

## Central/Western Maine Workforce Investment Board

### Policy & Procedures Governing Incumbent Worker Enrollment Policy

The Maine Department of Labor has received a waiver from the United States Department of Labor (USDOL) that allows local workforce boards to use local WIA funds to provide incumbent worker training (IWT) normally allowable only with state-level funding.

The following policies and procedures will govern the application of enrollment of customers in Incumbent Worker services provided under the Workforce Investment Act (WIA). These policies and service guidelines assume that all CareerCenter customers will have full access to Information Center service options, including enrollment in the variety of existing workshops for developing job search and application skills. The policies and procedures outlined below apply to the use of funds for **training** programs for basic employability skills and more extensive career transition and technical training skills.

Since training resources are severely limited with demand far outweighing supply, case managers will work with individuals to explore a number of training/career redirection options, including internet resources available to the general public, adult education, community programs for skills development (such as literacy development programs, local training initiatives, faith-based program options). The following guidelines should be followed when evaluating and providing training services to individuals.

#### **Definition of an Incumbent Worker:**

An “incumbent worker” is an employed worker who without a waiver would have been served with state level funds. See WIA Section 134(a)(3)(A)(iv) An incumbent worker does not necessarily have to meet the eligibility criteria for employed adults or dislocated workers.

#### **Specific WIA Enrollment Considerations:**

- Through current waivers obtained from the USDOL, MDOL can allow the LWIBs to use up to 10 percent of local Dislocated Worker funds and up to 10 percent of local Adult funds for incumbent worker training only as part of a layoff aversion strategy and the training is limited to skill attainment activities. Use of Adult funds must be restricted to serving lower income adults under this waiver. For Local Area III lower income will be defined as wages that are lower than the average earnings set by MDOL’s performance goals for WIA.
- An incumbent worker will have to meet the eligibility criteria for employed adults or dislocated workers. In Local Area III the eligible criteria for a dislocated worker will also be defined as wages that are lower than the average earnings set by MDOL’s performance goals for WIA.
- A WIA application must be completed, signed, and entered into OSOS for each incumbent worker served with local WIA funds indicating the applicable WIA title funding source (Title A- Low income or Title E – Dislocated worker). All incumbent workers served with local funds must follow the three tiered service delivery system identified as core, to include assessment services, intensive, to include case management services and training services.
- For locally-funded IWT age, citizenship/right to work, and compliance with the Selective Service registration requirements still must be met and verified.
- In Local Area III employment that leads to self-sufficiency is a prerequisite for incumbent worker training. Self-sufficiency will be based on the average earnings set by MDOL’s performance goals for WIA.
- Incumbent worker training is developed with an employer or employer association to upgrade skills training of a particular group of workers or industry.

- The training provider is not required to be on the Eligible Training Provider List (ETPL); however, the training provider will have to be approved by the LWIB.
- Use of an Individual Training Account (ITA) is not required.
- All IWT must be within the LWIB approved clusters, or a waiver must be submitted by employer or employer group explaining why requested training would be appropriate. All waivers must be approved by the Executive Director of the LWIB.
- Training must enable trainees to obtain industry or employer-recognized credentials/certificates identified by the employer (or group of employers).
- Since IWT is a form of customized training, the employer guidelines, the employer payments, and the contracts sections listed under the customized training policy will be followed.
- Incumbent worker training will follow the same guidelines as the Local Area III ITA policy in terms of cost, length of training, and approval process.
- If workers are part-time, they must be offered full-time employment upon completion of training.

**Criteria for identifying employers, targeted industries and economic sectors in need of layoff aversion IWT.**

- Central/Western Maine Workforce Investment Board (CWMWIB) will follow any criteria developed by the state.
- CWMWIB will work with community partners such as Chamber of Commerce, Economic Development, Council of Government, local colleges and training facilities, local media, Rapid Response, CareerCenter, Service Providers, etc. to learn of companies at risk of layoff due to lack of ability to compete because of employees' low skills-base.
- CWMWIB will review labor market information to learn of targeted industries and economic sectors that could benefit from IWT.
- Once companies are identified CWMWIB will look at factors such as declining sales, supply chain issues, adverse industry market trends, and changes in management or ownership to further clarify the need for IWT.

**Criteria to determine a layoff risk and when and whether IWT is an appropriate response.**

- Central/Western Maine Workforce Investment Board (CWMWIB) will follow any criteria developed by the state.
- CWMWIB and/or its providers will conduct an employer assessment to include the following:
  1. The company is phasing out a function which will lead to layoffs unless workers can be retrained to perform new functions.
  2. External economic or market forces, significant changes in technology or operating processes, rapidly changing industry or occupational job requirements, or emergence of new products are forcing changes to the skill requirements for workers leading to potential layoff if not addressed.
  3. Changing skill requirements are outside of normal skill growth and upkeep the employer would normally provide.
  4. Training programs would reasonably prepare workers to address these skill gaps.
  5. The employer demonstrates a commitment to retain employees or provide a tangible benefit to employees that receive IWT.

**Process for determining eligibility of incumbent workers served under the waiver will be as follows:**

Central/Western Maine Workforce Investment Board (CWMWIB) will follow any criteria developed by the state.

- When IWT is provided to a group of workers at a single employer, eligibility for training will be documented at the individual level.

- A WIA application must be completed, signed, and entered into OSOS for each incumbent worker served with local WIA funds indicating the applicable WIA title funding source (Title A- Low income or Title E – Dislocated worker).
- If Adult funds are used, then workers would have to be below the Local Area III definition of low income based on self-sufficiency which will be determined by the average earnings set by MDOL's performance goals for WIA.
- If dislocated worker funds are used, then workers would have to be below the Local Area III definition of dislocated workers self-sufficiency which will be determined by the average earnings set by MDOL's performance goals for WIA.
- All incumbent workers served with local funds must follow the three tiered service delivery system identified as core, to include assessment services, intensive, to include case management services and training services.
- For locally-funded IWT age, citizenship/right to work, and compliance with the Selective Service registration requirements still must be met and verified.

**Procedure that provides documented evidence that a layoff was avoided will be as follows:**

- Central/Western Maine Workforce Investment Board (CWMWIB) will follow any criteria developed by the state.
- Follow-up with employer to see that worker jobs were saved as a result of IWT.
- Follow-up with workers to see that they were transitioned to a different job with the same employer or with a new employer with minimal or no unemployment and at a comparable wage.
- Check with Bureau of Unemployment Compensation that no unemployment claims were filed by employees of the company following IWT.
- Check with Rapid Response that employer did not file a notice of layoffs following IWT.
- In the event that training does not result in layoff aversion, then the company will not be eligible for future IWT.

**Criteria to determine how the skills attained under the waiver will contribute either to the maintenance of employment or increase in employment security for workers:**

- Central/Western Maine Workforce Investment Board (CWMWIB) will follow any criteria developed by the state.
- CWMWIB and/or its providers will conduct a worker assessment to include the following:
  1. Upon completion of training, workers had marketable, in-demand skills that enabled them to perform work at a higher level than their current positions.
  2. Workers received certifications or industry-recognized credentials.
  3. New skills were attained in a reasonable amount of time.
  4. Workers did not receive a formal layoff notice.
  5. Workers qualified for a higher paying job or one with changing skills requirements with the existing employer or a new employer after they attained new skills.
- CWMWIB and/or its providers will follow-up with employer to ensure that the IWT:
  1. Addressed the skills gap of the workers
  2. Assisted the company in avoiding layoffs
  3. Helped the company become more competitive through projections of increased sales and growth.
  4. Assisted the company in avoiding phasing out a function or in developing a new function to better meet their needs.

**General Considerations:** These are things to consider in deciding appropriate activities for a customer, not factors to consider in whether to enroll.

- Ability to achieve employment goals without additional services
- Level of work maturity (level of commitment, motivation, focus)
- Developed achievable and realistic employment goals

- Work history (positions in last two years, retention, job progression/history, progression in positions held, for examples)
- Level of reading/math skills (include ESL/ESOL issues)
- Level of writing and verbal communication skills
- Basic computer skills

**Preference for allocation of training funds** for incumbent workers determined as eligible will be as follows:

- Veterans
- High School Dropouts (aged 19-22)
- Welfare Recipients
- People with Disabilities

**Direct Inquiries:**

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