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Office of
Compliance
Issuance

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Family and Workforce Centers of America (FWCA) is the fiscal agent and workforce support organization for Saint Louis County Workforce Development.

SUBJECT:

Incumbent Worker Training

ATTACHMENTS (if any): N/A

This Issuance is an official policy of St. Louis County Workforce Development.

This Issuance Affects:

- Workforce Innovation and Opportunity Act (WIOA) Programs
- Title I: Adult
- Title I: Dislocated Worker
- Title I: Youth

FOR THE ATTENTION OF:

All applicable WIOA staff or subcontractors—Implementation of this policy is immediate and continuous.

RESCISSIONS: N/A

REFERENCES:

1. OWD – Incumbent Worker Training Policy
2. WIOA sec. 134(d)(4) [29 U.S.C. 3174(d)(4)];
3. WIOA sec. 181 [29 U.S.C. 3241;
4. 20 CFR Part 680, Subpart F—Work-Based Training.
5. U.S. Department of Labor, Employment and Training Administration Training and Employment Guidance Letter
6. TEGL 19-16, “ Guidance on Services provided through the Adult and Dislocated Worker Programs under the Workforce Innovation and Opportunity Act (WIOA) and the Wagner-Peyser Act Employment Service (ES), as amended by title III of WIOA, and for Implementation of the WIOA Final Rules,” March 1, 2017
7. RSMo 620.809.4
8. STLCOWD – Work Experiences Training – Adult and Youth Policy
9. STLCOWD – Eligible Training Provider List Policy

SUMMARY

This policy outlines St. Louis County Workforce Development (STLCOWD) Incumbent Worker Training (IWT) activities.

BACKGROUND

This policy addressed eligibility for IWT training for individuals and employers. Workforce Innovation and Opportunity Act (WIOA) describes allowable training activities for IWT, a work-based training strategy. IWT is a way to help employees of a company gain the skills necessary for career-advancement opportunities and to retain employment.

SUBSTANCE

IWT is work-based and/or classroom training by an employer which assists workers in obtaining skills necessary to retain employment or to avert layoffs. IWT provides both workers and employers with the opportunity to build and maintain a quality workforce and increase both participants' and companies' competitiveness. Training will be conducted for 'in demand' industries as established by STLCOWD. If a collective bargaining agreement covers the employer, then union concurrence with the training services is required. Employers cannot use IWT for training new hires. IWT administrative activities must be paid for out of STLCOWD's administrative funds. WIOA funding is considered the last resort of funding, all other/additional funding opportunities should be utilized.

A. ELECTION TO OFFER IWT

This STLCOWD IWT policy outlines the requirements and definitions of establishing which workers (or groups of workers) and which employers are eligible for incumbent worker services.

Incumbent workers will not have to meet the eligibility requirements of the Adult and Dislocated Worker programs however, an assessment must be utilized to deem the employee fit for training.¹ IWT will only be allowable for skills required in any of the sectors currently targeted by STLCOWD as areas of growth: Technology and Innovation (including AgTech and Cyber Security), Healthcare and Biosciences, Advanced Manufacturing, Transportation and Logistics, Utilities, and Construction. With approval by WIOA designated staff (Director and FWCA President), IWT may be provided, on a case-by-case basis, for areas of growth outside of these three sectors, when appropriate.

B. INDIVIDUAL REQUIREMENTS

- Must be enrolled into MoJobs; and
- They are working a minimum of 32 hours per week (average) at the respective employer for more than six consecutive months (unless IWT is provided to a cohort of employees; in this case, the majority of employees in the cohort must meet the employment history requirement); and

¹ STLCOWD Issuance - Basic Skills Assessment

- They have an established relationship and employment history with their employer; and
- Documentation of skilled training needed to retain employment and increase the competitiveness of both themselves in the labor market and their employer's productivity or alleviate a barrier(s); or
- Proof of averting the need to lay off employees through assisting workers to obtain the skills necessary to retain employment.
- For an employee to be eligible for the IWT program, they must meet the following criteria:
 - The trainee must currently be employed by the employer and meet the Fair Labor Standards Act requirements for an employer-employee relationship.
 - Have an established employment history with the employer extending back at least six months, this can include time spent as a temporary or contract worker for the employer (32 hours or more).
 - The trainee must be at least 18 years of age and registered with the Selective Service (if applicable), a citizen of the United States or a non-citizen whose status permits employment in the United States.
 - Priority should be given to those employees with a barrier to employment.

C. EMPLOYER REQUIREMENTS

- Approved by the State of Missouri's ETPS.
- Approved by STLCOWD for ETP.²
- Must be registered/enrolled into MoJobs
- Must increase incumbent worker's wages compared to their wage immediately preceding training and access to company-provided benefits including healthcare for the individual within 30 days of the successful completion of training; and
- Provide documentation of increased skills obtained by the individual, such as an industry-recognized certificate or credential or a promotion that correlates to the competitiveness of the job and the employer.
- Must meet the Fair Labor Standards Act requirements for an employer-employee relationship.
- IWT must lead to opportunities for advancement and wage increases of a minimum of one dollar and zero cents (\$1.00) within 30 days of the successful completion of training. *Payment/reimbursement to the employer will be made after the wage increase is met and documented.*³
- Employers must comply with the WIOA requirements for paying the non-federal share of the cost of providing the training. The non-federal share provided by an Employer may include the amount of the wages paid by the Employer to a worker while the worker is attending training, equipment purchased for training, curriculum development costs, and travel and lodging costs. The Employer may provide the

² STLCOWD – Eligible Training Provider List Policy

³ The minimum placement and wage must be within the average wage shown by MERIC and/or O*Net for the local area.

share in cash or in kind, fairly evaluated. Official payroll records, time and attendance sheets and invoices for equipment purchases must be utilized to determine the amount of the Employer's share of cost. Employers' share must be reported in the DWD Financial Reporting System (FRS):

- The employer non-federal share is dependent on the size of the employer and shall not be less than:
 - 10 percent of the cost, for employers with not more than 50 employees;
 - 25 percent of the cost, for employers with more than 50 employees but not more than 100 employees; and
 - 50 percent of the cost, for employers with more than 100 employees
- The employer match can be cash or in-kind contribution. If the employer chooses to provide an in-kind match, it must be mutually agreed upon and included on the Employer Non-Federal Share Requirements Form. In-kind match can include, but is not limited to:
 - Trainee wages/benefits paid during the training period.
 - Leasing costs for classroom space.
 - Equipment purchased for training.
 - Training materials and supplies.
 - Travel and/or lodging costs.

STLCOWD will prioritize working with employers that are not eligible for or participating in the State's Missouri Works Training program. STLCOWD will notify DWD if they do consider implementing an IWT project with a company that is participating in the Missouri Works Training Program to ensure no duplication of services.

If a collective bargaining agreement covers the employer, then union concurrence with the IWT is required. An incumbent worker project may employ any training allowable under WIOA and must comply with general WIOA requirements and restrictions. Individual and employer performance outcomes will be reported as required per DWD IWT policy requirements. STLCOWD will work with the Employer to assist with backfilling any open positions the IWT may create.

The STLCOWD will notify DWD prior to entering into an IWT program agreement. This will allow the necessary approvals and processing of any documentation required per DWD IWT policy requirements.

D. IWT PROGRAM DOCUMENTATION

STLCOWD will utilize IWT forms created by DWD for agreements and program management. If any STLCOWD forms are used, they will include all information required on the corresponding DWD form.

The WIOA designated staff (Director and FWCA President), will conduct regular oversight and monitoring of its WIOA activities and those of its subrecipients in order to: determine WIOA allowable expenditures; determine compliance with provisions of WIOA regulations and other applicable laws and regulations; provide technical assistance to subrecipients, as necessary and appropriate; and evaluate the effectiveness of the training.

IWT employment is a WIOA work experience.

LINK(S)

Application, Program Agreement, General Assurances:

[Attachment 23-2017 \(posted 12/18/20\) | JobsMoGov](#)

(<https://jobs.mo.gov/media/pdf/attachment-23-2017-posted-121820>)

TIMELINE

Immediate and continuous.

INQUIRIES

Please direct all questions or comments regarding this Issuance to compliance@fwca-stl.com. All active, expired, or rescinded Issuances are available upon request.