for which the trained employee will be promoted into and commit to backfilling the vacated position of the promoted employee with a Lane County resident; OR
- Be in need of training current employee(s) at risk of being laid off for the purpose of averting the layoff.

#### **CHARACTERISTICS OF ELIGIBLE EMPLOYEES**

For an employer to receive incumbent worker training funds, individual(s) receiving the training must be:

- Employed;
- Meet the Fair Labor Standards Act requirements for an employer-employee relationship;
- Have an established employment history with the employer for 6 months or more (which may include time spent as a temporary or contract worker performing work for the employer receiving incumbent worker training funds)
  - If incumbent worker training is being provided to a cohort of employees, not every employee in the cohort must have an established employment history with the employer for 6 months or more, if the majority of employees being trained meet the employment history requirement.
- The incumbent worker does not have to meet the WIOA eligibility requirements for participation in the training service. However, they are a reportable participant, therefore their participation shall be documented in the i-Trac Participant Data Management System.

#### **BUSINESS MATCH REQUIREMENTS**

The WIOA legislation requires that participating businesses pay a share of the training costs. This may be paid through cash contribution, wages paid while the employee is engaged in the training, or some other type of equitable methodology agreed to by the WDB. In determining the businesses share of cost, Lane Workforce Partnership will consider the following factors:

- The number of employees participating in the training;

- The wage and benefit levels of the employees (beginning and anticipated promotional wage);
- The relationship of the training to the competitiveness of the employer and employees;
- The availability of other employer-provided training;
- Advancement opportunities of those receiving the training; and/or
- The potential of the training to avert a layoff with at-risk companies.

At a minimum, the employer share of cost for the incumbent worker training program shall be set as follows:

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

**PROCEDURE**

Businesses in need of Incumbent Worker Training funding and support shall submit a Customized Training Solution for Lane County Businesses application to Lane Workforce Partnership. This application can be found at [www.laneworkforce.org](http://www.laneworkforce.org).

**ISSUED:**

**Date: July 1, 2022**

**LWP Director of Workforce Programs**