

MEMORANDUM

DATE: December 9, 2011

TO: Regional Workforce Board Executive Directors

FROM: Lois A. Scott, Program Manager, Workforce Program Support 

SUBJECT: Key Distinctions between Locally-Funded Employed Worker Activities and Layoff-Aversion Incumbent Worker Training, and State-Funded Incumbent Worker Training

On August 22, 2011, [Final Guidance 060](#), relating to Employed and Incumbent Worker Training (IWT) was revised to incorporate new requirements for locally-funded IWT provided pursuant to a [waiver](#) issued by the United States Department of Labor (USDOL) on June 21, 2011. The effective dates of the guidance are July 1, 2011 through June 30, 2012.

The purpose of this memorandum is to disseminate the attached Table that summarizes the key distinctions between locally funded employed worker activities and layoff-aversion IWT allowed under the USDOL waiver, as well as State-funded IWT. This table, created at the request of Workforce Florida, Inc., is intended to complement the previously issued guidance and be used as a tool to help understand the distinctions between these different types of employed worker training programs.

Please circulate this information to service providers, workforce partners, staff and subcontractors, as well as other interested parties. Questions should be directed to Isabelle Potts isabelle.potts@deo.myflorida.com, (850) 921-3148.

TABLE

KEY DISTINCTIONS BETWEEN LOCALLY-FUNDED EMPLOYED WORKER ACTIVITIES AND LAYOFF-AVERSION INCUMBENT WORKER TRAINING, AND STATE-FUNDED INCUMBENT WORKER TRAINING

	Locally-Funded Employed Worker Activities	Locally-Funded Layoff-Aversion Incumbent Worker Training pursuant to Federal Waiver (expires 6/30/2012)	State-Funded Incumbent Worker Training
What is the funding source?	Local adult and dislocated worker allocations.	Up to 20% of dislocated worker allocation.	Funding for this activity comes from the state's WIA allocation that is retained at the state level.

	Locally-Funded Employed Worker Activities	Locally-Funded Layoff-Aversion Incumbent Worker Training pursuant to Federal Waiver (expires 6/30/2012)	State-Funded Incumbent Worker Training
What are the employer eligibility criteria?	General requirements and restrictions that apply to worksite employers listed in 20 CFR 663.700, <i>et seq.</i> and 667.260, <i>et seq.</i>	<p>Employers must meet criteria established by the Regional Workforce Board (RWB) for providing layoff-aversion incumbent worker training (LAIWT) pursuant to the federal waiver and TEGs 26-09 and 30-09. Criteria and procedures that must be developed by the RWB include:</p> <ul style="list-style-type: none"> • Criteria for identifying employers, targeted industries and sectors in need of LAIWT • Criteria to determine a layoff risk and whether LAIWT is an appropriate response • Process to determine incumbent worker eligibility for LAIWT • Procedure for documenting that a layoff was avoided • Criteria to determine how the skills attained will contribute to maintenance of employment or an increase in employment security for workers <p>General requirements and restrictions that apply to worksite employers listed in 20 CFR 663.700, <i>et seq.</i> and 667.260, <i>et seq.</i></p>	<p>The state determines eligibility requirements. Businesses must have at least one employee and be current on all state taxes. Priority is given to businesses:</p> <ul style="list-style-type: none"> • with 25 or fewer employees • located in rural, distressed inner-city areas or Enterprise Zones • in targeted industries • that propose a significant upgrade in worker skills as a result of training; or whose grant proposal represents a significant layoff avoidance strategy. <p>WIA 134(a)(3)(A)(iv)(I), 20 CFR 665.210(d), 665.220</p> <p>General requirements and restrictions that apply to worksite employers listed in 20 CFR 663.700, <i>et seq.</i> and 667.260, <i>et seq.</i></p>

	Locally-Funded Employed Worker Activities	Locally-Funded Layoff-Aversion Incumbent Worker Training pursuant to Federal Waiver (expires 6/30/2012)	State-Funded Incumbent Worker Training
What are the client eligibility criteria?	An employed worker must meet all statutory criteria for an eligible adult or an dislocated worker and be in need of training to obtain or retain employment that allows for self-sufficiency as defined and set by the local RWB. Employed workers must receive at least one core service and one intensive service	1. Basic WIA eligibility: <ul style="list-style-type: none"> • Age • Citizen or authorized to work • In compliance with selective service registration 2. Eligibility of incumbent workers served under LAIWT based on RWB policies.	Basic WIA eligibility: <ul style="list-style-type: none"> • Age • Citizen or authorized to work • compliance with selective service registration • Any additional eligibility criteria established by the state CFR 665.220
What are the matching requirements?	Employer match is required for On-the-Job Training (OJT) or Customized Training. <ul style="list-style-type: none"> • At least 50% under WIA statute • On a sliding scale (10-50%) based on size of the employer's workforce under current waiver from USDOL (expires 6/30/2012) 	No requirement for an employer match.	Employer match is required in an amount determined by Workforce Florida, Inc. (WFI)
Who provides training services?	A training provider on the Eligible Training Provider List, with the exception of OJT and Customized Training.	The training provider is determined by the business. May be public/private.	The training provider is determined by the business. May be public/private.
Who can request training assistance?	<ul style="list-style-type: none"> • The worker • The business/employer 	The business/employer	The business/employer
What kinds of training can be provided	Any training activity allowed under WIA.	Skills attainment training only. TEGL 26-09 .	No restrictions.

	Locally-Funded Employed Worker Activities	Locally-Funded Layoff-Aversion Incumbent Worker Training pursuant to Federal Waiver (expires 6/30/2012)	State-Funded Incumbent Worker Training
How is assistance requested?	Direct contact to RWB or One-Stop Career Center .	Direct contact to RWB or One-Stop Career Center .	Business/employer only: Direct contact to WFI. Can be referred by economic development organization, training provider or RWB. Application and guidelines at: http://www.workforceflorida.com/PrioritiesInitiatives/FundingOpportunities/IWT.php
What are the data collection and reporting requirements?	Complete WIA application entered into EFM.	Complete WIA application entered into EFM. To decrease the burden of data collection to employers and employees, a federal waiver (expires 6/30/2012) allows that RWBs not collect: <ul style="list-style-type: none"> • Unemployment compensation eligible status at participation • Low income • TANF • Other public assistance • Homeless and/or runaway • Offender 	Employer contracting with WFI submits data directly to WFI as part of monthly reimbursement process.