

**TO: Executive Committee**

**DATE: 10/05/09**

**FROM: WIB Staff**

**For Action**

**For Information**

**For Discussion**

**SUBJECT: Incumbent Worker Policy**

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

**DISCUSSION: 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).**

**A policy has been written to provide guidelines for training incumbent workers under the newest Department of Labor/State guidelines and waivers.**

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



**DEPARTMENT OF  
WORKFORCE INVESTMENT**

**Policy  
For**

**Incumbent Worker Training**

**Andrea T. Baker**  
*Director*

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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).

Incumbent worker training is intended to assist Merced County employers with the development of a highly skilled workforce, and 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 technological or procedural changes in the employing organization, or
2. Upgrading the skills of current employees to assist them in qualifying for promotional opportunities, 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, must include justification for the training need, and substantiation that 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:** September 28, 2009

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