

Wyoming Administrative Rules

**Workforce Services, Department of**

Workforce Development Training Fund

Chapter 4: Apprenticeship Grants

**Effective Date:** 08/10/2022 to Current

**Rule Type:** Current Rules & Regulations

**Reference Number:** 053.0017.4.08102022

## Chapter 4

### Apprenticeship Grants

#### Section 1. Authority

The Department of Workforce Services (DWS) is authorized under W.S. § 9-2-2601(d) and (g)(i), (ii) and (iv), and W.S. § 9-2-2604 to establish Apprenticeship Grants, and W.S. § 9-2-2602(b)(ii) and (iv) and the Wyoming Administrative Procedures Act, W.S. §16-3-101, *et seq.*, authorizes DWS to promulgate rules and regulations.

#### Section 2. Purpose

Apprenticeship Grants are available to Registered Apprenticeship Programs, approved by the U.S. Department of Labor (US DOL) Office of Apprenticeship (29 CFR § Parts 29 and 30). The purpose of this funding is to develop an industry specific workforce for a business, businesses or industry and to assist Wyoming Registered Apprenticeship Programs with the costs and expenses of implementing the program and training the apprentices.

#### Section 3. Definitions

(a) Apprentice means a worker who is at least sixteen (16) years of age, except where a higher minimum age standard is otherwise fixed by law, who is employed by a Wyoming-based business to learn an apprenticeable occupation under the standards of apprenticeship.

(b) Apprenticeship Program means a plan containing all terms and conditions for the qualification, recruitment, selection, employment and training of apprentices.

(c) Davis Bacon Certification means documentary evidence that the Office of Apprenticeship has approved and registered apprentices with the United States Department of Labor (DOL), Office of Apprenticeship.

(d) Registration of an apprenticeship program means the acceptance of recordings of such program by the Office of Apprenticeship as meeting the basic standards and requirements of US DOL for federal purposes.

(e) Related Technical Instruction (RTI) means an organized and systemic form of instruction designed to provide the apprentice with the knowledge of the theoretical and technical subjects related to the apprentice's occupation.

(f) Sponsor means any person, association, committee, organization or business operating an US DOL, Office of Apprenticeship registered apprenticeship program and in whose name the program is registered.

**Section 4. Apprenticeship Grants**

(a) Applicant Eligibility

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

(A) Wyoming-based sponsor(s) with US DOL, Office of Apprenticeship registered apprenticeship programs; and/or

(B) RTI provider associated with a Wyoming-based sponsor.

(b) Applicant Compliance Requirements. The applicant shall be:

(i) Registered and in good standing with the Wyoming Unemployment Insurance program, if required;

(ii) Registered and in good standing with the Wyoming Workers' Compensation program, if required;

(iii) Registered and in good standing with the Wyoming Secretary of State's office, if required; and

(iv) In good standing with the Workforce Development Training Fund (WDTF).

(c) RTI Eligibility. In order for the related technical instruction to be approved under this section, the applicant shall demonstrate, to the satisfaction of DWS, that the related technical instruction shall:

(i) Provide trained workers for a business, businesses or industry in Wyoming; and

(ii) Meet the eligibility requirements of the US DOL, Office of Apprenticeship Standards of Apprenticeship.

(A) Incorporation by Reference

(I) DWS has determined that incorporation of the full text in these rules would be cumbersome or inefficient given the length or nature of the rules;

(II) Any code, standard, rule or regulation incorporated by reference does not include any later amendments or editions of the incorporated matter beyond the applicable date identified in subsection IV if this section;

(III) The incorporated code, standard, rule or regulation is maintained at the Department of Workforce Services office (5221 Yellowstone Road,

Cheyenne, WY 82002) and is available for public inspection and copying at cost at the same location;

(IV) Each rule incorporated by reference is further identified as follows:

1. 29 CFR § Part 29 (10/29/08) as it was in effect on March 1, 2022, and adopted by the Department of Workforce Services, available at: <https://www.doleta.gov/OA/regulations.cfm>

2. 29 CFR § Part 30 (12/19/16) as it was in effect on March 1, 2022, and adopted by the Department of Workforce Services, available at: <https://www.doleta.gov/OA/regulations.cfm>

(d) Allowable RTI Expenses. The following related technical instruction expenses may be allowed, if supported by the application:

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

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

(iii) Instructor wages and fringe benefits directly related to the RTI;

(iv) Fees for licenses and certifications that may be obtained as part of the RTI;

(v) Administration not to exceed five percent (5%) of the total costs; and/or

(vi) Where additional monetary contributions are received, the grant would cover the remaining balance not to exceed the actual expenditures.

(e) Non-allowable RTI Expenses. The following expenses are not allowed:

(i) Purchased, rented or leased equipment including computer hardware and/or software; and

(ii) Apprentice wages.

(f) Grant Application Process

(i) Applicants shall complete the Apprenticeship Grant application provided by DWS, to include detailed information about the following:

(A) Provide Davis-Bacon Certificate;

(B) How the related technical instruction meets the eligibility requirements of Section 4 (a) through (e) above;

(C) Confirmation from the sponsor that the related technical instruction plan will meet the specific need;

(D) Any partnerships that support the project or other resource enhancements or contributions to the project;

(E) The number of apprentices to participate in the grant and the wage progression upon completion of the apprenticeship; and

(F) A cost proposal and budget sheet.

(ii) Applicants shall prepare the application jointly with:

(A) The related technical instruction provider when they are a separate entity, such as a community college, and

(B) The US DOL Office of Apprenticeship.

(iii) The completed Apprenticeship Grant application shall be submitted to DWS.

(iv) Past performance, whether positive or negative, will be considered regarding future grant awards, and negative performance as determined by DWS may result in disapproval of the grant application until such time as the past negative performance can be explained and addressed for any pending application.

(g) Grant Approval Process

(i) DWS will screen Apprenticeship Grant applications for compliance with the requirements of Sections 4 (a) through (f) above.

(A) Applications that do not meet the requirements will be rejected.

(B) Applications that meet the requirements will be submitted to a subcommittee of the Wyoming Workforce Development Council (WWDC) for consideration.

(ii) The WWDC subcommittee may require the related technical instruction provider and/or the sponsor to make a presentation supporting their application.

(iii) The WWDC subcommittee shall consider the application and make a

recommendation to the Director of DWS regarding whether or not to award the grant.

(iv) After the WWDC subcommittee recommendation, the DWS Director shall make the final decision.

(h) Contract and Payment

(i) If the grant is approved and funds are available, DWS shall enter into a contract with the applicant.

(ii) Grant funds shall be paid directly to the applicant.

(iii) Grant programs must be operated on a cost reimbursement basis with the applicant submitting invoices in sufficient detail to ensure payments may be made in conformance with their contract and per W.S. § 16-6-602.

(i) Reporting Requirements

(i) The applicant in collaboration with the related technical instruction provider and/or sponsor, in cases where the RTI is provided through a separate entity, shall submit a final report to DWS outlining the results of the RTI:

(A) Number of apprentices completed;

(B) Date services began and ended for each apprentice;

(C) Post-RTI employment information; and

(D) Demonstrate and document how the related technical instruction increased the skill level of the apprentices and improved the efficiency, profitability, or compliance of the sponsor or business, businesses or industry.

(j) Performance Standards. DWS will evaluate each applicant's performance under the following criteria before reimbursement takes place:

(i) Satisfactory progress of related technical instruction is provided when invoices are submitted with supporting documentation; and,

(ii) DWS will evaluate performance based on the applicant's related technical instruction plan, as approved by the Office of Apprenticeship, and the apprentices' completion rate of the RTI.

**Section 5. Annual Report**

The Director of 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.