

**THE OREGON CONSORTIUM & OREGON WORKFORCE ALLIANCE
POLICY MEMORANDUM #WIA-45-02/08**

DATE: February 14, 2008

SUBJECT: Employer Workforce Training Fund

REFERENCE: Executive Order 03-16, CCWD Policy 589-20.4, WIA Section 134(a),
20 CFR 665.220

PURPOSE:

To provide guidance for the Governor's Employer Workforce Training Fund (EWTF), mandated by Executive Order 03-16.

DEFINITIONS:

Eligible Oregon Business

An eligible Oregon business to participate in the EWTF must meet all of the following criteria: 1) No part of the business within the U.S. has relocated within the last 120 days which resulted in a loss of employment for any employee; 2) The business is licensed to work in Oregon and 120 days has past since the first payroll; 3) The employer represents significant employment opportunities and not considered to be a workforce contractor, one-stop partner or service provider; 4) The employer is not a retailer nor a non-employer establishment; and 5) Linked to the regional and/or state investment plan.

Incumbent Worker

An incumbent worker is an individual who is employed at an existing eligible Oregon business and for whom the business attests that due diligence, in terms of employment law, has been conducted. An incumbent worker does not have to meet the eligibility requirements for intensive and training services for employed adults and dislocated workers at 20 CFR 663.220(b) and 663.310 (WIA sec.134(a)(3)(A)(iv)(I)).

Suitable Training Provider

A suitable training provider is defined by the employer and approved by the WRT fiscal agent.

FUNDING:

The Employer Workforce Training Fund (EWTF) will consist of statewide activity funds under Workforce Investment Act (WIA) Section 134(a)(3)(iv)(I) to provide incumbent worker training. Additionally the State of Oregon has been granted a waiver that permits the state to use up to 50 percent of the funds reserved for rapid response activities under WIA Section 133(a)(2) in support of the EWTF.

BACKGROUND:

The primary customers for EWTF training services are the targeted employers or group of employers as outlined in the regional investment plan. Incumbent worker training projects may be undertaken to benefit a single employer or a group of related employers and workers from the associated firms. Only the employees of these firms who are linked to the regional investment plan are part of the "eligible group". Therefore, all workers who receive incumbent worker training under the EWTF must be an incumbent worker as defined above (Definitions).

This policy clarifies that the regional workforce area is only determining that an employee is within an "eligible group of workers". It is important to note that all workers who meet this test are in the eligible group of workers. It is a "group" or "class" designation. WIA section 134(a) sets no eligibility requirements on State funded incumbent worker training. These workers do not have to meet the individual WIA eligibility requirements for employed adults or dislocated workers in order to receive training services. These workers are not formally registered in WIA and do not count for federal performance standards.

POLICY:

1. An Employer or group of employers, who meets the eligibility criteria as outlined by the Oregon Workforce Investment Board and the Regional Investment Plan, decides what training is needed and selects a suitable training provider(s).
2. Employer or group of employers with the help of the training provider jointly develops a training plan to meet the unique needs of the company(s). As the training plan is designed for a particular employee or group of employers, procurement is conducted through noncompetitive negotiations and documentation for the basis of price is attached to the EWTF application.
3. The Employer completes and submits the EWTF application for funds to the regional Workforce Response Team.
4. Workforce Response Team shall award incumbent worker training projects consistent with the approved process as outlined in the Workforce Response Team Designation.
5. The WRT fiscal agent shall ensure that the training agreement with the employer include, at a minimum, the following:
 - Maximum award amount;
 - Employer's commitment to fund at a minimum 50% of the training costs;
 - Length of training;
 - Grant application that includes assurances regarding the eligibility of the business to participate in the program, as an attachment; and
 - Provisions for reimbursement: social security release form for each trainee, proof of training completion, documentation of match, final project report, invoices and proof of payment.
6. Training agreements will be monitored through the provisions for reimbursements as outlined above to determine that the training was provided in accordance with the training agreement.

