

Department of Community Colleges and Workforce Development	Number: 589-20.4
	Revised Date: 07-01-10
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SUBJECT: Workforce Investment Act Title I B Employer Workforce Training Fund (EWTF) Workforce Response Team (WRT) Funds	Approved: 

Purpose: To implement the Governor's Executive Order #03-16, Employer Workforce Training Fund (EWTF), which provides Workforce Response Team (WRT) funds to the Local Workforce Investment Boards (LWIBs) to be distributed to the 15 Workforce Regions.

References: Executive Order 03-16
 OAR 589 020-0225
 OAR 151-010-0070
 ORS 660.312, 660.315 and 657.665
 CCWD Policy 589-10.6 Cost Principles and Allowable Costs
 PL 105-220 Workforce Investment Act, Sections 128, 133, 134, and 181
 20 CFR 665.210
 29 CFR Parts 95, 97 & 97.34 Copyrights
 Department of Labor (DOL) letter dated June 30, 2010, approval of Oregon's Workforce Investment Act (WIA) plan and waivers
 DOL Training and Employment Guidance Letter (TEGL) 30-09, Layoff Aversion Definition and the Appropriate Use of WIA Funds for Incumbent Worker Training for Layoff Aversion Using a Waiver.
 DOL TEGL 17-09, Quarterly Submission of Workforce Investment Act Standardized Record Data (WIASRD), Attachment A

Definitions: Allowable Materials & Supplies: Consumable instructional and training materials and supplies specific to WRT (excluding food). Allowable nonexpendable items specific to WRT are limited to software, textbooks or printed material.

Business/Employer/Industry Contribution: Cash or in-kind contributions which meet or exceed the portion of the regional allocation used for training workers. These contributions must be within the training scope of the WRT project. Examples include establishing a regional flat hourly labor rate and benefit percentage to apply to workers paid during training, and a signed letter outlining the value of cash or in-kind contributions.

Cash Contributions: Cash outlay from the business, employer or industry to support the program. Examples include worker salaries paid during training or dollars for the purchase of instructional equipment.

Governor's Strategic Training Fund (GSTF): Funds which may be used to finance economic and workforce development projects in existing Oregon businesses, industry or worker associations for incumbent/current workers. GSTF will be used for multiregional or statewide projects that are beyond the scope and /or resources of the regional funds. The Governor approves GSTF projects. (*The GSTF portion of the EWTF is governed by OAR 589-020-0225, not this policy.*)

In-kind Contributions: The value of non-cash contributions provided. Contributions include values for real property or the value of goods and services directly benefiting and specifically identifiable with the WRT project. Examples include the value of space, equipment, volunteers, and supplies for the program; supervision; and in some cases, any unreimbursed portion of the negotiated indirect costs.

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Layoff Aversion: DOL considers a layoff averted when: (1) a worker's job is saved with an existing employer that is at risk of downsizing or closing; or (2) a worker at risk of dislocation transitions to a different job with the same employer or a new job with a different employer and experiences no or a minimal spell of unemployment.

Region: Any of Oregon's established 15 Workforce Regions.

Statewide Opportunity (SO) Funds: Funds awarded by the Oregon Workforce Investment Board (OWIB) for the purpose of solving challenges or engaging in opportunities within the state with regard to its workforce development needs. SO funds will only be used if the challenge or opportunity cannot be addressed with other system resources (e.g., Title IB, Wagner-Peyser, Title II). (*The SO portion of the EWTF is governed by OAR 589-020-0225, not this policy.*)

Training: Activities that lead to skill attainment including acquisition of new skills or upgrading current skills including basic literacy and computer skills and English as a second language instruction.

Waiver: For Program Years 2009 and 2010, DOL granted Oregon a waiver to allow 20% of the 25% Rapid Response funds allocated under WIA Section 134(a)(1)(A) to be used for incumbent worker training only as part of a layoff aversion strategy.

Workforce Response Team (WRT) Funds: Funds used to support the training of incumbent/current private sector workers, for growing businesses, training initiatives for industry associations and strategic economic clusters, and initiatives designed by business-labor consortia. WRT funds provided through the DOL Rapid Response funds waiver process must be used for incumbent worker training only as a part of a layoff aversion strategy.

Training Related Activities: Activities that are directly related to training, such as: project coordination, capacity building (including conducting needs assessments with workers, industry or employers), designing and developing curricula, or developing and delivering post-training evaluations.

Workers: Individuals participating in WRT projects must be currently employed, and do not need to meet Workforce Investment Act (WIA) eligibility criteria for WIA Title IB Adults and Dislocated Workers.

Policy: The Oregon Workforce Investment Board (OWIB) Strategic Plan is the guiding strategy for EWTF activities. The regional WRT funding structure and uses must align with the OWIB Strategic Plan.

WRT Rapid Response funds allocated under this policy must be used for layoff aversion purposes only. Layoff aversion activities are restricted to skill attainment training or retraining of employees of businesses that are at risk of laying off part or all of their workforce.

In order to be eligible for the use of Rapid Response waiver funds for incumbent worker training, employers or individuals must be able to demonstrate that a layoff could be avoided by providing training to upgrade or to impart new skills to the affected employees.

Criteria to be used to determine an employer's or individual's layoff risk may be found in TEGL 30-09. LWIB's shall provide assurances that the employer or individual meets the layoff aversion criteria through certification in the application for funds, in the contract provisions, or through an employer statement that is included in the funding contract.

Employers must also demonstrate a commitment to retain employees or otherwise provide a tangible benefit to employees who receive incumbent worker training and certify that the training is not part of the employer's regular training plan for employees. Individuals must demonstrate that there exists a strong possibility of a job, either with the existing employer or a new employer, if they attain new skills.

Rapid Response waiver funds cannot be used to train workers who have received a layoff notice or who have been laid off their jobs. These workers may be served with the local area's regular WIA Title IB Adult or Dislocated Worker funds. These funds may be used, however, for training employees of businesses that have made a general announcement that a facility will close or the layoff is more than 180 days in the future, and, therefore, the workers are not eligible for training funds under WIA Title IB Dislocated Worker eligibility provisions in WIA Section 101(9)(B)(iii). In this case, the employer must certify that the employees are at risk of layoff and the training provided to the employees will avert their being laid off.

Statewide Activities funds used for incumbent worker training are not subject to the layoff aversion requirements.

Funds are allocated to the Local Workforce Investment Boards (LWIBs) to support the efforts of the 15 Workforce Regions. The Local/ Regional Workforce Investment Boards (L/RWIBs) must establish Workforce Response Teams. Membership must include the Oregon Economic and Community Development Department Regional Development Officer, representatives from the Employment Department, Community College, L/RWIB or Title 1-B Provider, local economic development organizations, and other representatives as determined necessary by the region. Additional team members from business, labor, higher education, industry associations, L/RWIBs or other local economic development organizations may be added as appropriate.

WIA funds are allocated to LWIBs through the Notice of Fund Availability (NFA) process. The type of WIA funds will be shown on this NFA and are subject to the following provisions:

- Services provided with funds allocated under the 15% Statewide Activities provisions of the WIA (Section 134(a)(3)(A)(iv)(I)) do not have to meet the layoff aversion requirements; however, the WIASRD reporting requirements contained in this policy must be met.
- Services provided with funds allocated under the DOL's waiver of the Rapid Response provisions must adhere to the layoff aversion and WIASRD reporting requirements contained in this policy.

Eighty percent or more of WRT funds must be used for training workers. Up to 20% of the region's WRT allocation may be used for training related activities. Within this 20%, only 10% of costs may be used for curriculum development. At the end of the program year, CCWD will test expenditures to ensure compliance with this requirement.

LWIBs must collect WIASRD data for all incumbent workers provided training with WRT Rapid Response funds and Statewide Activities funds. The WIASRD data to be collected may be found in TEGL 17-09, Attachment A, WIASRD Record Layout, and includes all data marked R (required) under the column headed "Workers, I/T" as follows:

- Section I – all data elements **except** 117 through 121 and 123, 124
- Section II.A – data elements 301, 302 and 309 (#1 for Statewide 15% funds or #3 for Rapid Response waiver funds). The process for reporting the participants that must be included in this data element is under development and will be communicated to LWIBs at a later date.
- Section II.B – data elements 335, 336, 340, 342

Regional WRT funds must be 100% expended by December 31 of the calendar year following availability. (For example, if funds are made available ~~on November 1~~, in October 2010, they must be expended by December 31, 2011.) Beginning July 1, 2009, the previous year's allocation must be 70% expended prior to new funds being allocated. Any funds not expended may be recaptured and reallocated as determined by CCWD.

WRT funds may not be used to:

1. Encourage or induce the relocation of a business or part of a business if such relocation would result in a loss of employment for any employee of such business at the original location and such original location is within the United States (WIA Section 181 (d)).
2. Pay wages for workers in training or cause the displacement of any current employee (WIA Section 181 (b)).
3. Purchase materials and supplies that are not consumable instructional and training materials, nonexpendable items other than software, textbooks or printed material.
4. Fund foreign travel (WIA Section 181 (e)).
5. Develop stand-alone curriculum in a project which does not include plans to deliver the training to workers.
6. Fund projects for public sector workers, unless approved by CCWD.

Each region must establish a methodology for calculating and documenting business/employer/industry contributions. The contribution level must meet or exceed the portion of the regional allocation used for training workers.

LWIBs must complete and submit to CCWD the Workforce Response Team (WRT) Fund Assurances.

All materials produced using WRT funds must be sent electronically in their original format to CCWD at the conclusion of the project. Material sent to CCWD must include the item name, dates and NAICS industry code related to the training.

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All materials produced using WRT funds are the property of CCWD and the EWTF-funded projects, per 29 CFR Part 97.34. All materials produced using WRT funds may be reproduced, published or other wise used by all parties within the funding stream, including but not limited to USDOL, CCWD, local area fiscal agents, and lower-tier subrecipients.

All written documents or materials, handouts, brochures, training materials, curricula, and other written materials whose development is supported in whole or in part with WRT funds must contain an acknowledgment that they were “funded, in part, with Employer Workforce Training Funds funded by the U.S. Department of Labor and administered by the Oregon Department of Community Colleges and Workforce Development” and must be branded with the WorkSource Oregon logo.

LWIBs are encouraged to gather success stories and photographs of WRT projects and workers, along with photo release forms, in order to provide material for the WIA Title IB annual report and to keep the Governor and the legislature informed about the successes of the EWTF program.

The Workforce Response Team Project Form (attached) must be completed and provided to CCWD within 30 days of the onset of the project. The form must be updated and provided to CCWD within 45 days of the end of the project.

Attachment A

Workforce Response Team (WRT) Fund Assurances

The Local Workforce Investment Board hereby certifies and assures that it will:

1. Establish and document the process and methodology by which the board will award funds for projects (attach document).
2. Establish and document an evaluation process that demonstrates that the WRT project goals were achieved (attach document).
3. Establish and document WRT membership (attach document).
4. Ensure that all recipients of WRT funds meet the requirements of CCWD methods of administration (EEO requirements).
5. Ensure that all WRT-funded projects comply with all applicable federal, state and local laws, rules, regulations, executive orders, ordinances or orders applicable to this funding.
6. Ensure that all written documents or materials, handouts, brochures, training materials, and curricula and other written materials whose development is supported in whole or in part with WRT funds must contain an acknowledgement that they were “funded, in part, with Employer Workforce Training Funds funded by the U.S. Department of Labor and administered by the Oregon Department of Community Colleges and Workforce Development” and must be branded with the WorkSource Oregon logo.
7. Demonstrate a business/employer/industry contribution level that meets or exceeds the portion of the region’s allocation to train workers.
8. Satisfy reporting requirements as outlined in the EWTF WRT Funds policy (589-20.4).
9. Ensure that a minimum of 80% of WRT funds are used for training workers.

Failure to comply may jeopardize future EWTF allocations.

Authorized by:

_____ Title: _____
Print Name

_____ Date: _____
Signature



Attachment B

Department of Community Colleges and Workforce Development

Workforce Response Team Project Form

Please complete this form for all planned and completed projects
Note: Use "tab" key to navigate form fields

Project Planning Form Completed Project Report

Project Name:
Type of Training:
NAICS Code:

Region:
Project Start Date:
Project End Date:
Project #: *Reg-Proj-Yr*

Project Focus or Industry Affiliation:

Manufacturing Healthcare Clean Technology
 High Wage/High Demand Other (please identify) _____

Funding: Statewide funds _____% Rapid response waiver funds _____%

WRT Funding	Planned	Final
WRT Fund amount specific to training		
WRT Fund amount for training related activities		

Will material or curriculum be developed/ revised with WRT Funds? No Yes*
* All materials produced must be sent electronically (in original format) to CCWD at the conclusion of the project.

Training Received	Planned	Final
Unduplicated Number of Workers Trained		

Certifications or Credentials* to be received as a result of this training	Planned	Final
1.		
2.		
3.		
4.		
5.		
6.		

***Certifications / Credentials:** Documents certifying that participants completed a curriculum of defined skills and were tested on or demonstrated competency at the end of training. This does NOT refer to a certificate of attendance. (Not required for all projects)

Cumulative Private Fund Contribution	\$
Total to date:	

Were materials or curriculum developed/ revised with WRT Funds sent electronically in original format to CCWD at the conclusion of the project? N/A No Yes*

* All materials sent must include the item name, dates and NAICS industry code related to the training.