



EMPLOY MILWAUKEE POLICY 20-04 INCUMBENT WORKER TRAINING

EMPLOY MILWAUKEE POLICY: 20-04, CHANGE 1

SUBJECT: INCUMBENT WORKER TRAINING

PRIOR ISSUANCE & EFFECTIVE DATE: 12/03/20

NEW ISSUANCE & EFFECTIVE DATE: 8/26/21

POLICY SCOPE

- EMPLOY MILWAUKEE AGENCY
- WIOA WDA 2 SYSTEM
- WIOA TITLE I-B PROGRAM(S)
 - ADULT PROGRAM
 - DISLOCATED WORKER PROGRAM
 - YOUTH PROGRAM
- NON-WIOA PROGRAMS

REFERENCES:

20 CFR §680.820, §680.780, §680.790, §680.830, AND §680.840

WIOA §134 (D)(4)(A)(I)(II)(III)

WIOA §134(D)(4)(B)

WIOA §134(D)(4)(C) AND §134(D)(4)(D)

WIOA §181(B)(1) AND (D)(1)

I. BACKGROUND

The Incumbent Worker Training (IWT) program provides both employees and employers with the opportunity to build and maintain a quality workforce. The IWT program can be used to help avert potential layoffs of employees, or to increase the skill level of employees so they can be promoted within the company and create backfill opportunities for the company.

The training activities for incumbent workers shall be carried out by Employ Milwaukee in conjunction with the employer, 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.

The training must satisfy the requirements of WIOA and other federal grant regulations and increase the competitiveness of the employee or business.

II. PURPOSE

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

III. POLICY

Agreements with businesses regarding worker training must be 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.

A. Employee Eligibility Criteria

To qualify as an incumbent worker, the employee must:

- Be directly employed by the company.
- Meet the Fair Labor Standards Act requirement for an employer-employee relationship, and
- Have an established employment history with the employer for 6 months or more unless the training is provided to a cohort of employees in which case a majority of those employees meet the employment history requirement.
- However, an incumbent worker does not have to meet the eligibility requirements for career and training services for adults and dislocated workers under WIOA, unless they also are enrolled as a participant in the WIOA adult or dislocated worker program.

Additionally, the incumbent worker must:

- Be at least 18 years of age.
- Work at least 32 hours per week.
- Earn an hourly wage above the state minimum wage.
- Agree to cooperate with the data collection requirements.

B. Employer Eligibility Criteria

The IWT program does not limit the kinds of training that businesses may request. Training may include industry or business-specific skills, technical and computer skills, and/or “soft skills,” such as leadership and management training.

When determining the eligibility of an employer to receive IWT funding, Employ Milwaukee shall consider:

- the characteristics of the employee participating in the training;
- the relationship of the training to the competitiveness of a participant and the employer;
- 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.

In addition, an eligible business for IWT must:

- Be in continuous operation for the 12 months immediately prior to the application submittal;
- Demonstrate training is linked to in-demand occupation(s);
- Demonstrate training will not only improve the skills of employees but also improve the business’s processes and competitiveness and/or avert a layoff;
and
- Agree to cooperate with the data collection requirements.

IWT program funds are limited and are therefore awarded as funds are available. The maximum award amount is \$5,000 per participant per program year, although the maximum award may be adjusted based upon funding availability each program year. The maximum duration for an IWT is 6 months.

The Governor or State board may also make recommendations to the local board for incumbent worker training that has a statewide impact.

C. Employer Share of Training Costs/Responsibilities:

Employers participating in incumbent worker training are required to pay the non-WIOA (non-federal) share of the cost of providing training to their incumbent workers.

The employer share is based on the size of the employer's workforce (not on nationwide employer size). Wages paid to the participant while in training can be included as part of that share and the share can be provided as cash or in-kind that is fairly evaluated. The **employer share** is as follows:

- In the range of 25-50% of the cost for employers with 100 or fewer employees (EMI reimburses 50-75% of training costs);
- In the range of 50-75% of the cost for employers with more than 100 employees (EMI reimburses 25-50% of training costs); and
- The amount of reimbursement will be dependent on how many of the following will be received upon training completion: wage increase, promotion (job title change), or credential or certification attainment.

Business(es) will keep accurate records of the project's implementation process and certify that all information provided, for the purpose of requesting reimbursements and reporting training activity, is accurate and true, including evidence that the business has paid the training expenses in accordance with the terms of the agreement prior to requesting reimbursement of allowable training costs.

All IWT grants are subject to WIOA and other federal grant reporting requirements and performance standards. The business must submit copies of all credentials, certificates of completion, or other documentation of the employee's participation within 30 days of the end of training to be considered eligible for reimbursement. Other criteria such as proof of wage increase or promotion is required, if applicable.

D. Restrictions

- Funds may not be used to directly or indirectly assist, promote, or deter union organizing;
- Funds may not be used to directly or indirectly aid in the filling of a job opening which is vacant because the former occupant is on strike, or is being locked out in the course of a labor dispute, or the filling of which is otherwise an issue in a labor dispute involving a work stoppage;
- Funds provided under WIOA cannot be used to pay the wages of incumbent worker employees during their participant in an economic development activity provided through a statewide workforce development system;
- When a relocation of a business results in the loss of employment of any 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 United States;
- Businesses administering a current Wisconsin Fast Forward and/or Workforce Advancement;
- Training (WATS) grants, or similar grants, are not eligible to receive IWT funds; and
- Funds will not be used to cover training supplies, employer wages, books, etc.

E. Examples

1. Acceptable Trainings:

- Training to gain or maintain an industry recognized certificate/credential.
- Human Resource (HR) Certification (e.g., PHR, SPHR, GPHR, or SHRM). Please note that an HR training

credential must be attained, and a copy of the certification will be submitted within 30 days of completion.

- CD-10 training – training that teaches coding professionals how to become proficient in the ICD-10-CM and ICD-10-PCS coding or other similar systems.
- Training for improved process efficiency as identified by industry professionals.
- Training from a national, regional, or state trade association that offers an independently certified training curriculum and testing.
- Training provided in conjunction with the purchase of a new piece of equipment.
- Upgrade of computer skills (e.g., Microsoft Excel, Access).
- Seminars/workshops/webinars are eligible; however, they must have an assessment or “test” tied to it to be eligible for this program. Businesses must indicate in the application what assessment of skills is included for this type of training to justify it will improve economic competitiveness. Failure to include this may exclude the application from consideration.
- English Language Learning for managers or staff to enable them more effectively communicate with limited English employees.

2. Unacceptable Trainings include, but are not limited to:

- Required/regulatory training – training mandated by any other public agency or department is not eligible. These trainings may include, but are not limited to, EPA, Hazardous Waste, FDA, Workers Compensation, OSHA, etc.
- 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, attorneys, etc.
- Training which would result in advanced degrees such as associate, bachelor, master, or doctorate.
- IWT already being reimbursed by another state or federal training program (e.g., Other Workforce Development Boards, National Emergency Grants, etc.).
- Training that leads to a professional license (e.g., doctors, lawyers, CPA accountants, etc.).
- Employee travel, food, or lodging costs related to program participation.
- Wages of trainees while being trained.
- Purchases of capital equipment or other durable (long lasting/reusable) training materials/equipment.
- Training in sectarian activities.

F. Definitions

Incumbent worker: An individual who is employed, meets Fair Labor Standards Act requirements for an employer-employee relationship, and has an established history with the employer for 6 months or more.

Incumbent worker training: Training designed to meet the special requirements of an employer (or group of employers) to retain a skilled workforce or avert the need to lay off employees by assisting workers in obtaining the skills necessary to retain employment. The training is conducted with a commitment by the employer to retain or avert the layoffs of the incumbent worker(s) trained.

In-Demand Industry Sector or Occupation – In general:

- An industry sector that has a substantial current or potential impact (including through jobs that lead to economic self-sufficiency and opportunities for advancement) on the State, regional, or local economy, as appropriate, and that contributes to the growth or stability of other supporting businesses, or the growth of other industry sectors; or
- An occupation that currently has or is projected to have a number of positions (including positions that lead to economic self-sufficiency and opportunities for advancement) in an industry sector so as to have a significant impact on the State, regional, or local economy, as appropriate.

RECISSIONS: ATTACHMENT Y TO PY16 WIOA LOCAL PLAN: INCUMBENT WORKER TRAINING POLICY
BOARD APPROVAL DATE: 08/26/21

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