

HOUSE BILL NO. 88

INTRODUCED BY M. FUNK

BY REQUEST OF THE DEPARTMENT OF LABOR AND INDUSTRY

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE INCUMBENT WORKER TRAINING PROGRAM; REMOVING CERTAIN RESTRICTIONS; EXPANDING ELIGIBILITY FOR PARTICIPATION; REVISING FUNDING SOURCES; AMENDING SECTIONS 53-2-1215, 53-2-1216, 53-2-1217, 53-2-1218, AND 53-2-1219, MCA; AND PROVIDING AN EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 53-2-1215, MCA, is amended to read:

"53-2-1215. Incumbent worker training program -- purpose. There is an incumbent worker training program, administered by the department, the purpose of which is to:

- (1) meet the training needs of incumbent workers in businesses employing 20 50 or fewer workers in this state at any one location but not more than 50 workers statewide; and
(2) assist local businesses in preserving existing jobs for Montana residents."

Section 2. Section 53-2-1216, MCA, is amended to read:

"53-2-1216. Definitions. As used in 53-2-1215 through 53-2-1220, the following definitions apply:

(1) "BEAR program" means a business expansion and retention program implemented by local communities that uses assessments, interviews, and surveys to assist employers and that has been recognized as a BEAR program for the purposes of 53-2-1215 through 53-2-1220 by the governor's office of economic development, the department of commerce, and the department.

(2)(1) "Department" means the department of labor and industry provided for in 2-15-1701.

(3)(2) "Eligible training provider" means:

- (a) a unit of the university system, as defined in 20-25-201;
(b) a community college district, as defined in 20-15-101;
(c) an accredited, tribally controlled community college located in the state of Montana;
(d) an apprenticeship program that is in compliance with Title 39, chapter 6; or



1 (e) an entity approved to provide workforce training that is approved by ~~representatives of the BEAR~~  
 2 ~~program, the small business development centers, or the Montana manufacturing extension center at Montana~~  
 3 ~~state university-Bozeman~~ the department.

4 ~~(4)(3)~~ "Employee" or "worker" means an individual currently employed in a ~~full-time job or a permanent~~  
 5 ~~part-time job~~ predominately year-round job and working an average of at least 20 hours a week.

6 ~~(5)(4)~~ "Employer" means a business entity that employs ~~20~~ 50 or fewer employees in this state ~~in one~~  
 7 ~~location but not more than 50 employees statewide~~ and that is registered with the secretary of state to conduct  
 8 business as a sole proprietor, if required, or as a corporation, a partnership, a limited liability company, or an  
 9 association.

10 ~~(6)~~ "Full-time job" means a ~~predominantly year-round position requiring an average of 35 hours or more~~  
 11 ~~of work each week~~.

12 ~~(7)(5)~~ "Incumbent worker" means an employee who has completed a ~~probationary period as defined by~~  
 13 ~~the employer's policy or as described in 39-2-904, whichever period is shorter~~ at least 6 months of employment  
 14 with the employer.

15 ~~(8)(6)~~ "Incumbent worker training program grant" or "grant" means the grant awarded to employers to  
 16 hire eligible training providers to provide incumbent workers with education and training required to improve  
 17 productivity, efficiency, or wages in existing jobs.

18 ~~(9)~~ "Permanent part-time job" means a ~~predominantly year-round position requiring an average of 20~~  
 19 ~~to 34 hours of work each week~~."

20

21 **Section 3.** Section 53-2-1217, MCA, is amended to read:

22 **"53-2-1217. Incumbent worker training program criteria for applicants.** (1) An employer applying  
 23 for an incumbent worker training program grant must:

24 (a) have been in business in this state for a minimum of 1 year; and

25 (b) have a need for training incumbent workers; ~~and~~

26 ~~(c) be an existing client of a BEAR program recognized by the department, of a small business~~  
 27 ~~development center, or of the Montana manufacturing extension center at Montana state university-Bozeman.~~

28 ~~\_\_\_\_\_ (2) An applicant for an incumbent worker training program grant shall agree to:~~

29 ~~\_\_\_\_\_ (a) provide certified education or skills-based training for incumbent workers in existing full-time jobs and~~  
 30 ~~permanent part-time jobs through an eligible training provider;~~

1 ~~\_\_\_\_\_ (b) match every \$4 requested with at least \$1 of employer funds. The same match applies for in-state~~  
 2 ~~training and for out-of-state training. Matching funds may include wages and benefits paid for the day that the~~  
 3 ~~actual training takes place and for appropriate travel and lodging charges associated with the approved training.~~  
 4 ~~For out-of-state training the employer is responsible for at least 50% of the actual costs of appropriate travel and~~  
 5 ~~lodging.~~

6 (2) An employer may apply for an incumbent worker training program grant. The employer shall agree  
 7 to the following conditions as a condition of receiving the grant:

8 (a) The employer shall purchase, through an eligible training provider, certified education or skills-based  
 9 training for incumbent workers in existing jobs.

10 (b) (i) The employer shall contribute to the cost of the training. Except for out-of-state travel and lodging  
 11 expenses as provided in subsection (2)(b)(iii), the employer may make in-kind contributions by paying wages to  
 12 the worker who is being trained, pursuant to rule, when the worker is undergoing training and when engaged in  
 13 necessary travel related to that training.

14 (ii) The employer shall pay at least 20% of the cost of the training purchased by the employer.

15 (iii) The employer shall pay at least 20% of approved transportation costs and lodging expenses incurred  
 16 when the training is provided within Montana. The employer shall pay at least 50% of the approved transportation  
 17 costs and lodging expenses incurred when the training is provided outside of Montana.

18 (c) The employer shall provide evidence to the department that training was completed.

19 (3) An incumbent worker training program grant application must contain at a minimum:

20 ~~(a) a cover letter describing the goals of the training for the incumbent workers, the anticipated economic~~  
 21 ~~benefits from the training, and the amount of funding requested;~~

22 ~~(b)~~(a) information that provides an adequate understanding of the applicant's business and the training  
 23 objective;

24 ~~(c)~~(b) a description of the eligible training provider's proposed curriculum, resources, methods, and  
 25 duration of training;

26 ~~(d)~~(c) a list of incumbent workers to be trained and their current job descriptions and base wage rates  
 27 plus the expected wage rates after training; and

28 ~~(e) the total number of the employer's employees at the location of the proposed training and within the~~  
 29 ~~state;~~

30 ~~\_\_\_\_\_ (f) the sources of matching funds to be provided; and~~

1           ~~(g)~~(d) any other information required by rule by the department that is similar to information required for  
2 other employment-related grants."

3

4           **Section 4.** Section 53-2-1218, MCA, is amended to read:

5           **"53-2-1218. Incumbent worker training program grant award criteria.** (1) Subject to appropriation  
6 by the legislature, the department shall award grants ~~based on recommendations from BEAR programs, small~~  
7 ~~business development centers, or the Montana manufacturing extension center at Montana state~~  
8 ~~university-Bozeman~~ as provided in ~~subsection (2)~~ this section. The distribution of funding must be reviewed  
9 annually by the department, and funds that are not being used or for which there are no qualified applications,  
10 as determined by the department, may be transferred to other programs as provided in 17-7-138 and 17-7-139.

11           ~~(2)~~ A BEAR program, a small business development center, or the Montana manufacturing extension  
12 center at Montana state university-Bozeman participating in the incumbent worker training program shall review  
13 applications and make recommendations for awards to the department regarding qualified applicants based on  
14 the criteria in ~~subsection (3)~~.

15           ~~(3)~~(2) The following criteria must be used in determining whether to award an incumbent worker training  
16 program grant:

- 17           (a) prospects for enhancing the incumbent worker's productivity, efficiency, or wages;  
18           (b) prospects for reducing incumbent worker turnover;  
19           (c) ability to provide matching funds;  
20           (d) a demonstrated need by the employer for upgrading skills of incumbent workers through training as  
21 a way to improve the employer's ability to remain competitive in the industry or in the economy;  
22           (e) a direct relationship between the training and an added benefit to the incumbent worker's occupation  
23 or craft; and  
24           (f) a demonstration that the training is not normally provided or required by the employer and, as far as  
25 may be determined, by the employer's competitors.

26           ~~(4)~~(3) An incumbent worker training program grant award is limited to:

- 27           ~~(a)~~ may not exceed \$2,000 or less annually for each full-time job for which an incumbent worker who is  
28 being trained; ~~or~~  
29           ~~(b)~~ \$1,000 or less for each permanent part-time job for which an incumbent worker is being trained.

30           ~~(5)~~(4) Subject to funding, the department may:

- 1 (a) limit the number of applicants that receive grant awards; or  
2 (b) award less than the amount provided in subsection ~~(4)~~; or (3).  
3 ~~(c) award a higher amount than that provided in subsection (4) if a full-time job for which an incumbent~~  
4 ~~worker is being trained under an incumbent worker training program grant award pays significantly higher wages~~  
5 ~~and benefits than the incumbent worker's current job. Before making an award for a higher amount as provided~~  
6 ~~in this subsection (5)(c), the department must receive a recommendation for the higher amount from a BEAR~~  
7 ~~program, a small business development center, or the Montana manufacturing extension center at Montana state~~  
8 ~~university-Bozeman working with the employer and documentation from the employer regarding the need for the~~  
9 ~~higher amount.~~

10 ~~(6)~~(5) The recipient of a grant shall provide the department with:

- 11 (a) a properly executed agreement, signed by the employer's authorized representative, that outlines  
12 terms of the grant;  
13 (b) documentation upon completion of training that the training was ~~provided~~ purchased and to whom  
14 the training was provided, including copies of certificates or statements of completion; and  
15 (c) all receipts or copies of receipts associated with the training and the application."  
16

17 **Section 5.** Section 53-2-1219, MCA, is amended to read:

18 **"53-2-1219. Special revenue account.** There is a ~~federal~~ state special revenue account to the credit  
19 of the department for use in the incumbent worker training program that may be spent subject to appropriation  
20 by the legislature. Money must be deposited in the account from ~~federal~~ funds that are available for incumbent  
21 worker training."  
22

23 NEW SECTION. **Section 6. Effective date.** [This act] is effective July 1, 2017.

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