

MISSISSIPPI
***DRAFT* State Policy Number 31**
SERVICES TO INCUMBENT WORKERS
Workforce Investment Act
Office of Grant Management

I. SCOPE AND PURPOSE

The Workforce Investment Act (WIA) Final Rule, 20 CFR 665.210(d) (1) and 665.220, authorizes and clarifies allowable services to incumbent workers. In June 2007, the United States Department of Labor (USDOL) approved Mississippi's request for "workflex" authority contained in the State Workforce Plan for Program Years 2007 and 2008. Each of Mississippi's four local workforce areas are allowed to ask for a workflex waiver to treat up to 20% of their adult, dislocated worker or youth allocations as Governor's Statewide funds to deliver services described at WIA section 134, including incumbent worker activities. This policy applies to all WIA funded incumbent worker services, whether the source of the funds is the Governor's Statewide Other 10% reserve or local funds spent on incumbent workers pursuant to the aforementioned workflex authority.

II. REQUIREMENTS

A. Incumbent Worker Definition

An "incumbent worker" must be employed at the commencement of the incumbent worker project. For the purposes of this policy, "employment" includes individuals who are temporarily dislocated from their jobs but who are expected to return to work with the same employer. Reasons for the temporary dislocation could include, but are not limited to, a disaster, a temporary plant or business closure, or a temporary lay off to refurbish all or part of a plant or business. Incumbent workers need not meet the eligibility requirements for the WIA adult, dislocated worker or youth programs.

B. Participant Eligibility Determination

Eligibility for incumbent worker services may be determined on an individual basis or for a larger group. Incumbent workers need not be registered or included in the WIA MIS reporting system. To be eligible, the incumbent worker(s) must be employed by a Mississippi employer or temporarily dislocated pursuant to the above definition. The local area or the Mississippi Department of Employment Security (MDES) may impose more stringent eligibility criteria on a project by project basis.

C. Data Collection and Tracking

Each incumbent worker project must maintain records, for either individuals or groups of incumbent workers, which include:

1. The name of the employer;
2. The reason for the temporary dislocation, if any, and when employment is expected to resume;
3. A training plan for each individual or group describing the need for training, the training content, the training goals and expected certifications (if any), the estimated number of training hours, the training location and provider and training methodology;
4. The number of trainees expected to begin and to complete each discrete training phase; and
5. The budget and costs for the training, which must only include allowable costs as defined by WIA rules, applicable Federal cost circulars, and State and local policies and procedures.

D. Approving Incumbent Worker Projects

Each incumbent worker project shall be reviewed prior to initiation by either the State or the local workforce area to ensure that the project is expected to be a cost effective use of public funds. Incumbent worker projects may be designed to avert layoffs, to help growing companies or sectors expand, or to help small businesses start up, survive or expand. Local workforce areas are encouraged to adapt policies that a) publicize the availability of incumbent worker funding and b) describe the scoring and selection processes to be used. Raters should score and select incumbent worker projects based upon cost effectiveness. Raters and Local Workforce Boards should scrupulously avoid the appearance of a conflict of interest. The rating process should consider both overall cost effectiveness and the allowability of proposed costs.

III. EFFECTIVE DATE

This policy is effective July 1, 2007 and shall remain in effect until it is rescinded or modified.

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Director
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