

## WIOA INCUMBENT WORKER TRAINING POLICY

Effective Date: March 16, 2023

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**Background:** To establish local policy for providing services to incumbent workers under the Workforce Innovation and Opportunity Act (WIOA) and identify the requirements for One-Stop Operators and service providers to adhere to in providing such services to adults, dislocated workers, and youth.

**Policy:** The Region VII Workforce Development Board (WDB) supports the use of up to 20 percent of the combined Adult and Dislocated Worker funds allocated by the Governor under 133 (b) to the local area involved to pay the program cost of providing training through a training program for incumbent workers (per WIOA section 134(d)(4)(A)(i). In determining the eligibility of an employer to receive this funding, the following must be taken into account:

- the characteristics of the participants in the program;
- the relationship of the training to the competitiveness of a participant and the employer;
- such other factors as the local board may determine to be appropriate, which may include the number of employees participating in the training, the wage and benefit levels of those employees (at present and anticipated upon completion of the training), and the existence of other training and advancement opportunities provided by the employer (per WIOA section 134(d)(4)(A)(ii),
- training project applications are reviewed on a first-in/first-funded basis, with priority given to companies that have not previously received IWTP funding assistance, until the budgeted funds are awarded,
- to be eligible for incumbent worker training, the employee must have a work history of at least six months or more with their current employer,
- The employer cannot have laid off employees in the last twelve months,
- the maximum funding award for training projects is \$50,000 per business per fiscal year. Additional funds may be requested and granted by the Region VII Workforce Development Board if there is a demonstrated need. The initial agreement duration may not exceed twelve months,
- be “for-profit” and have been in operation in West Virginia for a minimum of 2 years before the application date,
- have a least one full-time, permanent employee, other than the owner of the business, and
- demonstrate financial viability and be current on all state and federal tax obligations.

**Program and Guidelines:** The Governor or State Board may also make recommendations to the local board for incumbent worker training that has a statewide impact (per WIOA section 134(d)(4)(A)(iii).

The training activities for incumbent workers shall be carried out by the WDB in conjunction with the employers or groups of employers of incumbent workers (which may include employers in partnership with other entities for the purposes of delivering training) for the

purpose of assisting such workers in obtaining the skills necessary to retain employment or avert layoffs (WIOA section 134(d)(4)(B) except in the case of Registered Apprenticeships recognized by the State of West Virginia and the U.S. Department of Labor.

Program funds will be used to reimburse employers providing incumbent worker training on a graduated scale based on the size of a business. This provision is not applicable in the case of Registered Apprenticeships recognized by the State of West Virginia and the U.S. Department of Labor. Such participating employers must pay the remaining share of the costs not covered by WIOA program funds for providing such training (WIOA section 134(d)(4)(C). The local board shall establish the employer's share of cost, taking into consideration factors such as the number of employees participating in the training, the wage and benefit levels of the employees (at the beginning and anticipated upon completion of the training), the relationship of the training to the competitiveness of the employer and employees, and the availability of other employer-provided training and advancement opportunities (WIOA section 134(d)(4)(D)(i).

For an employer's share of cost, a sliding scale has been established based on the employer size at a local operation (i.e., not based on nationwide employer size) where the incumbent worker training will be provided. The employers' share of cost shall not be less than:

- 10 percent of the cost for employer with not more than 50 employees.
- 25 percent of the cost for employers with more than 50 employees but not more than 100 employees.
- 50 percent of the cost for employers with more than 100 employees.

#### Reimbursable Training Expenses (With Proper Documentation)

- Primarily non-company, professional instructors'/trainers' fees.
- Tuition costs for training courses or programs.
- Textbooks/manuals directly related to training.
- Expendable materials and supplies directly related to training.
- Computer software that is used 100% for training activities only.
- Curriculum development expenses.

#### Non-Reimbursable Expenses

- Trainee (employee) wages.
- Travel, food, or lodging expenses related to program participants and/or trainers.
- Purchases of capital equipment or other durable (long lasting/reusable) training materials/equipment.
- Capital improvements and purchase of real estate, to include the construction or renovation of facilities.
- Purchase of any item or service that may be used outside of the training project.
- Any training-related expenses incurred before project approval or beyond the ending date of the agreement.
- Business-related expenses.
- Training in sectarian activities.



- Training costs associated with professional fields in which continuous education is necessary to retain professional certification, such as Certified Public Accountants, degreed medical professionals, insurance providers, attorney, etc.
- Any costs not approved in the final sub recipient agreement.

### Business Commitments

- Maintaining accurate records of the project's implementation process and certifying that all information provided for reimbursement requests and training activities is accurately reported.
- Submitting reimbursement requests with required support documentation, including evidence that the employer has paid the training expenses in accordance with the terms of the agreement or the end of the formal training, whichever is the earliest ending date of program activity.
- Submitting the final reimbursement request forms within 30 days of the end of the agreement or the end of the formal training, whichever is the earliest ending date of program activity.
- Submitting a certified copy of all final employer (non-Federal) expenditures by expenditure category as noted in the Non-Federal Employer Contribution in the approved budget related to the training project with the final reimbursement request referenced above.
- Notifying the Business Services Representative when all training activities have been completed by the trainer.

### Participant Requirements

- Employment in a full-time position with the West Virginia location of the company for which the training is being provided.
- Employees must agree to cooperate with data collection requirements to participate in the Incumbent Worker Training Policy (IWTP).
- Labor Unions must endorse the training and data collection requirements for employees represented by labor unions prior to receiving funding approval and documentation of such endorsement must accompany the IWTP application.

### Training Program Assessment

- Reviews will help to gauge the progress of the training and will also serve to address any concerns, which may have occurred since the origination of the training program.

The share provided by an employer participating in the program may include the amount of wages paid by the employer to a worker while the worker is attending an incumbent worker training program under 134(d)(4). The employer may provide this share of cost in case or in kind, fairly evaluated (WIOA section 134(d)(4)(D)(iii)). Official payroll records documenting the worker's hours and wages must be utilized to determine the amount of the employer's share of cost.

The employer size means the number of employees currently employed at the local operation where the incumbent worker training placements will be made. When

substantiating the employer count, the most current Labor Market Information (LMI) may be a source to consider. LMI may be obtained from the WorkForce West Virginia website. Local employer site information, including an employee size range for each local operation, is available at WorkForce West Virginia. The employee size range from WorkForce West Virginia is acceptable to the extent the entire size range fits within the incumbent worker training employer reimbursement sliding scale ranges (e.g. an employee size range listed as 20-49 falls within the 1-50 employee range found within the incumbent worker training employer reimbursement sliding scale). Employer size is determined by the number of employees at the time of the execution of the incumbent worker training contract. This applies to all employers, including employers with seasonal or intermittent employee size fluctuations. **Note:** Not applicable to Registered Apprenticeships recognized by the State of West Virginia and U.S. Department of Labor.

Training services authorized under Sec. 134 may be provided pursuant to a contract for services in lieu of an Individual Training Account (ITA) if such services are incumbent worker training.

The WDB must collect performance information from providers on incumbent worker training and use the information to determine whether the providers meet such performance criteria as the Governor may require. The WDB must disseminate information identifying providers that meet the criteria as eligible providers, and the performance information, through the one-stop delivery system. Providers determined to meet the criteria for incumbent worker training services shall be considered to be identified as eligible providers of such training services (WIOA section 122(h)(2)).

Agreements with employers regarding incumbent worker training must in writing and must ensure that all participants are provided a structured training opportunity by which to gain the knowledge and competencies necessary to retain employment and avoid lay-offs except in the case of Registered Apprenticeships recognized by the State of West Virginia and U.S. Department of Labor.

**Restrictions:** Funds provided under WIOA cannot be used to pay the wages of incumbent employees during their participation in an economic development activity provided through a statewide workforce development system (WIOA section 181(b)(1). Additionally, when a relocation of a business results in the loss of employment of an employee of such business, no funds provided for employment training can be used for incumbent worker training until after 120 days has passed since the relocation that caused the loss of employment at an original business location in the U.S. (WIOA section 181(d)(1).



**Equal Opportunity and Grievances:** The Region VII Workforce Development Board prohibits discrimination in all aspects of the administration, management, and operation of Workforce Innovation and Opportunity Act programs and activities. Services offered at the Region VII WorkForce WV Career Centers will be provided universally without regard to race, color, religion, sex, national origin, age, disability, or political affiliation or belief. Individuals may file a complaint or grievance by following the Region VII Workforce Development Board Grievance Procedure Policy, a copy of which will be provided upon request.

**Questions:** Contact the Region VII Workforce Development Board Executive Director, 151 Robert C. Byrd Industrial Park Road, Suite 2, Moorefield, WV 26836. Telephone number is (304) 530-5258. Fax number is (304) 530-5107.

**Expiration:** Effective until rescinded, in writing, by the Region VII Workforce Development Board.



T.J. Van Meter, Executive Director

3/23/23  
Date



Layne Diehl, Chairperson Region VII WDB

3/16/23  
Date