



Incumbent Worker Training Policy

Effective: November 18, 2025

References: Workforce Innovation and Opportunity Act (WIOA) Section 134(d)(4), WIOA Regulations at 20 CFR 680.780-820, and United States Department of Labor (USDOL) Training and Employment Guidance Letter (TEGL) 19-16

Background:

Incumbent worker training (IWT) is designed to meet the special requirements of an employer (including a group of employers in partnership with other entities) to retain a skilled workforce or to avert the need to lay off employees by assisting the workers in obtaining the skills necessary to retain employment. Training is conducted with a commitment by an employer, or group of employers, to retain or prevent layoffs of the incumbent worker(s) trained.

An *incumbent worker* is defined under WIOA as an individual who is employed, meets the Fair Labor Standards Act requirements for an employer-employee relationship, and has an established employment history with the employer for six (6) months or more. **Note:** In the event that the IWT is being provided to a cohort of employees, not every employee in the cohort must have an established employment history with the employer for six (6) months or more as long as a majority (at least 51%) of those employees being trained meet the employment history requirement. An incumbent worker does not have to meet the eligibility criteria for career and training services for the Adult and Dislocated Worker (DW) Programs under WIOA, unless they are also enrolled as a participant in the WIOA Adult or DW Program.

Policy:

Oswego County Workforce New York (OCWNY) may allocate up to 20% of its combined WIOA Title I Adult and DW formula funds for IWT (WIOA Section 134(d)(4)). OCWNY may also use WIOA Title I Statewide Activities and/or Rapid Response funds on IWT if those funds have been made available by the Governor for that purpose.

- The employer must have a physical location within Oswego County;
- Training that supports a business that is part or supports an in-demand industry for the region;
- IWT contracts cannot exceed 26 weeks;
- The minimum amount of employer share depends on the size of the employer as follows:
 - 10% of the cost for employers with 50 or fewer employees;
 - 25% of the cost for employers with 51-100 employees; and
 - 50% of the cost for employers with more than 100 employees.

* OCWNY will fund a **maximum of \$5,000** per individual, per training project.

Allowable Training Costs:

IWT funds may only be used for the cost of providing training, including:

- The costs of outside vendors or in-house trainers to provide on-site or off-site classroom training.
- Textbooks or training materials directly associated with the training.
- Distance learning fees (i.e., the fee for the training slot and software required to deliver the training program).
- Credentialing exam and/or licensing fees.
- Other necessary and reasonable costs directly related to the training.

Employer Eligibility:

The following factors must be assessed to determine whether training would increase the competitiveness of the employees or both the employees and the employer:

- The characteristics of the individuals in the program;
- The relationship of the training to the competitiveness of the employee and the employer;
- The number of employees participating in the training;
- Participating business(es) must pass NYSDOL Due Diligence process;
- Wage and benefit levels of those employees (both pre- and post-training);

- The existence of other training and advancement opportunities provided by the employer;
- Credentials and skills gained as a result of the training;
- Employer size; and
- Whether or not the employer has exhibited a pattern of failing to provide participants with employment upon successful completion of training.

The employer must also verify that WIOA funds will not be used to relocate operations in whole or in part. Employers participating in IWT are also required to pay the non-Federal share of the training costs.

Employee Eligibility:

- Employees being trained are not seasonal nor are being trained for seasonal employment;
- They must meet the Fair Labor Standards Act requirements for an employee-employer relationship.
- Employee is working full time (minimum of 35 hours per week) and has been employed by the employer for six (6) months or more.
- Employees in IWT must be under the current OCWNY self-sufficiency rate. The costs for any employees in IWT above the self-sufficiency rate are the responsibility of the employer.

*The Executive Director of the Workforce Development Board of Oswego County can grant exceptions to the above requirements on a case-by-case basis.