

Public Law 105-220
Workforce Investment Act of 1998 (WIA)

GENERAL PROGRAM REQUIREMENTS

Section 195

Except as otherwise provided in this title, the following conditions are applicable to all programs under this title:

(1) Each program under this title shall provide employment and training opportunities to those who can benefit from, and who are most in need of, such opportunities. In addition, efforts shall be made to develop programs, which contribute to occupational development, upward mobility, development of new careers, and opportunities for nontraditional employment.

(2) Funds provided under this title shall only be used for activities that are in addition to those that would otherwise be available in the local area in the absence of such funds.

(4) On the job training contracts under this title shall not be entered into with employers who have received payments under previous contracts and have exhibited a pattern of failing to provide on-the-job training participants with continued long-term employment as regular employees with wages and employment benefits (including health 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.

(5) No person or organization may charge an individual a fee for the placement or referral of the individual in or to a workforce investment activity under this title.

(6) The Secretary shall not provide financial assistance for any program under this title that involves political activities.

(7)(A) Income under any program administered by a public or private non-profit entity may be retained by such entity only if such income is used to continue to carryout the program.

(7)(B) Income subject to the requirements of subparagraph (A) shall include - -

- (i) receipts from goods or services (including conferences) provided as a result of activities funded under this title;
- (ii) funds provided to a service provider under this title that are in excess of the costs associated with the services provided; and
- (iii) interest income earned on funds received under this title.

(9)(A) All education programs for youth supported with funds . . . shall be consistent with applicable State and local educational standards.

(9)(B) Standards and procedures with respect to awarding academic credit and certifying educational attainment in programs conducted under such chapter shall be consistent with the requirements of applicable State and local law, including regulation.

(10) No funds available under this title may be used for public service employment except as specifically authorized under this title.

NONDISCRIMINATION

Section 188 (a)(1)

Federal financial assistance. - - For the purpose of applying the prohibitions against discrimination on the basis of age under the Age Discrimination Act of 1975, on the basis of disability under section 504 of the Rehabilitation Act of 1973, on the basis of sex under title IX of the Education Amendments of 1972, or on the basis of race, color, or national origin under title VI of the Civil Rights Act of 1964, programs and activities funded or otherwise financially assisted in whole or in part under this Act are considered to be programs and activities receiving Federal financial assistance.

Section 188 (a)(2)

Prohibition of discrimination regarding participation, benefits and employment. - - No individual shall be excluded from participation in, denied the benefits of, subjected to discrimination under, or denied employment in the administration of race, color, religion, sex (except as otherwise permitted under title IX of the Education Amendments of 1972), national origin, age, disability, or political affiliation or belief.

Section 188 (a)(3)

Prohibition on assistance for facilities for sectarian instruction or religious worship. - - Participants shall not be employed under this title to carry out the construction, operation, or maintenance of any part of any facility that is used or to be used for sectarian instruction or as a place for religious worship (except with respect to the maintenance of a facility that is not primarily or inherently devoted to sectarian instruction or religious worship, in a case in which the organization operating the facility is part of a program or activity providing services to participants).

Section 188 (a)(4)

Prohibition on discrimination on basis of participant status. - - No person may discriminate against an individual who is a participant in a program or activity that receives funds under this title, with respect to the terms and conditions affecting, or rights provided to, the individual, solely because of the status of the individual as a participant.

Section 188 (a)(5)

Prohibition on discrimination against certain non-citizens. - - Participation in programs and activities or receiving funds under this title shall be available to citizens and nationals of the United States, lawfully admitted permanent resident aliens, refugees, asylees, and parolees, and other immigrants authorized by the Attorney General to work in the United States.

INCUMBENT WORKER TRAINING

Eligibility

An employer or group of employers may request funds for Incumbent Worker Training as part of a **layoff aversion strategy** caused by undue economic hardships within a given sector or because of significant changes in the nature of an industry. Funds are available in the amounts of \$5,000 - \$15,000 per employer/organization within a calendar year. Incumbent worker funds are solely for the purposes of providing training that upgrades employee skills levels or introduces new occupational skills required for an employee to remain effective in his/her position.

Type of Training

The training involved may include a mix of classroom training, technology-based learning and on-site training. Since the audience is already employed training will be industry specific and may occur wholly at the workplace. Training should be on an advanced level and result in either employer and /or industry recognized credentials. Professional level certification (where applicable) resulting in degree attainment is sought for professional services.

One-Stop Career Services

Incumbent workers may be eligible to receive additional One-Stop services consistent with possible job disconnection. Since training will take place as a layoff aversion strategy, it is possible that a lay-off or partial lay-off may still occur. To ensure that workers are prepared for any type of transition, they may have access to workshops on Resume Enhancement, Budgeting, and Time Management.

Incumbent worker customers may also have access to career counseling to help them identify 'next steps' in building careers. This will allow them to define skill sets, especially those that may be transferable to other occupations, and restructure their career goals to include additional/advanced academic or occupational skills training.

Additionally, incumbent workers have access to general One-Stop services to include information on Unemployment Insurance, Job Search and Training activities.

Employer Selection Criteria

In order to be eligible for consideration for Incumbent Worker Training funds, an employer must show a general economic decline in a named sector, or local occupation and where applicable:

- Should demonstrate economic instability which will likely lead to the termination of employees;
- Should demonstrate the changing nature of the industry which renders the current skill level of employees obsolete;
- Should have notified the local Department of Labor of intent to layoff (provide WARN notices where applicable), or intent to reduce hours; and
- Submit a training proposal.

Proposal Details

Proposals must be submitted to the VI Workforce Investment Board establishing that this request for training is *part of an overall strategy aimed at mitigating staff lay-offs*. In addition to the application, proposals must contain a Statement of Work narrative that:

- Details the type of training proposed;
- Determines which staff is eligible for the training;
- Details the expected results sought at the completion of training;
- Specify type of credential/certificate earned at the completion of training.

Also proposals should establish either:

- A commitment to retain at least 70% of employees trained; or
- A commitment to retain trained employees at a higher wage, when applicable.

Payment Policy

Payments for Incumbent Worker training are made in multiple increments depending on the length of the course. All payment schedules will be negotiated with the VI Department of Labor prior to the commencement of training. A training schedule must be submitted prior to the negotiation date. Funds may be paid on a sliding scale depending on the number of employees in the organization; employers with 50 or fewer employees 90%; 51-250 employees 75%; and 251+ employees 50%.

EVALUATION FACTORS

Evaluation factors used in awarding grants and weights assigned to each include the following:

REASONABLENESS OF COST	20
PROGRAM DESIGN/CONTENT – a) verifiable assurances that minimum course requirements or prerequisites are realistically commensurate with course applications; b) acquisition of soft or occupational skill; c) presentation of work in a clear and understandable format	30
PROGRAM STRUCTURE – sequentially developmental, catering to the disadvantaged customer who faces multiple barriers to attaining or retaining employment; items to note: total time allotted to course, amount of time per segment, availability of lab time (when applicable), make-up schedule, if necessary	15
LABOR MARKET STATUS – local demand occupation	25
CERTIFICATION – portable, industry or employer recognized certification	10
TOTAL POINTS	100
