

Wyoming Administrative Rules

**Workforce Services, Department of**

Workforce Development Training Fund

Chapter 1: Business Training Grants

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DEPARTMENT OF WORKFORCE SERVICES

CHAPTER 1

WORKFORCE DEVELOPMENT TRAINING FUND

BUSINESS TRAINING GRANTS

Section 1. Authority

The Department of Workforce Services (DWS) is authorized under the DWS Act W.S. § 9-2-2601(d), and W.S. § 9-2-2602(b)(vi) and the Wyoming Administrative Procedures Act, W.S. § 16-3-101, et seq. to promulgate rules and regulations to be used by DWS in the discharge of its functions.

Section 2. Purpose

Business training grants provide opportunities for new or existing businesses to create new jobs or to upgrade the skills of workers.

Section 3. Training Grants for Existing Positions

(a) Business Entity Eligibility

(i) The following business entities are eligible to apply for training grants under this section:

(A) All business entities that are registered with the Wyoming Secretary of State to conduct business in Wyoming;

(B) Wyoming sole proprietorships;

(C) Wyoming limited liability companies;

(D) Wyoming partnerships; and

(E) Wyoming county hospitals.

(ii) Governmental entities as defined in W.S. § 1-39-103(a)(i) and (ii) are not eligible for training grants.

(iii) Entities as defined in W.S. § 97-1-019 are not eligible for training grants.

(iv) Business entities shall meet the following requirements to be eligible to receive training grants under this section. The business entity must be:

(A) Registered and in good standing with the Wyoming Unemployment Insurance program;

(B) Registered and in good standing with the Wyoming Workers' Compensation program;

(C) Registered and in good standing with the Wyoming Secretary of State's office, except sole proprietorships and general partnerships;

(D) In good standing with the Workforce Development Training Fund (WDTF); and

(E) Registered with DWS' management information system.

(b) Training Eligibility

In order for the training to be approved under this section, the business entity must demonstrate, to the satisfaction of DWS, the following:

(i) Training will either correct an employee's skill deficiency or upgrade an employee's current skill level;

(ii) A direct relationship between the training and the trainee's occupation or craft;

(iii) The training is not normally provided by the business entity;

(iv) The business entity shall not substitute funds normally provided for training or funds obtained from another source with Business Training Grant funds;

(v) There is a need for the skill upgrade provided by the training for the business entity to remain competitive in the industry or economy; and

(vi) The skill upgrade provided by the training will:

(A) Enhance the business entity's productivity, efficiency or profitability;

(B) Reduce employee turnover; or

(C) Enhance employee wages.

(c) Trainee Eligibility

In order for a trainee to be eligible to participate in training under this section, the trainee must be working in Wyoming for the eligible business entity applying for the training grant under this section at the time of training.

(d) Grant Funding Limit Per Trainee

The grant funding limit per trainee shall be two thousand dollars (\$2,000.00) per state fiscal year.

(i) For each state fiscal year, a business entity may only apply for a total of two thousand dollars (\$2,000.00) for training per trainee under this section.

(ii) For each state fiscal year, a trainee may only receive a total of two thousand dollars (\$2,000.00) worth of training under this section, regardless of the number of business entities the trainee works for during a state fiscal year.

(iii) If a trainee is trained under Section 4 of these rules during a state fiscal year, the trainee shall be eligible to be trained under Section 3 of these rules during the same fiscal year, but not for the same training event.

(e) Business Entity Contribution

The business entity approved for a training grant under this section shall be required to pay forty percent (40%) of approved allowable training expenses. For Section 3 only, the remaining sixty percent (60%) of approved allowable training expenses shall be the total training grant award (Grant Award).

(f) Allowable Training Expenses

The following training expenses shall be allowed:

(i) Direct training costs include, but are not limited to, tuition, registration, class fees and class materials directly related to the training;

(ii) Travel expenses include transportation, lodging and meals directly related to the training;

(iii) Instructor's fees and travel expenses where the instructor is brought in for the training by the business entity and is not an employee of the business entity; and

(iv) Fees for continuing education units and certifications that may be obtained during the training.

(g) Non-allowable Training Expenses

The following training expenses shall not be allowed:

- (i) Trainee's wages and fringe benefits;
- (ii) The business entity's administration expenses which include, but are not limited to, bookkeeping, reporting and record keeping;
- (iii) The business entity's cost of preparing a Business Training Grant application;
- (iv) Purchased, rented or leased equipment including software;
- (v) Instructor's fees and travel expenses where the instructor is an employee of the business entity;
- (vi) Assessments, testing and certification exams that are not included in the training;
- (vii) Fees for licenses;
- (viii) Membership fees; and
- (ix) Capital construction of any kind.

(h) Grant Application Process

Business entities applying for training grants under this section shall:

- (i) Complete the Business Training Grant application provided by DWS, and
- (ii) Submit a completed Business Training Grant application to DWS.
  - (A) Business Training Grant applications that are submitted more than one hundred ten (110) days before the scheduled first date of travel, if applicable, or the start date of training will not be accepted, and
  - (B) Business Training Grant applications that are submitted less than forty-five (45) days before the scheduled first date of travel, if applicable, or the start date of training will not be accepted.

(i) Contract and Payment

- (i) The Director of DWS may approve any training grant application that meets the requirements of Sections 3(a) through (h) of these rules.

(ii) If the training grant is approved and funds are available, DWS shall enter into a contract with the approved business entity.

(iii) Grant funds shall be paid directly to the business entity.

(j) Schedule for Payment of Funds

(i) Seventy-five percent (75%) of the Grant Award shall be remitted to the business entity after the contract is fully executed and the necessary paperwork has been processed through the state fiscal system.

(ii) Twenty-five percent (25%) of the Grant Award shall be withheld by DWS as retainage. Payment of the retainage to the business entity shall be subject to the following:

(A) Subject to Section 3(k)(iii) through (v) below, the amount of the retainage associated with each trainee shall be remitted to the business entity if the trainee:

(I) Has completed the training, and

(II) Has been retained in employment with the business entity for a ninety (90)-day period after the date of completion of the training.

(B) For each trainee who does not complete the training:

(I) The retainage relating to the trainee shall not be remitted to the business entity, and

(II) The business entity shall repay DWS the seventy-five percent (75%) of the Grant Award relating to the trainee who did not complete the training.

(C) For each trainee who has completed the training but was not retained in employment with the business entity for ninety (90) days after completion of the training, the business entity shall not receive the retainage relating to that trainee.

(D) When a business entity is required to repay DWS under Section 3(j)(ii)(B), the repayment shall be made to DWS no later than thirty (30) days after notification from DWS that a repayment is due.

(E) A business entity may seek a waiver of repayment when the employee, during the training, is:

(I) Terminated for cause;

(II) Activated for military service; or

(III) Deceased.

(k) Final report

The business entity shall submit a final report of the results of the training to DWS.

(i) The final report is due no earlier than ninety (90) days and no later than one hundred thirty-five (135) days after the training is completed.

(ii) The final report shall include:

(A) A summary report of the results of the training program;

(B) A copy of the agenda, manual or table of contents from the training;

(C) A payroll record listing the name(s), last four (4) digits of the employee(s) social security number(s) and hourly wages of the employee(s) trained for a pay period ninety (90) days after the training has completed; and

(D) Invoices and receipts or proofs of payment for allowable expenses, including travel and registration.

(E) Reasonable assurances that the trainee(s) attended the training.

(iii) Where the Grant Award is greater than the actual training expenses, the retainage shall be reduced by the difference between the Grant Award and the actual training expenses.

(iv) Where the difference between the Grant Award and the actual training expenses is greater than the retainage, the business entity shall repay DWS the dollar amount that the difference exceeds the retainage.

(v) Where the actual training expenses are greater than the Grant Award, the difference shall be the sole responsibility of the business entity.

(vi) The business entity shall repay the entire Grant Award if the final report is not submitted in accordance with Section 3(k).

(vii) If a business entity does not submit a final report or does not repay DWS money owed in accordance with these rules, the business entity's file shall be sent to the State of Wyoming Attorney General's office for appropriate action.

#### Section 4. Training Grants for New Positions

Training Grants for New Positions are for any position within a business that has been created within one hundred eighty (180) days from the first date of travel, if applicable, or the start date of training.

##### (a) Business Entity Eligibility

(i) The following business entities are eligible to apply for training grants under this section:

(A) All business entities that are registered with the Wyoming Secretary of State to conduct business in Wyoming;

(B) Wyoming sole proprietorships;

(C) Wyoming limited liability companies;

(D) Wyoming partnerships; and

(E) Wyoming county hospitals.

(ii) Governmental entities as defined in W.S. § 1-39-103(a)(i) and (ii) are not eligible for training grants.

(iii) Entities as defined in W.S. § 97-1-019 are not eligible for training grants.

(iv) Business entities shall meet the following requirements to be eligible to receive training grants under this section. The business entity must be:

(A) Registered and in good standing with the Wyoming Unemployment Insurance program;

(B) Registered and in good standing with the Wyoming Workers' Compensation program;

(C) Registered and in good standing with the Wyoming Secretary of State's office, except sole proprietorships and general partnerships; and

(D) In good standing with WDTF.

(E) Registered with DWS' management information system.

(F) Post all job openings for new positions with its local DWS Workforce Center. The business entity shall certify that this requirement has been complied with prior to



receiving a Grant Award. This requirement does not apply to positions that are currently filled in accordance with this section.

(b) Training Eligibility

In order for the training to be approved under this section, the business entity must demonstrate, to the satisfaction of DWS, a direct relationship between the training and the trainee's occupation or craft.

(c) Trainee Eligibility

In order for a trainee to be eligible to participate in training under this section, the trainee must be working in Wyoming for the eligible Wyoming business entity applying for the training grant under this section at the time of training.

(d) Grant Funding Limit Per Trainee

Under this section, the grant funding limit per trainee per state fiscal year shall be:

(i) One thousand dollars (\$1,000.00) per trainee working less than thirty-five (35) hours per week. If a trainee is trained under this funding limit, the trainee shall not be eligible to be trained under either (d)(ii) or (iii) of this section;

(ii) Two thousand dollars (\$2,000.00) per trainee working thirty-five (35) or more hours per week. If a trainee is trained under this funding limit, the trainee shall not be eligible to be trained under either (d)(i) or (iii) of this section; and

(iii) Four thousand dollars (\$4,000.00 ) per trainee whose wages are equal to or greater than the mean county hourly wage as determined by the U. S. Department of Labor, Bureau of Labor Statistics. If a trainee is trained under this funding limit, the trainee shall not be eligible to be trained under either (d)(i) or (ii) of this section.

(iv) If a trainee is trained under Section 3 of these rules during a state fiscal year, the trainee shall be eligible to be trained under Section 4 of these rules during the same state fiscal year, but not for the same training event.

(e) Grant Award

For Section 4 only, one hundred percent (100%) of approved allowable training expenses shall be the total training grant award (Grant Award).

(f) Allowable Training Expenses

The following training expenses shall be allowed:

(i) Direct training costs include, but are not limited to, tuition, registration, class fees and class materials directly related to the training;

(ii) Travel expenses include transportation, lodging and meals directly related to the training;

(iii) Instructor's fees and travel expenses where the instructor is brought in for the training by the business entity;

(iv) Instructor's fees and travel expenses where the instructor is an employee of the business entity;

(v) Trainee's wages; and

(vi) Fees for continuing education units and certifications that may be obtained during the training.

(g) Non-allowable Training Expenses

The following training expenses shall not be covered:

(i) Trainee's fringe benefits;

(ii) The business entity's administration expenses which include, but are not limited to, bookkeeping, reporting and record keeping;

(iii) The business entity's cost of preparing a Business Training Grant application;

(iv) Purchased, rented or leased equipment including software;

(v) Instructor's wages where the instructor is an employee of the business;

(vi) Assessments, testing and certification exams that are not included in the training;

(vii) Fees for licenses;

(viii) Membership fees; and

(ix) Capital construction of any kind.

(h) Grant Application Process

Business entities applying for training grants under this section shall:

(i) Complete the Business Training Grant application provided by DWS, and

(ii) Submit a completed Business Training Grant application to DWS.

(A) Business Training Grant applications that are submitted more than one hundred ten (110) days before the scheduled first date of travel, if applicable, or the start date of training will not be accepted, and

(B) Business Training Grant applications that are submitted less than forty-five (45) days before the scheduled first date of travel, if applicable, or the start date of training-will not be accepted.

(i) Contract and Payment

(i) The Director of DWS may approve any training grant application that meets the requirements of Sections 4(a) through (h) of these rules.

(ii) If the training grant is approved and funds are available, DWS shall enter into a contract with the approved business entity.

(iii) Grant funds shall be paid directly to the business entity.

(j) Schedule for Payment of Funds

(i) Seventy-five percent (75%) of the Grant Award shall be remitted to the business entity after the contract is fully executed and the necessary paperwork has been processed through the state fiscal system.

(ii) Twenty-five percent (25%) of the Grant Award shall be withheld by DWS as retainage. Payment of the retainage to the business entity shall be subject to the following:

(A) Subject to Section 4(k)(iii) through (v) below, the amount of the retainage associated with each trainee shall be remitted to the business entity if the trainee:

(I) Has completed the training, and

(II) Has been retained in employment with the business entity for a ninety (90)-day period after the date of completion of the training.

(B) For each trainee who does not complete the training or is not retained in employment with the business entity for a ninety (90)-day period after completion of the training:

(I) The retainage relating to the trainee shall not be remitted to the business entity, and

(II) The business entity shall be required to repay the seventy-five percent (75%) of the Grant Award relating to the trainee either who did not complete the training or was not retained in employment with the business entity for a ninety (90)-day period after completion of the training.

(C) When a business entity is required to repay DWS under Section 4(j)(ii)(B), the repayment shall be made to DWS no later than thirty (30) days after notification from DWS that a repayment is due.

(D) A business entity may seek a waiver of this repayment for good cause when the employee, during training, is:

- (I) Terminated for cause;
- (II) Activated for military service; or
- (III) Deceased.

(k) Final report

The business shall submit a final report of the results of the training to DWS.

(i) The final report is due no earlier than ninety (90) days and no later than one hundred thirty-five (135) days after the training is completed.

(ii) The final report shall include:

- (A) A summary report of the results of the training program;
- (B) A copy of the agenda, manual or table of contents from the training;
- (C) A payroll record listing the name(s), last four digits of the employee(s) social security number(s) and hourly wages of the employee(s) trained for a pay period ninety (90) days after the training has been completed; and
- (D) Invoices and receipts or proof of payment for allowable expenses, including travel and registration.
- (E) Reasonable assurance that the trainee(s) attended the training.

(iii) Where the Grant Award is greater than the actual training expenses, the retainage shall be reduced by the difference between the Grant Award and the actual training expenses.

(iv) Where the difference between the Grant Award and the actual training expenses is greater than the retainage, the business entity shall repay DWS the dollar amount that the difference exceeds the retainage.

(v) Where the actual training expenses are greater than the Grant Award, the difference shall be the sole responsibility of the business entity.

(vi) The business entity shall repay the entire Grant Award if the final report is not submitted in accordance with Section 4(k).

(vii) If a business entity does not submit a final report or does not repay DWS money owed in accordance with these rules, the business entity's file shall be sent to the State of Wyoming Attorney General's office for appropriate action.

#### Section 5. Prioritization of Grant Funds

(a) The WDTF shall work with the Wyoming Workforce Development Council to develop a model to distribute funds on a prioritized needs basis based on, at a minimum, the following:

- (i) Economic growth potential;
- (ii) Employment base;
- (iii) Wages, benefits and career opportunities;
- (iv) Importance of the industry sector or occupation to the state and regional economy; and
- (v) Workforce development needs.

(b) The WDTF shall work with the Wyoming Workforce Development Council to periodically evaluate the model for distributing funds as outlined in this section and determine the need for any modifications.

#### Section 6. Annual Report

The Director of the DWS shall report annually to the Governor and the Legislature on the expenditures made from the WDTF in the preceding fiscal year and the results of the activities funded by the WDTF.