



**Department of Labor and Training**

Center General Complex  
1511 Pontiac Avenue  
Cranston, RI 02920-4407

Telephone: (401) 462-8000  
TDD: (401) 462-8006

Lincoln D. Chafee  
Governor  
Charles J. Fogarty  
Director

## **WORKFORCE INVESTMENT NOTICE: 10-12**

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**TO:** WORKFORCE INVESTMENT AREAS

**FROM:** David Tremblay, Acting Administrator-State Workforce Investment Office

**SUBJECT:** Use of Rapid Response Funds for Incumbent Worker Training

**DATE:** February 16, 2011

- 1. PURPOSE.** This issuance provides guidance concerning the process and procedures to be followed for contracting with employers for incumbent worker training using rapid response funds for layoff aversion.
- 2. REFERENCE(S).** Workforce Investment Act (WIA); WIA Final Rules dated August 11, 2000; waiver approval letter from the Department of Labor, Employment and Training Administration (DOLETA) dated January 11, 2011.
- 3. BACKGROUND.** The required and allowable uses of Rapid Response funds are outlined at Section 665.310 and 665.320 of the WIA final rules. In addition, DOLETA permits states to request a waiver of these rules to allow the use of Rapid Response funds for incumbent worker training as part of a layoff aversion strategy. Rhode Island requested this waiver and received approval on January 11, 2011.
- 4. ELIGIBILITY AND PROCEDURES.**

### Eligibility Requirements for Incumbent Workers

There is no income eligibility for incumbent workers; however, the following minimum requirements must apply:

- The incumbent worker must be at least 18 years old, a U.S. citizen or non-U.S. citizen legally authorized to work in the United States, and comply with Selective Service

- The incumbent worker must be currently employed with the participating employer.

### **Eligibility Requirements for Employers**

Employers must be:

- Operating in the State of Rhode Island during the entire twelve month period prior to the application date, with at least one employee other than the owner;
- Current on all Rhode Island tax obligations, including all applicable city and local taxes;
- In compliance with all federal, state and local laws;
- In good standing with Workforce Regulation & Safety
- Currently considering downsizing or layoffs due to market conditions;
- Proposing to deliver the training for employees based within Rhode Island.

The following employers are not eligible to participate:

- A business that has a history or pattern of failing to provide WIA participants with continued employment with wages, benefits, and working conditions that are equal to those provided to regular employees who have worked a similar length of time and are doing the same type of work.

### **Procedures for Employers:**

The Business Service Unit (BSU) of the Department of Labor and Training (DLT) will be the primary point of contact for employers interested in Rapid Response funded incumbent worker training. The application, guidelines and other associated documents will be posted to the DLT website. The availability of the funding will also be posted to the State of Rhode Island's Division of Purchasing website. Applications may be submitted by employers at any time to the BSU. Upon receipt of an application, BSU staff will review for initial eligibility (completed application and correct number of copies). Those applications meeting the initial eligibility will be read and scored by members of the Business Retention and Expansion Initiative (BREI) Team, which may be made up of staff from, but not limited to, DLT, the Economic Development Corporation, Local Workforce Investment Boards, and other business organizations and resources. The BSU will distribute the application to the BREI Team and convene a meeting to discuss and review the requests for training funds. A visit to the employer site will be scheduled to introduce the employer to all layoff aversion, business retention services offered through the system. If it is determined that Incumbent Worker Training is the appropriate vehicle to assist the employer with layoff aversion, the application evaluation will be completed. Points will be allocated to each section of the application with the most weight assigned to the description of how the training will address layoff aversion / business retention. Employers will be notified by BSU staff of funding decisions.

Organizations receiving funding will enter into a contract with DLT, based on the process used by the Governor's Workforce Board's Comprehensive Workforce Training Program. The contract will consist of the entire application (provisions, etc.) and the award letter.

Invoice and program narrative templates will be provided to the employers. The Business Services Unit (BSU) will review and approve the invoices for payment. In addition, BSU staff will enter the employer into EmployRI as a training provider and indicate the contract number.

Staff from the State Workforce Investment Office (SWIO) will conduct at least one programmatic monitoring visit to ensure that the contract provisions are met.

At the conclusion of the training, BSU staff will contact the employer and make arrangements to obtain copies of the training certificates for each employee.

### **Procedures for Employees:**

All employees participating in Incumbent Worker Training will be registered in EmployRI. A streamlined WIA application has been developed and must be completed by the employee. The following seven elements are not required to be captured due to the receipt of a waiver from DOLETA dated January 11, 2011:

- Low income
- TANF
- Unemployment Compensation at participation
- Offender
- Single Parent
- Homeless / Runaway
- Other Public Assistance

DLT staff will review the application, ensure that the required documentation is in the file, certify WIA eligibility, and enter the trainee information into EmployRI. An additional employer site visit will be scheduled if required. If any of the 7 data elements listed above are required fields in EmployRI, "No" should be entered. Per section 665.220 of the WIA final rules, an incumbent worker does not have to meet the eligibility requirements for intensive and training services. The determination of general eligibility will serve as the core service and should be indicated in EmployRI as code 102. Please note that DLT staff will be provided a distinct login for EmployRI to be used when working on the Rapid Response Incumbent Worker program.

The waiver approval letter stated that "The State is required to report performance outcomes for any incumbent workers served under this waiver in the Workforce Investment Act Standardized Record Data system (WIASRD), field 309". Therefore, all incumbent workers participating in the program will be part of the statewide performance measures (with the exception of entered employment). At the conclusion of the training, DLT staff should exit the client and ensure that a copy of the training certificate is in the file and notated in EmployRI.

## **5. PROGRAM PARAMETERS**

- Training must be technical in nature, address occupational (hard skills) and result in a WIA defined certificate (with the exception of training being conducted by an internal trainer) for all those who successfully complete the training. For a definition of the "WIA certificate", see [Workforce Investment Notice # 06-15](#)
- There is no minimum or maximum amount of grant funds to be awarded to an individual business. Each application will be reviewed on a case by case basis, taking into consideration, among other factors, reasonableness of cost

- A company can be funded just once per 12 month period.
- The company must match the grant funds received. The match is based on a sliding scale determined by company size, as with On-the-Job and Customized Training: no less than a 10% match for companies with 50 or fewer employees; no less than a 25% match for companies with 51-250 employees; for companies with more than 250 employees, no less than a 50% match.
- The match can either be cash or in-kind. In-kind consists of the value of the wages paid to the employees while they are in training.
- In the future, ETA monitoring will focus on the implementation and uses of this, and all, waivers; therefore detailed records and files must be maintained.

**INQUIRIES:**

Questions concerning this WIN may be directed to David Tremblay at 462-8812 ([dtremblay@dlt.state.ri.us](mailto:dtremblay@dlt.state.ri.us)) or Mavis McGetrick at 462-8791 ([mmcgetrick@dlt.ri.gov](mailto:mmcgetrick@dlt.ri.gov)).