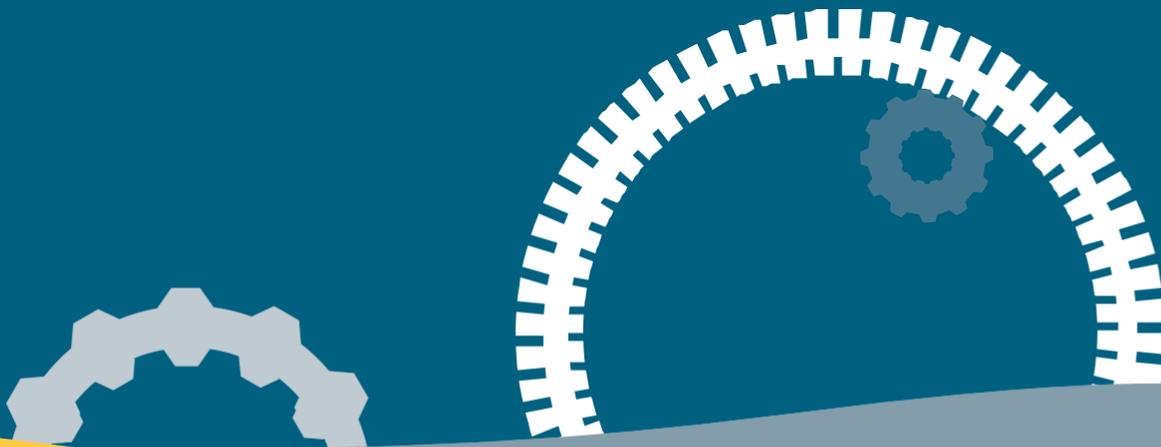


NEBRASKA

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Department of Labor



Worker Training

Program Guidelines

*Investing in Nebraska's Workers,
Communities and Businesses*

Revised: 12/12/17

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Section I. Nebraska Worker Training Board

Program Funding; Goals

Training programs proposed for funding by the Nebraska Training and Support Cash Fund should:

- Promote the retention of Nebraska workers.
- Promote the expansion of Nebraska businesses and increase their competitive edge.
- Train new employees of expanding Nebraska businesses,
- Develop program participants' marketable skills and competencies, increase their earning power and result in secure jobs for those who successfully complete training.
- Assist in attracting skilled workers to Nebraska.
- Encourage business investment in private job training programs designed to train, retrain, or upgrade work skills of existing Nebraska workers.

Authority

Pursuant to the authority set forth in Neb. Rev. Stat. §§48-622.01 through 48-622.03, the Nebraska Worker Training Board has adopted the following guidelines implementing the Nebraska Worker Training Program and administration of the Nebraska Training and Support Cash Fund.

Section II. General Terms & Definitions

Program Definitions

The following words and terms shall have the following meanings, unless the context clearly indicates otherwise.

Apprenticeship training program – An apprenticeship training program registered with the Bureau of Apprenticeship and Training, Employment and Training Administration, United States Department of Labor.

Benefits - Perquisites paid by an employer to an employee, either voluntarily or by collective bargaining agreement in addition to the employee's wages.

Board - The Nebraska Worker Training Board.

Commissioner - The Commissioner of Labor.

Demand occupation – A high-skill, high-demand, high-wage occupation in which, as a result of business development, there are or will be positive growth- to-replacement ratios within the next 12 to 24 months, according to the best available sources of state and local labor market information.

Department - The Nebraska Department of Labor.

Employee - An individual who performs services for another under contract of hire, whether express or implied, or oral or written.

Employer - An employer that is in compliance with the reporting and payment requirements of the Nebraska Employment Security Law, as determined by the Department.

Employer organization - An organization funded by a group of employers that provides employment- based training. Such organization need not be in the regular business of providing training.

Existing job - A position for which is an incumbent employee or a job opening prior to the date the grant funded project is scheduled to begin.

Governor - The Governor of the State of Nebraska.

Grantee - An eligible recipient of the Nebraska Training and Support Cash Fund (NTSCF) awarded grant monies in accordance with Neb. Rev. Stat. §§48-622.01 to 48-622.03 and these guidelines.

Grantor - The State of Nebraska.

Job - Employment on a basis customarily considered full-time for the applicable occupation and industry.

Job-related basic skills - The knowledge and abilities necessary to communicate and to function effectively in the workplace. These skills must be integrated as part of the job-related occupational skills training curricula and must be consistent with the requirements of the employer's business plan.

Job-related occupational skills - The knowledge and abilities the employer specifies as necessary for a specific job, and may include workplace skills such as the productive use of resources, interpersonal communication, information, systems, and technology. These skills specifications shall be consistent with the requirements of the employer's business plan.

Labor organization - Any organization of any kind, or any agency or employee representation committee or plan in which employees participate and which exists for the purpose, in whole or in part, of dealing with one or more employers concerning wages, rates of pay, hours of employment or condition of work, labor disputes or grievances.

Program - The Nebraska Worker Training Program.

Project - A specific employment training activity for which an employer or apprenticeship training provider developed and implemented a plan and entered into a contract.

State average weekly wage - The annual average of the average weekly wage of workers in this state as of September 1st of each year as determined by the Department.

Technological change - An advance in product design or production technique that enhances production efficiency or product marketability.

Trainee - An eligible participant in a funded Program project.

Training - The delivery of instructional experiences to develop and/or improve job-related occupational skills for jobs with definite career potential and the substantial likelihood of long-term job security. Training shall be delivered as classroom, laboratory or structured, on-site training.

Training provider - An entity that provides employment-related training. The term includes individuals, employers, employer associations, labor organizations, community-based organizations, training consultants, community colleges, public and private schools, technical institutes, colleges, universities, and proprietary schools, as defined in the Nebraska Revised Statutes.

Total project cost - The sum of costs related to direct training plus administrative costs funded by a grant awarded under this Program.

Section III. Grant Recipient Eligibility

The following entities may apply to the Commissioner for a grant under this Program:

- 1.** One or more employers:
 - a.** Seeking to secure training for demand occupations in a particular industry; acting in partnership with an employer organization, labor organization, or community-based organization to secure training for demand occupations in a particular industry; or
 - b.** Acting in partnership with a consortium of one or more training providers to secure training for demand occupations in a particular industry.
- 2.** One or more labor organizations or other entities providing an apprenticeship training program.

Section IV. Worker Training Program Grants

Distribution Objectives

- 1.** It is the intent of the Board that the Commissioner shall give consideration to the size, industry, and geographic location of grant applicants.
- 2.** It is the goal of the Board that 20 percent of grant funds will be awarded to small employers, 20 percent to mid-size employers, 20 percent to large employers, 20 percent for training initiatives designated by the Commissioner that provide significant economic benefits to a region or the state, and up to 20 percent for special employment training projects and apprenticeship training programs.
- 3.** It is the goal of the Board that special consideration will be given to projects that are paying above the state average wage rate or show an improvement of wages, enabling employers to retain or expand because of the skill set attained during grant program training, creating a higher return on investment for grants awarded.
- 4.** A grant may not be awarded for a project if the project will impair existing contracts for services or collective bargaining agreements, except that a project inconsistent with the terms of a collective bargaining agreement may be undertaken with the written concurrence of the collective bargaining unit and the employer or employers who are parties to the agreement.

Special Employment Training Projects

The Commissioner may allocate up to 20 percent of the annually available training funds for funding special employment training projects and apprenticeship training programs by:

- 1.** Supporting retraining for workers, in occupations that pay 100 percent of the state or regional average hourly wage, provided that the employment may not result in earnings of less than 95 percent of the state average hourly wage.
- 2.** Encouraging the development of the new industries, including advanced technology industries, that contribute to high-skilled, high-wage, high demand employment and economic vitality of Nebraska by supporting training programs advancing the development of new industries in the state resulting from the grant applicant's training and/or retraining programs.
- 3.** Supporting efforts that address the training and employment of workers affected by industry downsizing.
- 4.** Stabilizing employment in fields where there is a demonstrated deficit of trained employees and clear career advancement opportunities.
- 5.** Supporting small business entrepreneurial training in business management and related skills for workers to enhance the competitive position of business with at least one full-time but fewer than 10 full-time employees that are registered with the Department and have paid unemployment insurance taxes for at least six months prior to contract development.
- 6.** Supporting apprenticeship training programs by paying training stipends to participants in apprenticeship training programs. Training stipends shall be distributed directly to the apprenticeship training provider for distribution to participants who successfully complete the apprenticeship training. The apprenticeship training provider shall send a claim for reimbursement to the Commissioner for training stipends paid by the provider, but not more often than monthly.
- 7.** Support training programs for workers of reimbursable employers when the training involves high skill, high wage, or high demand positions.

Section V. Selection Criteria

Priority shall be given to projects which:

1. a) Provide a significant wage increase because of the skill set attained during training or;
b) Provide retraining for workers in occupations that pay 100 percent of the state or regional average hourly wage.
2. Encouraging the development of new industries which contribute to high-skilled, high-wage, high demand employment and economic vitality of Nebraska.
3. Support efforts that address the training and employment of workers in industries offering a potential increase in employment opportunities and avoid possible adverse impacts on future employment opportunities offered.
4. Support an employer's diversification of its product line and the production of new goods or services which will improve the employer's competitive position within the industry.
5. Provide training in manufacturing techniques or skills needed in manufacturing.
6. Provide for the provision of matching funds, as determined by Section VIII, in an amount at least equal to the total amount provided by the grant and apprenticeship training programs by the employer or employers benefiting from the project.

Section VI. Grant Application Procedures

Grant Application Process

1. Any eligible employer or apprenticeship training program requesting funds for training purposes shall complete a grant application.
2. A business may be required to submit financial information, including income statements, balance sheets, wage rates, and cash-flow statements for the three-year period preceding the date of application and three years after the completion of approved training.
3. In order to ensure compliance with Neb. Rev. Stat. §§4-108 through 4-114, each person or entity making application for a training grant shall certify in a format approved by the Department of Administrative Services that he/ she is a citizen of the United States or a qualified alien and that all workers to be trained under the grant are citizens of the United States or qualified aliens.

Application Timeline

1. Except when the Commissioner determines that an expedited review prior to the next scheduled meeting of the Worker Training Board is necessary, grant applications will be reviewed in accordance with the schedule below:
 - a. Grant applications received between January 1st and March 31st will be reviewed at the first following meeting of the Worker Training Board.
 - b. Grant applications received between April 1st and June 30th will be reviewed at the first following meeting of the Worker Training Board.
 - c. Grant applications received between July 1st and September 30th will be reviewed at the first following meeting of the Worker Training Board.
 - d. Grant applications received between October 1st and December 31st will be reviewed at the first following meeting of the Worker Training Board.
2. All applications must be submitted electronically through the Worker Training Application Portal (<https://ecmp.nebraska.gov/ndol-wtp>). Applications will be deemed received at the time and on the date determined by the Portal's submission record system.
3. The Portal will not allow the submission of incomplete applications. The Portal will specify, on-screen, the additional information required to complete the application. In the event of system difficulties, the applicant shall immediately notify the Department. The Department shall identify a contact person on its staff who is available to assist the applicant in completing the application.

4. After consideration of any recommendations received from the Board or Department staff, the Commissioner may approve or disapprove the application or request that the applicant modify and resubmit all or part of the application

Technical Assistance

Prior to the deadline date the Department may provide technical assistance to applicants in formulating the required training plan. Such assistance may include direct assistance by Department staff or referral to local or regional sources of technical assistance such as local or regional providers, Small Business Development Centers, local or regional economic development corporations, chambers of commerce, business and trade associations, or such other sources as the employer may decide to use. The Department will provide technical assistance only at the request of the applicant.

Section VII. Application Requirements

Requirements

1. One or more employers; one or more employers acting in partnership with an employer organization, labor organization, apprenticeship training provider or community based organization; or one or more employers acting in partnership with a consortium composed of other employers may submit an Application for Funding to the Department.
2. Employees obtained from agreements with employee leasing firms or professional employer organizations are eligible to participate in training as employees of the client company if they are on assignment to the client company for an indeterminate period of time expected to last twelve consecutive months or more. Temporary employees [as defined in Neb. Rev. Stat. §48-602(25)] obtained by a client company from agreements with a Temporary Help Firm [as defined in Neb. Rev. Stat. §48-602(26)] are not eligible to participate in training as employees of the client company.
3. The Application must include:
 - a. The employer, apprenticeship training provider or other sponsoring entity's name, address, phone number, Nebraska Unemployment Insurance Employer Account Number and Federal Identification Number, a description of the employer's primary business activity and the name of an authorized representative.
 - b. In the case of applications for a grant by one or more employers acting in concert or partnership or a consortium, the application shall designate a lead entity as the fiscal agent for purposes of receiving and distributing grant funds in the case of applications for a grant by one or more employers acting in concert or partnership or a consortium.
- c. A statement of the need and purpose of the training including the number and kind of jobs available, geographic location of those jobs, skills required for the identified jobs and the wages to be paid upon successful completion of the training. For existing jobs, the wage on the date the project is scheduled to begin shall also be stated.
- d. The goals, objectives and outcome measures for the project including a description of how this training will enhance the employer's ability to maintain competitiveness and enhance productivity.
- e. A description of the career potential and substantial likelihood of long-term job security offered by the employer following training.
- f. An estimate of the training and administrative expenses.
- g. Identification of the type of training proposed and the number of trainees served. The proposed start and end date of the training project.
- h. Identification of third party training providers, or administrative service providers and their respective certification in their field of expertise, including all subcontractors.

Training Project Budgets

Each application shall include a budget with line item breakdown of costs consistent with the guidelines of the Program. The budget shall include:

1. Specification of costs related to direct training.
2. Specification of administrative costs.
3. Specification of any matching contributions. Participating businesses must provide matching funds toward Program costs. The Department will assist in identifying appropriate matching contributions. Apprenticeship training programs shall not require a specific employer match.
4. A budget with line item breakdown of costs shall become part of any contract for grant funds awarded.

Section VIII. Grant Awards; Availability; Scoring

Availability

Training grants are awarded subject to the availability of funds and the discretion of the Commissioner.

Scoring

1. Group grants according to business size.
 - a. Less than 100 employees
 - b. 100 - 499 employees
 - c. 500 or more employees

- d. A consortium (Combination of employers/labor/training providers)
 - e. Special Employment training projects (§IV)
2. Rank each application in each grouping according to the following criteria, giving one point to the lowest number, two to the next lowest, and so on until each application has a point total. Example: There are fifteen grants involving small businesses (less than 100 employees). The lowest scoring application receives 1 point while the highest receives 15 in each category (a, b, & c).
 - a. The number of jobs the training will help create, upgrade or retain multiplied by the hourly wage of those jobs.
 - b. The amount requested, divided by the figure calculated in (a), above.
 - c. The ratio of amount matched to amount requested.
3. Within those five groups, separate by geographic location:
 - a. Greater Omaha (Washington, Douglas, & Sarpy Counties)
 - b. Greater Lincoln (Lancaster & Saunders Counties)
 - c. Greater Nebraska (Remaining 88 counties)
 - i. Subdivide into Panhandle, Mid Plains, Central, Northeast, Southeast
4. Award additional points to each application in each group which provides the following:
 - a. An in-state training provider.
 - b. A public training provider.
 - c. Clarity of project goals.
 - d. Likelihood of achieving objectives
 - e. Participation in state initiatives as a Board or Commission member.
 - f. Matching contribution is a "hard" (cash) match
 - g. Training in a highlighted Battelle cluster (Financial; Precision Metals Mfg.; Software/Computer Services; Transportation, Warehousing & Distribution).
 - h. Employer is a new applicant.
 - i. Grant presents elements that are new, unique or extraordinary
 - j. Evidence of willingness to share lessons learned.
 - k. Wage rate above median rate for the region or above the state average wage rate
 - l. Wage increase resulting from training.
 - m. Business located in a Nebraska Enterprise Zone.
5. Subtract points if: applicant has several grants open; is repeating previously funded training; or fails to provide required information.

- 6.** Add the points generated in #3 and the points in #4, subtract the amount in #5 and give a total score to every grant application and a percentage in relation to the top score in the group.
- 7.** The top grant in each group/region may be recommended for approval. The remaining grants may be recommended, if warranted, in each group/region while remaining within financial limits. Any money not awarded in a group/region may be transferred to any other group/region.

Section IX. Reimbursement; Allowable Costs

- 1.** Costs related to direct training may include:
 - a.** Tuition and Fees,
 - b.** Books and classroom materials,
 - c.** Rental costs during the term of the project,
 - d.** Reasonable pre- and post-training participant costs for the purchase of approved curricula specified in the applicant's training plan if there is not already a course offering at a convenient public education institution for which the grant is paying tuition and fees,
 - e.** Costs of curriculum design,
 - f.** Wages, salaries and reasonable benefits of instructors and instructional aides,

- g.** The purchase or construction of a specialized facility or equipment whose use is limited to the type of training specified in the grant application, particularly facilities or equipment providing for training in skill sets particular to emerging industries; and
 - h.** In the case of apprenticeship training programs provided by a labor organization to its members, if the training program involves at least six hours of training in a single calendar day, a training stipend for each trainee in an amount not to exceed one-fifth of the maximum weekly unemployment benefit amount available on the date of application (as determined in accordance with Neb. Rev. Stat. §48-624) for each day the worker attends the apprenticeship training program; and
 - i.** Other reasonable cost related directly to the training provided.
- 2.** Except as provided in Paragraph 1 (H) above or for good cause shown as determined by the Commissioner, reimbursement for costs related to direct training may not include:
 - a.** The lease, rental, purchase or construction of facilities;
 - b.** The purchase of capital equipment;
 - c.** Salaries, wages, or benefits paid to personnel trained, or personnel assigned to manage or report on the project or contract agreement;
 - d.** Costs incurred for the preparation of an application;
 - e.** Costs incurred prior to the submission of the application.
 - f.** Grant applications and agreements will provide that reimbursement for training will not be made for trainees who complete less than eighty percent (80%) of the required classroom and laboratory training hours.

Section X. Employer Matching Requirements

1. Documented in-kind contributions may be considered as part of the employer match. Documentation of in-kind contributions which are submitted as part of the employers' match must specify the dollar value of facilities; equipment, personnel and consumable supplies submitted to the project. New equipment utilized only in the project will be valued at cost. Other equipment and facilities will be valued on a pro rata basis for the time used for training consistent with the U.S. Internal Revenue Service depreciation schedules for such assets based on data provided by the employer.
2. Personnel contributions, including benefit costs associated with the employment, will be valued on a pro rata basis for the time spent on the project.

Section XI. Grant Application Packet Review

The Department will prepare a grant application packet. On an annual basis, the Board shall review and evaluate the grant application packet to ensure:

1. The packet contains all information necessary to allow the applicant to complete the application forms and participate in the grant application and approval process,
2. The application form is no longer than is necessary to adequately describe the applicant, the participating employers and the training project to the Board,
3. The application form does not contain unreasonable demands for information that inhibit an applicant from participating in the Program, and
4. Information needed for grant applications, which may already be provided in the Department's administrative records or files, may be accessed by the Department for purposes of providing technical assistance for an individual grant application or to reduce the duplication of information which employers may already have on file. Re-use of available information shall be the option of the employer. Informed consent agreements with the respective employer(s) shall be completed to secure such information.

Section XII. Program/Project Records

Public Records

Information received in support of a grant application is subject to public records requirements of Neb. Rev. Stat. §84-712, et seq.

Training Provider Eligibility; Records

1. Training providers may be required to demonstrate to the Commissioner, upon request, that satisfactory evidence that the training provider has sufficient competencies to provide the training that it proposes to provide through either professional credentials or an established history of providing training and placement services to the public.
2. Training providers must maintain and make available:
 - a. Records that clearly document all aspects of training and retention related to the training,
 - b. Applicable financial records which document funds received and disbursed, and
 - c. Records of attendance of training recipients.

3. All classroom/laboratory training records shall be completed daily and shall contain the following elements:
 - a. Date training occurred.
 - b. Type of training.
 - c. Subject(s) covered.
 - d. Number of hours' trainee was in attendance.
 - e. Instructor(s) name(s) typed or clearly printed.
 - f. Instructor(s) daily signature.
 - g. Trainees name(s) typed or clearly printed.
 - h. Make-up classes identified as "Make-up".
4. For purposes of above records, grant applicant developed documentation forms shall be provided to the Department for review and approval prior to implementation. All training records for individual trainees shall contain a pre- and post- training skill assessment dated by the trainee, trainer(s) and supervisors.
5. All training records shall be retained no less than three years after final payment is made under the grant. If the contract is partially or completely terminated, records shall be preserved and made available to the Department for a period of three years from the date of any resulting final settlement. Records which relate to litigation or settlement of claims arising out of the performance of a contract shall be retained by the contractor and made available to the Department for a period of three years after the final disposition of such appeals, audits, claims, exceptions, or litigation. All records shall be retained within the control of the primary contractor and shall be open to inspection by the Department at any time during normal business hours of the contractor. In absence of records or supporting documentation necessary to substantiate performance under the contract, the contractor may be required to return Program funds, plus interest.

Section XIII.

Project Review; Monitoring

1. The Department may prepare a special review of contract performance every six months after the start of a project. Such reviews shall contain:
 - a. Grantee's actual enrollments compared with planned enrollments at that stage of the training project.
 - b. Assessment of the likelihood that the full amount of the contract will be earned.

- c. Recommendations to the Commissioner for amendments to the grant contract or to deobligate funds. In these cases, the Department shall notify the contractor of the Commissioner's intention to de-obligate funds and the contractor shall have the opportunity to make a presentation before the Commissioner prior to any final action.
2. The Department may schedule periodic on-site visits to the grantee's place of business or the location of the training program funded by the Commissioner for the purpose of reviewing training activities for compliance with the Program guidelines and contract specifications. During the on-site visit, the Department may perform any or all of the following:
 - a. Review the number of trainees entering, progressing through or completing training,
 - b. Review the training schedule,
 - c. Review the curricula,
 - d. Observe classroom, laboratory or on-site training in session,
 - e. Assure that budgeted and required training staff, equipment, supplies or materials are available,
 - f. Interview trainers or trainees,
 - g. Review record keeping and daily documentation of training; Review invoices,

h. Review agreements and determine if all specified services are being delivered as provided for in the contract

3. The results of the visit shall be documented in a report covering all areas reviewed, and include an assessment whether the training is meeting the Program guidelines and contract specifications. If the training activities are out of compliance, recommendations for adjustment shall be made. Corrective action must be effected by the training provider as specified in the report. A copy of the report shall be provided to the grantee.

Section XIV. Contracts & Agreements

Contracts/Contracts Performance

1. The Commissioner may recommend approval of any project to the Governor. If the Governor approves a project and funds are available, the Department shall enter into a contract with the grant applicant and with each employer or apprenticeship training provider participating in the project. In the case of consortiums, only the lead employer need sign the contract. The contract must specify those skills and competencies to be gained as a result of the project.
2. The grant award shall be payable by the Department after the date of completion of the project or an identifiable, separate and divisible portion of the training program. Subject to the attrition allowance set forth below, for each trainee who does not complete the training, the amount withheld will be reduced by the amount of the training costs for that trainee that is derived from grant money, and any balance will be remitted to the employer. In the case of apprenticeship training programs eligibility for referral by a union hall shall be considered retention in employment.

Contracts and Contract Amendments

1. Contract amendments must be requested in writing at least 30 days prior to the proposed changes and must be executed before changes are implemented. Acceptance of the requested amendment is within the discretion of the Commissioner. Contracts and contract amendments will be executed by the authorized employer's representative and the Commissioner, or his or her designee.
2. Within 30 calendar days after completion of the training project, or a separate and divisible portion thereof, the employer or apprenticeship training provider shall submit to the Department for verification the employment records for each trainee and other such data as the Department may reasonably require for verifying training and employment.
3. Notwithstanding any other provision of these rules, an attrition rate of 15% is considered allowable.

Deobligation of Unearned Funds

The Commissioner may deobligate any unearned funds remaining under a contract no later than six months after the termination date of the contract. Funds which have not been claimed within one year after the termination date of the contract may be deobligated and made available for subsequent grant applications.

Audits

1. The Commissioner may, on an annual basis, provide for audits of a representative sample of training contracts. These audits shall determine whether certification of eligibility for training, enrollment in training, training, status of individuals trained – including wage changes, if any, placement of a job, retention in that job at the specified wage and payments were done in accordance with the contract.
2. The Commissioner may provide for audits of training contract budgets, both for reasonable training and administrative costs.
3. The Commissioner may provide for pre-award audits of training contracts to determine whether the contractor can perform the planned training.



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