

**TO: Executive Committee**

**DATE: 01/04/10**

**FROM: WIB Staff**

**For Action**

**For Information**

**For Discussion**

**SUBJECT: Changes to Incumbent Worker Policy**

**PROPOSED MOTION(S): That the Executive Committee approve changes to the Incumbent Worker Policy.**

**DISCUSSION: On October 5, 2009 the Executive Committee approved the current Incumbent Worker Policy.**

**In response to a Department of Labor letter to the Governor allowing for requested Waivers, additional language needs to be added to the policy approved in October. The policy needs to stipulate that funds for incumbent worker trainings are to be used as part of a lay-off aversion strategy and adults served under the policy need to meet the low income criteria established by the State. In addition a provision for the upgrading of skills needs assist in employee retention rather than for promotional opportunities as stated in the earlier version of the policy.**

**These changes have been incorporated in the Incumbent Worker Policy.**

**ATTACHMENT(S):  
Incumbent Worker Policy**



**DEPARTMENT OF  
WORKFORCE INVESTMENT**

**Policy  
For**

**Incumbent Worker Training**

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Equal Opportunity Employer

**Policy:** In accordance with Section 134 (a)(3)(A)(iv)(I) of the Workforce Investment Act (WIA) of 1998, the implementing regulations and subsequent Dept of Labor (DOL) guidance and waivers, the local Workforce Investment Board determined Workforce Investment Areas are allowed to request approval for expenditure of a percentage of their local Adult and Dislocated Worker funds to provide training to incumbent workers. Training to incumbent workers may be provided using up to the maximum currently allowed percentage of formula funds in accordance with State guidance and/or DOL waivers to meet the needs of Merced County employers with incumbent workers in need of training. These individuals do not necessarily have to meet the eligibility criteria for dislocated workers contained in WIA Section 101(9), nor do they have to meet the criteria for employed adults and dislocated workers contained in WIA Section 134(d)(4)(A), **except adults must meet the low income criteria.**

Incumbent worker training is intended to assist Merced County employers **as part of a layoff aversion strategy** and with the development of a highly skilled workforce. The provision of such training should result in:

1. Enhancing the skills of current employees to allow them to retain employment during periods of significant economical, technological or procedural changes in the employing organization, or
2. Upgrading the skills of current employees to assist in **employee retention**, or
3. Allow the business to avert potential layoffs by improving the skills of their current workforce.

All requests for incumbent worker training must be submitted by the employer requesting the training. The request must include justification for the training need based on the layoff aversion strategy and at least one of the above-listed criteria will be met through the provision of the training. Requests from employers will be submitted to the Director or designee in a standardized format developed for that purpose.

**REFERENCES:**

EDD Directive WSD07-8  
WIA Section 134(a)(3)(A)(iv)(I)  
29 CFR 667.130

**Incumbent Worker Training Request (Need Link)**

**Responsible Official:** Assistant Director

**Revised/Reviewed:** December 22, 2009