



**POCONO COUNTIES  
WORKFORCE DEVELOPMENT BOARD (WDB)/AREA (NE 135)  
INCUMBENT WORKER TRAINING POLICY**

**1. Purpose**

The purpose of this policy is to articulate how Incumbent Worker Training funds shall be administered by the Pocono Counties Workforce Investment Area under the Workforce Innovation and Opportunity Act (WIOA). The WIOA requirements and limits for funds used to support Incumbent Worker employment and training are listed in sections 680.780, 680.790, 680.800, 680.810 and 680.820.

**2. Effective Date:**

12/11/19

**3. Implementation**

The Pocono Counties Workforce Development Board authorizes the use of not more than 20 percent of the overall Adult and Dislocated Worker funds allocated to the Pocono Counties Workforce Development Area for the federal share of the cost of providing training through a training program for Incumbent Workers.

An "Incumbent Worker" is defined as an individual who is employed, meets Fair labor Standards Act requirements for employer- employee relationships and has an established employment history with the employer for six (6) months or more.

The term "Incumbent Worker Training" (IWT) means training by an employer or training provider in close partnership with an employer that provides a paid participant while engaged in productive work in a job that:

- a. Provides knowledge or skills essential to the full and adequate performance of the occupation.
- b. Provides reimbursement to the employer for the costs of providing the training and additional supervision related to the training.

- c. Is limited in duration as appropriate to the occupation for which the participant is being trained.

Incumbent Worker Training (IWT) is intended to meet the requirements of an employer or group of employers to retain a skilled workforce or avert the need to lay off employees by assisting the workers in obtaining the skills necessary to retain employment, increase the competitiveness of the employer or employee and increase the skills of the current workforce.

### **Eligibility Requirements**

#### **Participant Eligibility**

For an individual to qualify for IWT under the WIOA guidelines, he/she will:

Participant must be registered with PA CareerLink®. Staff will certify the following:

- Have an established employment history with the employer for six (6) months or more.
- Earn minimum of \$10.50 per hour.
- Be currently employed and in need of additional training to avert a layoff or to be retained and upgrade current position with employer.

#### **Employer Eligibility**

Potential employers eligible to participate in IWT contracting include: private-for-profit businesses, private non-profit organizations, and public sector employers.

- The **Employer must be registered in CWDS** for program/participant recording purposes.

An employer is **NOT** eligible to receive WIOA IWT training reimbursements if:

1. The employer has any other individual on layoff from the same or an equivalent position.
2. The IWT would infringe upon the promotion of or displacement of any currently employed worker or a reduction in their hours.
3. The same or an equivalent position is open due to a hiring freeze.
4. The positions are for seasonal employment.
5. The employer is a temporary employment agency, employee leasing firm or staffing agency.
6. The position is not full time, i.e. minimum of 32 hours per week.
7. The Pocono Counties WDB will not authorize IWT for occupations where tips, commissions, bonuses, or similar methods of payment provide the primary compensation to the participating employee.

#### **Occupational Eligibility**

IWT dollars will be utilized on in-demand occupations as determined at the local level, but does not necessarily have to lead to a High Priority Occupation (HPO)<sup>1</sup>. The training may lead to additional employment opportunities enabling the participant to become economically self-sufficient and which will contribute to the occupational development and upward mobility of the participant.

Priority of funding will be for workers not earning a self-sufficient wage and for workers employed in Manufacturing, Health Care, Logistics and Transportation, Building and Construction, Information Technology and Tourism.

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<sup>1</sup> Workforce System Guidance (WGS) No. 06-PY 2015, April 1, 2016

At the time of completion of the IWT program, individuals must be employed in occupations that meet the following criteria:

1. Occupation must be in a career pathway which may lead toward economically self-sufficiency.
2. Occupation must be an in-demand occupation as determined at the local level, but does not necessarily have to lead to a High Priority Occupation (HPO)<sup>2</sup>.
3. The occupation must be a full-time permanent position (minimum of 32 hours per week).

Employers requesting incumbent worker training funds must complete the following Incumbent Worker Training application form.



PCWDAIncumbent  
WorkTrainingApp(R)

## **Policy**

### General WIOA Incumbent Worker Training Requirements

1. WIOA IWT contracts may be written for eligible individuals when:
  - The IWT is necessary to meet the requirements of an employer or group of employers to retain a skilled workforce or avert the need to lay off employees by assisting the workers in obtaining the skills necessary to retain employment.
2. It is the expectation of the Pocono Counties WDB that companies who use IWT funding will maintain the employment of the individual receiving the training as a full-time employee. It is expected employee will be provided benefits and working conditions at the same level and to the same extent as other employees working a similar length of time and doing the same type of work.
3. WIOA funds may not be used in conjunction with WedNET.
4. Per WIOA regulations (20 CFR 683.200(g)), “no individual may be placed in an employment activity if a member of that person’s immediate family is directly supervised by or directly supervises that individual.” For the purpose of this policy, the term “immediate family” includes a spouse, child, son-in-law, daughter in-law, parent, mother-in-law, father-in-law, sibling, brother- in-law, sister-in-law, aunt, uncle, niece, nephew, stepparent, stepchild, grandparent, and grandchild.

### **Incumbent Worker Training Length**

The maximum time frame for Incumbent Worker Training is six months. The duration of a participant’s Incumbent Worker Training is a function of training needed, not the maximum funding allocated.

### **WIOA Incumbent Worker Training Funding Levels**

Employers participating in Incumbent Worker Training are required to pay the non-federal share (hereafter referred to “employer share”) of the cost of providing training to their incumbent workers, per the sliding scale outlined below. A maximum of \$3,000 per trained worker is permitted under this policy.

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<sup>2</sup> Workforce System Guidance (WSG) No. 06-PY 2015, April 1, 2016

The employer share may be provided in-kind and may include the wages paid by the employer to a worker while the worker is attending the incumbent worker training program.

The level of Pocono Counties WDB reimbursement to the employer is determined by the employer size.

1. 50 or fewer employees = 90% of the cost of training for the employer, up to \$3,000 per Incumbent Worker participant
2. 51-100 employees = 75% of the cost of training for the employer, up to \$3,000 per Incumbent Worker participant
3. 101 and more employees = 50% of the cost of training for the employer, up to \$3,000 per Incumbent Worker participant

Employer size is determined by the number of employees at the time of the execution of the Incumbent Worker Training contract.

**Incumbent worker funds may not be used to pay for the wages of workers being trained.** Funds provided under this program may be used for the cost of providing the training, including the cost of developing the training or fees for the training program or training provider.

The following is the Incumbent Worker Training Agreement.



Incumbent Worker  
Training Contract(re

### **Employer Requirements**

1. All participants shall be provided benefits and working conditions at the same level and to the same extent as other employees working a similar length of time and doing the same type of work. This will include UC coverage where the employer is normally required to provide such coverage to its employees.
2. The position provides the participant benefits per company policy (i.e. insurance, paid leave, profit sharing) other than those required by law.
3. The training to be provided will be in accordance with WIOA 181(a)(1)(A) and 683.275 for wage and labor standards. Worker protection requirements are set forth in WIOA Sections 181(a) (1) (A) and (B), (b) (2), (3), (4) and (5) and 188.
4. The employer agrees to cooperate with monitoring efforts as required by WIOA legislation and adhere to all other applicable local, state and federal rules and regulations.
5. The employer commits to retain the trained employees for a period of a minimum of six months following the completion of training. Failure to do so may result in the employer being ineligible to receive further Pocono Counties WDB training funds for a period of one year.

### **Incumbent Worker Participant Data Entry/Case Management**

1. WIOA Program staff must ensure that the Incumbent Worker Training Services are recorded in CWDS 2.0 under the Business Services module. The information necessary to record this service is included on the PCWDA IWT Application. It includes information on the Employer, Training Provider, and Employees who received the Incumbent Worker Training.

## **CWDS 2.0 Data Entry Requirements**

- In the CWDS 2.0 Business Services Module, search for the employer and ensure that Incumbent Worker Training Eligibility in their profile is set to YES.
- Go to the Incumbent Worker Training Search and click on the Create Incumbent Worker Training tab. Enter the training information from the IWT Application. For IWT the Partnership Field should be set to NO, and in the Partnership (Other) Field enter N/A. You will select either Adult or Dislocated Local for the funding. Check with the PCWDA Fiscal Office for the correct contract number to select for the WIOA costs. The costs entered in CWDS will be the estimated total WIOA costs that will be reimbursed to the employer for the IWT, i.e. 90% for employers with less than 50 employees, etc.
- Once the Training information is completed, click on the tab to select the employer for this training.
- After selecting the employer for the Incumbent Worker Training you created, you can click on the employer's name and enter the Training Provider information and add the employees who will be receiving the Incumbent Worker Training.