

Incumbent Working Training Program Policy

Purpose

The Greater Raritan Workforce Development Board (GRWDB) adopted an Incumbent Worker Training Program policy on April 16, 2020. This policy allows for use of up to 20% of Adult and Dislocated worker funding in a given program year for training of Incumbent Workers – defined as paid, full-time employees of a program employer applicant - as allowed by the Workforce Innovation and Opportunity Act (WIOA) of 2014. The policy was revised by GRWDB board on Jan. 20, 2022, to clarify employer and participant eligibility requirements, funding levels, and program procedures. The policy was revised by the GRWDB board on April 3, 2024, to update program procedures.

Background

Section 134 (d) (4) of the Workforce Innovation and Opportunity Act of 2014 permits local areas, with board approval, to reserve and not use more than 20% of allocated adult and dislocated worker funds to pay for the training costs of Incumbent Workers. Some New Jersey Workforce Boards have adopted this policy to successfully support their local businesses, and [New Jersey Workforce Innovation Notice WD-PY21-4](#) issued by the New Jersey Department of Labor and Workforce Development on Dec. 16, 2021, offers guidance for local boards on Incumbent Working Training. It is appropriate for the GRWDB to adopt and implement this policy to support local businesses and job seekers.

Goal

The policy aims to assist local employers in Hunterdon and Somerset Counties by enhancing the skills of their current employees/workforce while supporting and/or increasing employer competitiveness; Incumbent Worker Training also can offer advancement opportunities for individuals into new positions, thereby opening up positions to WIOA program participants. The funds will be utilized if a need and a training group are identified; they are subject to review and approval by the GRWDB Director in consultation with the Greater Raritan One-Stop Career Training Center (GROSCTC).

Employer eligibility

Employers are required to satisfy the following criteria to be eligible for this funding:

- Employer establishments located in the Hunterdon-Somerset Counties will receive priority;
- The employer is a private sector employer or public/private partnership; non-profit and local government entities may be considered

Other factors to be considered in the review process include:

- The characteristics of the individuals in the program and how they will benefit; this includes whether the individual being trained have barriers to employment;
- Whether the individual being trained is underemployed, e.g. workers who prefer full-time work but are working part-time for economic reasons.

- The quality of the training and link to competitiveness of the individual and employer, including the following:
 - Must be a demand occupation in the local area based upon local data;
 - Industry-recognized credentials and skills gained from training (portability);
 - Wage increase and career pathway outcomes.
- The employer is in a high growth/high-demand sector. If not, there are compelling reasons, e.g., evidence of long-term viability within industry, justifying the investment in the requested training;
- The employer must not have laid off any workers/employees within 120 days in another state and relocated to New Jersey;
- The employer must be current in unemployment insurance and workers' compensation taxes, penalties, and/or interest or related payment plan;
- The pre- and post-training wage and benefits levels of the employee, and the existence of other training and advancement opportunities by the employer.

To be eligible for funding from this program, the employer must send a letter to the GRWDB attesting that he/she has met all of the above criteria. (**See document titled "SAMPLE LETTER"**).

Other factors may include, but are not limited to:

- The number of employees participating in the training;
- The employees' advancement opportunities along with wages and benefits (both pre- and post-training earnings);
- Employer size, employer's industry and their market position;
- Layoffs that were avoided as a result of the training;
- The existence of additional opportunities provided by the employer.

Individual participant eligibility

The Incumbent Worker Training is for workers with an established work history with his/her current employer. This training is for workers or employees who need additional training in order to remain in their position, to advance in their workplace or company, or to avoid being laid off. To qualify as an Incumbent Worker in need of the Incumbent Worker Training, the employee must satisfy all of the following factors:

- US Citizen or Resident, or otherwise authorized to work in the United States of America;
- Age 18 or older;
- Registered with Selective Service, unless failure to register is determined unknown;
- Employed by a private entity;
- Employed in accordance with the Fair Labor Standards Act requirements of an employer-employee relationship;
- Have an established employment history with the employer for a minimum of six months. Exception: If the Incumbent Worker Training is being provided to a group of employees, a majority and not all employees, in the group must have an established employment history with the employer for a minimum of six months.

Funding guidelines

Under this policy, the maximum per-employee amount of funding for training an individual Incumbent Worker is \$4,000.00. Employers who receive funds for incumbent worker training are required to contribute to the cost of providing such training. This contribution can include the wages paid by the employer to a worker while the worker is attending a training program. The employer may provide the share in cash or in-kind. The employer's total share of the cost of training is based on the size of the employer's workforce (using the employer's Federal Employer Identification Number) as follows:

- At least 10 percent of the total cost for employers with 50 or fewer employees
- At least 25 percent of the total cost for employers with 51 to 100 employees
- At least 50 percent of the total cost for employers with more than 100 employees.

Note: Incumbent Worker Training support for local government entities will not exceed 10 percent of the GRWDB's combined Adult and Dislocated Worker allocations.

Program procedures

Once an employer's participation in this training program is approved by the GRWDB, the employer will complete and sign a contract detailing the training program's information and the program's participant roster. This contract also details the contract's provisions, requirements, assurances and reimbursement procedures. (**See Contract document.**)

An incumbent worker **does not** have to meet eligibility requirements for career and training services for Adults and Dislocated Workers under WIOA unless they are also enrolled as a participant in the WIOA Adult and Dislocated Worker program. Individuals who receive only IWT services are reported as WIOA reportables in AOSOS, the state's database system. For these individuals, the GRWDB is required to report the outcomes on the primary indicators of performance, including employed 2nd quarter post training, employed 4th quarter post training, median earnings, measurable skills gain, and credential attainment. The Participation Data Entry guidelines in [NJWIN WD-PY21-4](#) will be followed.

If the employee participants are found eligible for other local system services, additional documentation may be required in order for them to participate in the programs. Details will be provided by the appropriate system partner.



SAMPLE LETTER

Paul Grzella, Director
Greater Raritan Workforce Development Board

XX XXXX 2021

Dear Mr. Grzella,

_____(*name of employer's company here*)_____ located in _____, New Jersey is a private company which meets the Fair Labor Standards Act requirements. All _____(*number of employees here*)_____ of my employees are U.S. Citizens or otherwise authorized to work in the United States.

The proposed training program for Incumbent Worker Training (IWT) is the _____. This certification will broaden our services to allow us to _____(*provide reasoning/purpose of training employees here*)_____, which will help to increase our business and provide those certified employees with the opportunity to earn higher wages.

As required, the following trainees, _____(*names of employees to be trained here*)_____, are:
- Aged 18 or older;
- Have been employed with _____(*name of employer's company*)_____ for more than six months.

The _____(*name of employer's company here*)_____ 's share of the training cost will be in-kind and in the form of employee wages during the training period.

(Who the trainer is and where the training will take place)

Upon successful completion of the training and testing, the trainees will continue employment and may receive wage increases based upon the skills they attained.

The _____(*employer's company name here*)_____ attests that business and employee wage taxes are current and there are no outstanding liabilities. Additionally, _____(*employer's company here*)_____ acknowledges that it must provide a copy of the tax clearance certificate prior to receiving training reimbursement, which is to be submitted at https://www16.state.nj.us/NJ_PREMIER_EBIZ/jsp/home.jsp. The _____(*employer's company here*) _____ understands that it could take approximately 30 days and will apply immediately.

The _____(*employer's company name here*)_____ agrees to participate in follow-up efforts to evaluate the Incumbent Worker Training's effectiveness and outcomes, and attests that the funds will not be used for the business' relocation or for any other purposes not set forth herein.

Thank you very much for your assistance with training our region's workforce.

Sincerely,

Name:

Date:

Owner/Operator of _____(*name of employer's company here*)_____



Incumbent Worker Training Program Contract # _____

This contract for Incumbent Worker Training is entered into between the Greater Raritan Workforce Development Board (GRWDB) and the Company/Employer named below. Employer will be reimbursed for the training costs specified below. Payment of trainee salaries and benefits during the training period may be used to meet the employer contribution (in-kind) requirement.

In compliance with the GRWDB policy on [Incumbent Worker Training adopted Jan. 20, 2022](#), the specified program(s) are designed to improve the skills of employees and the competitiveness of the employer.

Employer Information (attach signed Employer Assurance Letter)

Employer Name	
Street Address	
City/State/Zip Code	
Mailing Address:	
City/State/Zip Code	
FEIN (also attach W-9)	
Total number of employees	
Industry Name and NAICS Code	
Contact Name & Title	
Telephone Number & Email Address	
Training Program Name	
Training Provider Name (if different than employer)	
Module Hours and Duration	
Training Site Location (if different from above)	

No. of Trainees/Apprentices (Incumbent Workers)	
Total WIOA Funded Amount (<i>per Budget Worksheet</i>)	\$
WIOA Account Number	

Employer will provide training as indicated in the attached Program Schedule, Participants Roster, and Budget Worksheet. Employer acknowledges that the information provided is accurate and that it agrees to comply with the IWT Program Information, Provisions, Requirements, and Standard Assurances referenced in this contract. Employer also certifies that it is current on all local, state, and federal tax obligations (including unemployment insurance and workers compensation).

This agreement is for the duration of the listed programs: _____

Authorized Employer Signature and Date

Authorized Signature and Date

[Print Name and Title]

Paul Grzella, Director

[Organization]

Greater Raritan Workforce Development Board

GRWDB Incumbent Worker Training Contract Provisions, Requirements and Assurances

1. **W-9 and NJ Business Registration are required** <http://www.state.nj.us/treasury/revenue/busregcert.shtml>
2. **Compliance with the Incumbent Worker Training Program Requirements**
Attach letter from Employer to GRWDB Director. Indicate date of letter here _____ .
3. **Required Documentation for Employee Participants in Training Program**
Each employee participant must have worked with the employer for a minimum of six months and will:
 - a) If male, provide proof of Selective Service Registration (compliance available by using <https://www.sss.gov/Registration/Check-a-Registration/Verification-Form>)
4. **Payments/Required Documentation for Reimbursement**
 - a) Final roster (see attached form) showing number completing the training program; Payments are based on the number of IWT participants who complete training program.
 - b) Proof of Employer Contribution e.g., wages and benefits during the training period - official payroll register for the participants during the training period.
 - c) Proof of Attendance – Attendance Sheets signed by training provider and participant.
 - d) Completion of New Jersey Intake and Initial Assessment Form by each program participant.
 - e) Certificates of Completion issued by Training Provider and, as applicable, recognized credentials.
 - f) Payment requests, at the end of training program, must be submitted on Employer letterhead and include the above-mentioned documents and proof of expense (e.g., training invoice).
 - g) Employee wage tax compliance -- NJDOL will verify compliance using employer FEIN
 - h) Business tax clearance -- Employer will attest to being free of any and all business tax liabilities and will provide a tax clearance certification. To request certificate: https://www16.state.nj.us/NJ_PREMIER_EBIZ/jsp/home.jsp (May take up to 30 days)
5. **Follow-up** Employer will participate in any follow-up efforts conducted by the GRWDB or its authorized representative to evaluate the IWT program's effectiveness, including providing information on participants and their post-training employment (e.g., six months after training completion) for required reporting.
6. **Audits and Records** Employer shall maintain the records described above for a period of three (3) years from date of final payment under this contract. Employer agrees that authorized representatives of GRDB shall be given access to, at all reasonable times, facilities and records pursuant to this contract. To assure that records required for audit purposes can be obtained, should, for any reason, the Employer be forced to close or relocate his/her business/training facility, the GRWDB will be informed at least 30 days prior to such action.
7. **Disputes** The Training Provider/Employer agrees that the law of the State of New Jersey shall be the operative law and submits to the jurisdiction of the courts of the State of New Jersey as to any claims or disputes arising out of this agreement.
8. **Termination of Contract** The performance of work under this contract may be terminated by the GRWDB when it has been determined that the Training Provider/Employer has failed to provide any of the services specified or is not in compliance with the contract provisions.

9. **Termination of Trainees**

- a) The Employer has the right to terminate any Participant/Trainee based on the termination procedures followed by the company. GRWDB must be notified within five (5) days of such action.
- b) Should the Employer terminate any Participant prior to the conclusion of a contract, the GRWDB will be relieved of any financial/contractual obligations related to the Trainee.

10. **Trainee Wages and Benefits**

Hourly wages paid to Trainees/Employees/IWT participants shall be not less than the wages, benefits, hours and conditions as prior to the training start date. Upon completion of the specified IWT program, participants will receive a certificate attesting to their new skills (e.g., micro-credential, recognized credential) and may be given the opportunity to be considered for advancement.

11. **Applicable Laws**

- a) The Training Provider/Employer will abide by the provisions within the Workforce Innovation and Opportunity Act (WIOA)
- b) The Training Provider/Employer will assure compliance by adhering to the provisions of the Fair Labor Standards Act, as amended.

12. **Assurances and Certifications**

- I. Assurances Non-Construction Programs (SF 424 B)
- II. Debarment and Suspension Certification (Executive Order 12549, 29 CFR Part 98)
- III. Certification Regarding Lobbying (29 CFR Part 93)
- IV. Drug Free Workplace Certification (29 CFR Part 98)
- V. Nondiscrimination and Equal Opportunity Assurance (29 CFR Part 38)
- VI. Uniform Administrative Requirements, Cost Principles, Audit Requirement for Federal Awards (2 CFR Part 200)
- VII. Affirmative Action [P.L. 1975 C. 127 (N.J.A.C. 17:27)] Follow instructions from:
http://www.state.nj.us/treasury/contract_compliance/pdf/aa302ins.pdf and download form from:
http://www.state.nj.us/treasury/contract_compliance/pdf/aa302.pdf

13. **Employer Contribution to Total Training Cost**

To be eligible for participation and funding in an IWT program, the employer must contribute the non-federal share of the total training budget. Contributions may be in the form of wages and benefits paid for training that takes place during business hours. Employers will provide a letter attesting that IWT participants are not paid with federal funds.

The contribution percentage per program is based on employer size as follows:

Up to 50 employees: 10%; 51-100 employees: 25%; More than 100 employees: 50%

14. **Program budget/Total Cost of Training** See attached Budget Worksheet

15. **Availability of Funds** Funding is contingent on the Availability of Federal/State funds.

GRWDB Incumbent Worker Training Program Information

1. Identify the specific need(s) for IWT and address the specific skills gap requiring intervention; include the current occupation(s) of trainees and, if applicable, occupation to be trained
2. Will the training increase the competitiveness of the company? If yes, specify how?
3. Will training mitigate the impact of a layoff if utilized as a part of a layoff aversion strategy? If yes, specify how it will mitigate the impact of a layoff? e.g., provide list of job opportunities and skill requirements
4. Specify any and all anticipated outcomes of training (e.g., wage increases, new skills/occupation/title).
5. Specify, as applicable, the name of credential(s) and certifying organization(s) and what measurable skill gains will be made
6. Identify the training programs or modules to be provided under this agreement, and the exams participants are required to pass for the credential(s)
7. APPRENTICESHIP QUESTION: What are specific training milestones you expect participants to attain as part of this training

Employer: _____

Incumbent Worker Training - Participant Roster

	Trainee Name	Socials Security Number	Hire Date	Pre-Training Hourly Wage	Pre-Training Job Title	Expected Post-Training Salary and Job Title
1						
2						
3						
4						
5						
6						

Attach proof of Selective Service Registration <https://www.sss.gov/Registration/Check-a-Registration/Verification-Form>