



NOV 12 2009

The Honorable John P. de Jongh, Jr.
Governor of the U.S. Virgin Islands
Office of the Governor
21-22 Kongens Gade
Charlotte Amalie
St. Thomas, Virgin Islands 00802

Dear Governor deJongh, Jr.:

As part of the Virgin Islands' modification to the State Plan for Title I of the Workforce Investment Act (WIA) and the Wagner-Peyser Act, the Virgin Islands submitted waiver plans to request that the Virgin Islands' waivers of statutory and regulatory requirements under WIA be approved for the remainder of Program Year (PY) 2009 (copy enclosed). The Virgin Islands also submitted a request for new waivers (copy enclosed). These requests are written in the format identified in WIA section 189(i)(4)(B) and 20 CFR 661.420(c) and appear to meet the standard for approval at 20 CFR 661.420(e). The following is the disposition of the Virgin Islands' submission. This action is taken under the Secretary's authority to waive certain requirements of WIA Title I, Subtitles B and E, and sections 8-10 of the Wagner-Peyser Act.

In a letter dated June 18, 2009, ETA granted the Virgin Islands approval of the following waivers through June 30, 2010:

- Waiver of the prohibition at 20 CFR 664.510 on the use of Individual Training Accounts for older and out-of-school youth; and
- Waiver to permit the Virgin Islands to replace the performance measures at WIA Section 136(b) with the common measures.

The approvals for these waivers remain in effect. The letter dated June 18, 2009 granted temporary extensions of the remainder of the Virgin Island's waiver requests. The previous approval of the extensions is hereby terminated and replaced by decisions set forth in this letter. Unless otherwise indicated, all waiver approvals that follow apply to both WIA formula funds and funds made available under the American Recovery and Reinvestment Act of 2009 (ARRA).

Requested Waivers

Requested Waiver: Waiver of WIA Section 134(a)(1)(A) to permit a portion of the funds reserved for rapid response activities to be used for incumbent worker training.

The Territory is requesting a waiver to permit use of rapid response funds for incumbent worker training. The Territory is granted this waiver through June 30, 2010. Under this waiver, the Territory is permitted to use up to 20 percent of rapid response funds for incumbent worker training only as part of a lay-off aversion strategy. ETA believes limiting incumbent worker training to layoff aversion is the best use of funds in the current economic climate where serving unemployed workers is a paramount responsibility of the workforce system. All training delivered under this waiver is restricted to skill attainment activities. The Territory is required to report performance outcomes for any incumbent workers served under this waiver in the Workforce Investment Act Standardized Record Data system (WIASRD). As stated in ETA Training and Employment Guidance Letter (TEGL) No. 14-08, Section 19, issued on March 18, 2009, this waiver does not apply to funds made available through the ARRA.

Requested Waiver: Waiver of WIA Section 134(a) to permit local areas to use a portion of local funds for incumbent worker training.

The Territory is requesting a waiver to permit local area formula funding to be used for statewide activities, specifically incumbent worker training. The Territory is granted this waiver through June 30, 2010. Under this waiver, the Territory will be permitted to use up to 20 percent of local Dislocated Worker funds for incumbent worker training only as part of a lay-off aversion strategy. ETA believes limiting incumbent worker training to the specified level and requiring it to be a part of layoff aversion is the best use of funds in the current economic climate where serving unemployed workers is a paramount responsibility of the workforce system. All training delivered under this waiver is restricted to skill attainment activities. Local areas must continue to conduct the required local employment and training activities at WIA section 134(d), and the Territory is required to report performance outcomes for any individual served under this waiver in the WIASRD.

Requested Waiver: Waiver of 20 CFR 666 and 667.300(a) to reduce the collection of participant data for incumbent workers.

The Territory is requesting a waiver of the requirements to reduce the data collection burden for employers participating in WIA-funded incumbent worker training programs. The waiver permits the Territory to discontinue the collection of the following Workforce Investment Act Standardized Record Data (WIASRD) elements: single parent (117), unemployment compensation eligible status at participation (118), low income (119), TANF (120), other public assistance (121), homeless individual and/or runaway (125), and offender (126). The Territory is granted this waiver through June 30, 2010.

Requested Waiver: Waiver of the required 50 percent employer contribution for customized training at WIA Section 101(8)(C).

The Territory is requesting a waiver of the required 50 percent employer contribution for customized training to permit the use of a sliding scale for the employer contribution based on the size of the business. The Territory is granted this waiver through June 30, 2010. Under the waiver, the following sliding scale is permitted: 1) no less than 10 percent match for employers with 50 or fewer employees, and 2) no less than 25 percent match for employers with 51-250 employees. For employers with more than 250 employees, the current statutory requirements (50 percent contribution) continue to apply. When determining the funding source for customized training, the Territory must use the appropriate program funds for the appropriate WIA-eligible population. The Territory may provide customized training to low-income adults with WIA Adult funds, and may provide customized training to dislocated workers with WIA Dislocated Worker funds. Customized training provided with statewide funds must serve WIA eligible individuals.

Requested Waiver: Waiver of WIA Section 101(31)(B) to increase the employer reimbursement for on-the-job training.

The Territory is requesting a waiver to permit an increase in employer reimbursement for on-the-job training through a sliding scale based on the size of the business. The Territory is granted this waiver through June 30, 2010. Under the waiver, the following reimbursement amounts will be permitted: 1) up to 90 percent for employers with 50 or fewer employees, and 2) up to 75 percent for employers with 51-250 employees. For employers with more than 250 employees, the current statutory requirements (50 percent reimbursement) will continue to apply. When determining the funding source for on-the-job training, the Territory must use the appropriate program funds for the appropriate WIA-eligible population. The Territory may provide on-the-job training to low-income adults with WIA Adult funds, and may provide on-the-job training to dislocated workers with WIA Dislocated Worker funds. On-the-job training provided with statewide funds must serve WIA eligible individuals.

Requested Waiver: Waiver of WIA Section 133(b)(4) to increase the allowable transfer amount between Adult and Dislocated Worker funding streams allocated to a local area.

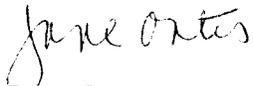
The Territory is requesting a waiver to permit an increase in the amount a state is allowed to transfer between the Adult and Dislocated Worker funding streams. The Territory is granted this waiver through June 30, 2010. Under the waiver, transfer authority is limited to 40 percent. This limitation provides states and territories flexibility while ensuring consistency with Congressional intent regarding the level of funding appropriated for the WIA Adult and Dislocated Worker programs. As stated in ETA TEGL No. 14-08, Section 19, this waiver does not apply to funds made available through the ARRA. However, the Territory is permitted to transfer up to 30 percent of

ARRA funds between programs under WIA and under the Department of Labor Appropriations Act of 2009. This authority is discussed in TEGL No. 14-08, change 1.

The approved waivers are incorporated by reference into the Virgin Islands' WIA Grant Agreement, as provided for under paragraph 3 of the executed Agreement, and this constitutes a modification of the State Plan. A copy of this letter should be filed with the Virgin Islands' WIA Grant Agreement and the approved State Plan. In addition, as required by TEGL No. 14-00, Change 3, the Virgin Islands should address the impact these waivers have had on performance in the WIA annual performance report, due on October 1 of each year.

We look forward to continuing our partnership with you and achieving better workforce outcomes. If you have any questions related to the issues discussed above, please contact Holly O'Brien, the Acting Regional Administrator for Region I, at (617) 788-0170 or Obrien.Holly@dol.gov.

Sincerely,



Jane Oates
Assistant Secretary

Enclosure

cc: Carmen Rodriguez, Federal Project Officer for Virgin Islands, ETA Boston Regional Office

**ATTACHMENT V
WAIVER PLAN FOR PY'09**

MODIFICATION TO THE TWO-YEAR STRATEGIC PLAN WAIVER REQUEST FOR PY'09

The US Virgin Islands Workforce Investment System hereby requests the addition of one new waiver for use with the Recovery Act funds and the extension of five waivers for use with regular formula funds. These waivers are being sought in order to maximize training opportunities for the unemployed, the transitioning worker and hard to serve youth especially those who are out of school and have not completed a high school credential nor possess any occupational skills that would enable them to be self sufficient.

There is one (1) new waiver being sought under the Recovery Act:

- *Waiver of performance measures for Youth who participate in summer work experience only*

There are five (5) waivers to be renewed with regular formula funds:

- *Use of Rapid Response Funds for Incumbent Worker Training*
- *Data Collection Relief for Incumbent Workers*
- *Sliding Scale Match for Customized Training*
- *Graduated Scale Reimbursement for OJT's*
- *Funds Transfer Authority from 20% to up to 40% between the Adult and Dislocated Worker funding Streams*

The flexibility afforded by these waivers enable the workforce system to continue its development into a dynamic talent development system serving both the job seeker and employer customer and contributing to the stability of the Territory's workforce system.

The outcomes of all activities realized by the waivers requested will be tracked by AOSOS, the monitoring and performance accountability system that measures and evaluates customer results. The One-Stop management team will also monitor this activity to determine its most effective use among different WIA/W-P populations. The waiver plan will be posted along with the modifications to the Strategic Plan to allow public review and comment.

WIA WAIVER REQUESTS FOR PY 2009 FOR USE WITH RECOVERY ACT FUNDS

Waiver of Performance Measures for Youth Who Participate in Work Experience Only

Statutory or Regulatory Requirements to be Waived

Waiver of the Youth common measures described in TEGL 17-05 to permit implementation of and reporting only the Work Readiness indicator in place of current measures for WIA Youth performance for *summer employment only* participants served with funds under the American Recovery and Reinvestment Act of 2009, for the time period October 2009 – March 2010. Also, to request the extension of program design flexibility for summer youth articulated in Section 16.A of TEGL 14-08 for the same time period.

The Virgin Islands requests a waiver of the (3) youth common measures and the use of the Work Readiness indicator only.

Citation: WIA §136(b), TEGL 17-05; TEGL 14-08

Intended Goals and Outcomes

Due to the Recovery Act, a larger number of out of school youth between the ages of 21-24 will have an opportunity to engage in summer work experience. The strategy is for them to be introduced or reintroduced into the workforce and to develop an interest in pursuing a career path. It is the intent that this waiver will allow for additional time for a young person to explore the different facets of their work experience and be able to make a sound determination of compatibility and further pursuit. The work readiness indicator taken at designated intervals will determine progress towards growth in the work environment and the additional areas of flexibility will allow a broader scope of assessments used, length of follow up time and level of academic learning to be used for each youth.

Individuals/Groups Affected

The new Strategic Vision for Youth includes service to out of school youth. Many have been disenfranchised because of economic, environmental or academic circumstances and are reluctant to participate in traditional academic and employment activities. It is the intent of the Virgin Islands Workforce Area to offer challenging opportunities to at-risk youth that lead to career pathways in sustainable occupations.

Inhibiting State or Local Statutes/Regulations

There are no state or local statutory or regulatory barriers to implementing this request.

Measures Affected

The measures that will be affected by this waiver include Entered Employment/Education, Retention and Literacy/Numeracy. Though none of these will be measured, they will all be positively affected as each youth enhances their skill, becomes employed and seek to retain and build upon.

**WIA WAIVER REQUESTS FOR PY'09
EXTENSION OF CURRENT WAIVERS (FORMULA FUNDS)**

**1. USE OF RAPID RESPONSE FUNDS FOR INCUMBENT
WORKER TRAINING**

Statutory or Regulatory Requirements to be Waived

Waiver of the language limiting the authority to provide the activities at WIA 134 (a)(1)(B) statewide reserve funds, to permit the use of a portion of the funds reserved for rapid response activities to WIA Section 133 (a)(2) to provide incumbent worker training.

The Virgin Islands request an extension of the waiver that allows funds reserved for rapid response activities be waived to allow up to 50% to be used for incumbent worker training.

Citation

WIA 133(a)(2) Statewide rapid response activities – The Governor of a State shall reserve not more than 25% of the total amount allotted to the State under section 132 (b)(2)(B) for a fiscal year for statewide rapid response activities described in section 134 (a)(2)(A)

Intended Goals and Outcomes

High-growth employment sectors in the community are driven to keep their workforce current on new techniques, changes in procedures and the ever changing technology. To do this effectively it is imperative that employers have the opportunity to provide continuous training to their incumbent workforce. An even greater benefit is realized as current workers move upward allowing new opportunities for entry-level workers.

Individuals/Groups Affected

In its discussion of workforce priorities the Workforce Board speaks to the refocusing of formula funds to address the needs of incumbent workers. Further, the Governor's vision speaks to providing incumbent workers with continuing education, training and certification programs that further career development. Incumbent workers must be given the means to continually advance in skill and position. This waiver will allow the workforce system to assist the effort in high demand occupations.

Inhibiting State or Local Statutes/Regulations

There are no state or local statutory or regulatory barriers to implementing this request.

Measures Affected

The measures affected by this waiver include Employment Retention and Average Earnings. The workforce system has seen marked requests for incumbent worker training in the past two years as employers strive to keep the businesses operational and efficient. As employees attain skills that give them a competitive edge in their occupation, they become more valuable to employers. Advancement in skills and responsibility also lead to increased earnings and transferability of skills should the need arise.

2. DATA COLLECTION RELIEF FOR INCUMBENT WORKERS

Statutory or Regulatory Requirements to be Waived

Waiver of the reporting requirements at 20 CFR 667.300(a) to provide relief in the collection of certain participant data elements for incumbent workers trained with local area WIA formula funds.

The Virgin Islands request the extension of the waiver that allows the following data elements of the Workforce Investment Act Standardized Record Data (WIASRD) be waived: single parent (117); unemployment compensation eligible status at participation (118); low income (119); TANF (120); other public assistance (121); homeless individual and/or runaway (125); and offender (126).

Citation

20 CFR 667.300(a) -- All States and other direct grant recipients must report financial, participant and performance data in accordance with instructions issued by DOL.

Intended Goals and Outcomes

Presently individuals who are low income, receiving public assistance and have other significant barriers to employment are given priority for training opportunities. This leaves many employers in a quandary when seeking workforce assistance since many of their employees cease to be eligible once they are employed. This waiver allows employers an additional source of funding for in-house training which will ultimately serve the workforce as a whole and help meet the Governor's vision of establishing a well trained workforce.

Individuals/Groups Affected

The Governors Vision discusses the development of a workforce system that develops and sustains a career driven, adaptable and technologically literate workforce: the system will work with employers to develop career

development ladders within each industry and enables job seekers to pursue career, rather than job opportunities. One method to achieving this requires more access to workforce services by incumbent workers who will now qualify for additional services through this waiver.

Inhibiting State or Local Statutes/Regulations

There are no state or local statutory or regulatory barriers to implementing this request.

Measures Affected

Measures affected by this waiver include Entered Employment – individuals will be more likely to enter an occupation that provides growth opportunities; Retention – advancement opportunities encourage employee loyalty; Average Earnings – as an employees skills increase so should their earnings potential.

3. SLIDING SCALE MATCH FOR CUSTOMIZED TRAINING

Statutory or Regulatory Requirements to be Waived

Waiver of the required 50% employer match for customized training at WIA Section 101 (8)(C) to permit a match based on a sliding scale.

The Virgin Islands requests an extension of the waiver allowing customized training programs to be negotiated on a sliding scale determined by the resources of the employer. The scale would allow for 1) no less than 10% match for employers with 50 or fewer employees and 2) no less than 25% match for employers with 51-100 employees. For employers with more than 100 employees the 50% employer match is still applicable.

Citation

WIA Section 101 (8)(C) – Customized training means training. . . for which the employer pays for not less than 50% of the cost of training.

Intended Goals and Outcomes

The case currently exists whereby small businesses which constitute the majority of employers doing business with the workforce system find a 50% match burdensome for the type of training it attempts to provide. This waiver will allow small businesses to participate in targeted in-house training opportunities.

Individuals/Groups Affected

The Governor's vision calls for a continuum of education and training opportunities that support a skilled workforce; strategies to accomplish this include the development of policy to support a continuum of education and training in the Territory. In addition, the workforce system is built on providing universal access to employers and they should be afforded the opportunity to utilize resources that help maintain and grow their workforce. This waiver allows even the smallest business assistance to help build the skills of their employees. The lingering recession has caused many small businesses to lay off considerable numbers of their employees however; those that are retained now have to take on a greater workload some advanced skills. This has proved a cost effective way for employers to remain productive in challenging times.

Inhibiting State or Local Statutes/Regulations

There are no state or local statutory or regulatory barriers to implementing this request.

Measures Affected

The measures affected include Entered Employment and Retention. Employers are able to train individuals for specific tasks and retain them once employed by continuous planned upgrades specifically as it relates to the business.

4. SLIDING SCALE MATCH FOR OJT'S**Statutory or Regulatory Requirements to be Waived**

Waiver of WIA Section 101(31)(B) to permit states to reimburse the employer on a graduated scale based on the size of the business.

The Virgin Islands request an extension of the waiver allowing OJT's to be reimbursed on a sliding scale determined by the resources of the employer. The scale permits 1) up to 90% for employers with 50 or fewer employees, and 2) up to 75% for employers with more than 50 employees but fewer than 100. For employers with more than 100 employees the statutory requirements still apply.

Citation

WIA Section 101(31)(B) – On The Job training means training by an employer that is provided to a paid participant while engaged in productive work in a job that . . . provides reimbursement to the

employer of up to 50% of the wage rate of the participant, for the extraordinary costs of providing the training and additional supervision related to the training.

Intended Goals and Outcomes

On the job training has proven to be a valuable workforce building tool for employers. Even when the economy begins to rebound, employers must remain one step ahead and ensure that they have a trained and ready pool of workers at hand. Job seekers need a job even as they need training. The opportunity to tie the two together prepares individuals for a chance at training for a credentialed position while earning a living. A sliding scale will allow for more participation by small business employers. This waiver allows for more diversity in the type of OJT's available.

Individual/Groups Affected

The Territory's workforce priorities seek to increase opportunities for the long-time unemployed, the newly dislocated and out-of-school youth. One of the strategies used to offer more immediate entry to the workforce while still learning is the On-the-Job training experience. This waiver allows for small employers who cannot meet the 50% match to participate thus increasing the options for training individuals most in need.

Inhibiting State or Local Statutes/Regulations

There are no state or local statutory or regulatory barriers to implementing this request.

Measures Affected

The measures affected include for Adults - Entered Employment and Retention; for Youth - Entered Employment, Retention and Attainment of Degree or Certificate. Overall, more work based opportunities will lead to better employability for customer's entry into workforce, retention because skills are up to par and credentials based on the skills obtained.

5. INCREASE FROM 20% TO 40% IN TRANSFER AUTHORITY BETWEEN ADULT AND DISLOCATED WORKER FUNDING STREAMS

Statutory or Regulatory Requirements to be Waived

Waiver of WIA Section 133 (b)(4) providing that not more than 20% of the funds allocated to the local area for a fiscal year be transferred between the adult and dislocated worker funding streams.

The Virgin Islands requests an extension of the waiver allowing transfer authority between the adult and dislocated worker funding streams to be increased from the statutory 20% to 40%.

Citation

WIA Section 133(b)(4); 20 CFR 667.140 A local board may transfer, if such a transfer is approved by the Governor, not more than 20 percent of the funds allocated to the local area . . . for a fiscal year between – adults employment and training activities [and] dislocated workers employment and training activities.

Intended Goals and Outcomes

The fluctuating economic realities faced by the workforce system require additional flexibility to accommodate the changing needs of customers. While the VI has traditionally served more adults than dislocated workers this is rapidly changing as more people face dislocation and require longer periods of time to be reemployed.

Individuals/Groups Affected

The territory's unemployment rate is increasing on a monthly basis. More workers are finding that they need to enhance and/or change their skill sets in order to find new employment. As the WIB continues to work with industries in high-demand, high-growth sectors, more opportunities will be opened up to individuals now in a transitory state. The ability to immediately address the focus group by transference of funds to that stream is necessary to provide immediate relief to customers.

Inhibiting State or Local Statutes/Regulations

There are no state or local statutory or regulatory barriers to implementing this request.

Measures Affected

The entered employment and retention rates are impacted by this waiver as it allows more time and funds directed at retooling the skills of the dislocated and advancing the skills of those new to employment. Both groups are given the skills necessary to operate in an ever changing workplace.

USE OF STATEWIDE RAPID RESPONSE AND LOCAL DISLOCATED WORKER FUNDS FOR INCUMBENT WORKER TRAINING

Statutory or Regulatory Requirements to be Waived

Waiver of the language limiting the authority to provide the activities at WIA 134 (a)(1)(B) statewide reserve funds and 134 (d)(4)(A) local dislocated worker funds to permit the use of a portion of the funds to provide incumbent worker training.

The Virgin Islands request an extension of the waiver that allows funds reserved for rapid response activities be waived to allow up to 20% to be used for incumbent worker training and a new waiver to allow up to 20% of local dislocated worker funds to be used for incumbent worker training.

Citation

WIA 133(a)(2) Statewide rapid response activities – The Governor of a State shall reserve not more than 25% of the total amount allotted to the State under section 132 (b)(2)(B) for a fiscal year for statewide rapid response activities described in section 134 (a)(2)(A); and

WIA 133(b)(5)(A)(ii) Dislocated Workers – Funds allocated under paragraph (2)(B) shall be used by a local area . . .to pay for employment and training activities provided to dislocated workers in the local area, consistent with section 134.

Intended Goals and Outcomes

Employment sectors vital to the viability of the US Virgin Islands' economy are driven to keep their workforce current on new applications, changes in procedures and the ever changing technology. Failure to remain competitive is likely to result in mass layoff or plant closure. It is imperative that employers have options to avert layoffs or plant closures. One option is that of retraining the current workforce to meet the growing needs of business. This may require new skills or advanced skills enabling an employee to multi task within an organization. For the employee, simply to remain employable may require the attainment of new skills and/or credentials. The Virgin Islands Service Delivery Area intends to use these waivers as one lay-off aversion strategy employers can utilize as they strive to remain in business.

Individuals/Groups Affected

In its discussion of workforce priorities the Workforce Board speaks to the refocusing of formula funds to address the needs of incumbent workers with continuing education, training and certification programs that advance career development. Incumbent

workers must be given the means to continually advance in skill and position. These waivers will allow the workforce system to assist the effort in high demand occupations.

Inhibiting State and Local Statutes/Regulations

There are no state or local statutory or regulatory barriers to implementing this request.

Measures Affected

The measures affected by these waivers include Employment Retention and Average Earnings. The workforce system has seen marked requests for incumbent worker training in the past two years as employers strive to keep the businesses operational and efficient. As employees attain skills that give them a competitive edge in their occupation, they become more valuable to employers. Advancement in skills and responsibility also lead to increased earnings and transferability of skills should the need arise.

Attachment: Layoff Aversion Plan

US VIRGIN ISLANDS LAYOFF AVERSION PLAN

Purpose: To keep the workforce pipeline in motion while accommodating current workers, new entrants and employers in uncertain economic times.

Background: The US Virgin Islands by virtue of its geographical location, size and economic situation has limited employment opportunities. Traditionally, workers who are employed tend to remain employed – barring unforeseen circumstances – because there are limited opportunities to transfer between companies or similarly skilled occupations. Having identified employment sectors both stable and projected for growth, ensuring upward mobility within that sphere is the only chance for economic survival. Recognizing that Workforce System customers are job seekers as well as employers, steps have been taken to address the needs of both: proficiency at workplace skills; maintenance of a competitive edge in the economic market, respectively.

Policy: 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 will be available in the amounts of \$5,000 - \$20,000 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.

Target Industries: There are many pockets of industry within the US Virgin Islands however; few contribute substantially to the economic viability of the community. Those that have are now under siege because of adverse market conditions. All attempts are being made to ensure their sustainability during this fragile economy, and priority for Incumbent Worker training funds will be given to them. Those industries are:

Manufacturing, Hospitality, Healthcare and Construction.

Type of Training: The training involved will 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 will be on an advanced level and must result in both employer and industry recognized credentials. Professional level certification (where applicable) resulting in degree attainment is sought for professional services as in the healthcare field.

One-Stop Career Services: Incumbent workers will 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 will have access to workshops on Resume Enhancement, Budgeting, and Time Management. Incumbent worker customers will 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, customers will have access to general One-Stop services to include information on Unemployment Insurance, Job Search and Training activities.

Services from Other Partners: Incumbent workers as customers of the system will have access to the services from other One-Stop partners as necessary. These will include but are not limited to Unemployment Insurance, Vocational Rehabilitation, and Veterans Services.

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, and:

- 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

Employers must submit a proposal to the WIB showing that this method is part of an overall strategy aimed at mitigating staff lay-offs. Proposals must contain information 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;
- Commitment to retain at least 70% of employees trained; or
- Commitment to retain trained employees at a higher wage;

Additional Conditions/Assurances

- o Upon approval of the grant, training must begin within thirty (30) days.
- o Advanced level training must result in industry-recognized credentials transferable throughout the industry.
- o One-Stop staff will monitor all training with reports submitted to the VI Department of Labor and the Workforce Investment Board.
- o All funds will be tracked by funding stream.
- o The results of any training conducting under Incumbent Worker Training funds are subject to performance reporting in the WIASARD.

The Workforce Investment Board will monitor the use of these waivers in the Territory and document the overall and specific effects on the workforce system. The Plan will be posted for review and comment by the general public as is consistent with Section 111 (g) of the Workforce Investment Act of 1998.
