

ECONOMIC DEVELOPMENT AUTHORITY[261]

Adopted and Filed

Rule making related to future ready Iowa registered apprenticeship development fund

The Economic Development Authority hereby adopts new Chapter 13, “Future Ready Iowa Registered Apprenticeship Development Fund,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code section 15.106A.

State or Federal Law Implemented

This rule making implements, in whole or in part, 2018 Iowa Acts, House File 2458.

Purpose and Summary

2018 Iowa Acts, House File 2458, creates the Future Ready Iowa Act to strengthen workforce development. One of the programs created within this Act is the Future Ready Iowa Registered Apprenticeship Development Fund. The stated purpose of the program is to provide financial assistance to incentivize small and medium-sized apprenticeship sponsors to establish new or additional apprenticeable occupations in the apprenticeship sponsor’s apprenticeship program in order to support the growth of apprenticeship programs and expand high-quality work-based learning experiences in high-demand fields and careers for persons who are employed in eligible apprenticeable occupations in Iowa.

The adopted rules contain a purpose statement, definitions, a program description, eligibility and application requirements, application review and scoring criteria, and a requirement that an agreement be signed for receipt of financial assistance.

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on July 18, 2018, as **ARC 3897C**. One comment was made regarding the language in proposed subrule 13.4(3) stating that “The director will make final funding decisions after considering the recommendations of staff.” The commenter was concerned that this would allow the Director to make decisions without considering the staff scoring. However, it was explained to the commenter that this language is necessary because the staff is not able to make final decisions. After receiving an explanation of the scoring and Director review process, which is used for several other programs under rules which mimic the quoted language above, the commenter did not appear to have any continued concerns. No changes from the Notice have been made.

Adoption of Rule Making

This rule making was adopted by the Economic Development Authority Board on September 21, 2018.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, the Authority has determined that this rule making will positively impact jobs in the state of Iowa by implementing the administration of a program designed to support apprentices and businesses in high-demand jobs.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Authority for a waiver of the discretionary provisions, if any, pursuant to 261—Chapter 199.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rule making will become effective on December 12, 2018.

The following rule-making action is adopted:

Adopt the following **new** 261—Chapter 13:

CHAPTER 13

FUTURE READY IOWA REGISTERED APPRENTICESHIP DEVELOPMENT FUND

261—13.1(15,87GA,HF2458) Purpose. Pursuant to 2018 Iowa Acts, House File 2458, and Iowa Code section 15.106A, the authority is directed to establish a future ready Iowa registered apprenticeship development fund for the purpose of providing financial assistance to incentivize small and medium-sized apprenticeship sponsors to establish new or additional eligible apprenticeable occupations in the apprenticeship sponsor's apprenticeship program in order to support the growth of apprenticeship programs and expand high-quality work-based learning experiences in high-demand fields and careers for persons who are employed in eligible apprenticeable occupations in Iowa.

261—13.2(15,87GA,HF2458) Definitions. For purposes of this chapter, unless the context otherwise requires:

"Agreement" means a contract for financial assistance under the program describing the terms on which the financial assistance is to be provided.

"Applicant" means a new or existing apprenticeship sponsor located in Iowa that has established an apprenticeship program involving an eligible apprenticeable occupation that is located in Iowa and approved by the United States Department of Labor, Office of Apprenticeship.

"Apprentice" means a person who is at least 16 years of age, except where a higher minimum age is required by law, who is employed in an apprenticeable occupation, and is registered in Iowa with the United States Department of Labor, Office of Apprenticeship.

"Apprenticeable occupation" means an occupation approved for apprenticeship by the United States Department of Labor, Office of Apprenticeship.

"Apprenticeship program" means a program registered with the United States Department of Labor, Office of Apprenticeship, which includes terms and conditions for the qualification, recruitment, selection, employment, and training of apprentices, including the requirement for a written apprenticeship agreement.

“*Apprenticeship sponsor*” means an entity operating an apprenticeship program or an entity in whose name an apprenticeship program is being operated, which is registered with or approved by the United States Department of Labor, Office of Apprenticeship.

“*Authority*” means the economic development authority created in Iowa Code section 15.105.

“*Director*” means the director of the authority.

“*Eligible apprenticeable occupation*” means an apprenticeable occupation identified by the workforce development board or a community college pursuant to Iowa Code section 84A.1B as amended by 2018 Iowa Acts, House File 2458, as a high-demand job, after consultation with the authority.

“*Financial assistance*” means assistance provided only from the funds, rights, and assets legally available to the authority and includes but is not limited to assistance in the form of a reimbursement grant to support the costs associated with establishing a new eligible apprenticeable occupation or an additional eligible apprenticeable occupation in an applicant’s apprenticeship program.

“*Program*” means the procedures, agreement, terms, and assistance established and provided pursuant to this chapter.

261—13.3(15,87GA,HF2458) Program description.

13.3(1) Amount, form, and timing of assistance.

a. The program provides financial assistance in the form of reimbursement grants to support the costs associated with establishing a registered apprenticeship program or adding additional apprenticeable occupations to an applicant’s registered apprenticeship program.

b. The maximum grant per applicant per year shall not exceed 50 percent of the apprenticeable occupation budget. The maximum amount awarded to an applicant for any one application per fiscal year shall not exceed \$25,000. The aggregate maximum amount that may be awarded to any one applicant per fiscal year for an aggregate number of applications shall not exceed \$50,000.

c. The applicant will apply for grant funding based on activities during the calendar year prior to the application period.

13.3(2) Application.

a. *Forms.* All applications and other filings related to the program shall be on such forms and in accordance with such instructions as may be established by the authority. Information about the program, the application, and application instructions may be obtained by contacting the authority or by visiting the authority’s website:

Iowa Economic Development Authority
200 East Grand Avenue, Des Moines, Iowa 50309
(515)348-6200
iowaeconomicdevelopment.com

b. *Application requirements.* The application shall require any information reasonably required by the authority to determine eligibility and to make award determinations. The application submitted by the applicant should reflect program information from the calendar year prior to the application period.

c. *Application period.* Each fiscal year during which funding is available, applications for financial assistance will only be accepted between January 1 and February 1 of each calendar year following the start of the fiscal year. The authority may adjust these dates under extenuating circumstances and will notify affected parties. The authority may add a funding window if available funds are not exhausted during the initial submission window and will publish such application dates on the authority’s website.

d. *Complete application required.* An application shall not be considered submitted for review until the application is completed and all required supporting documentation and information are provided to the authority.

13.3(3) Application review and scoring. The authority will review applications in the order they are received. Authority staff will review and score applications in accordance with rule 261—13.4(15,87GA,HF2458) and make funding recommendations to the director. If the amount of funding requested by eligible applicants exceeds the amount of funding available to the authority in any

given fiscal year, authority staff will make recommendations to the director as to allocation of available funding. The authority may deny applications for incompleteness or because of insufficient funds.

261—13.4(15,87GA,HF2458) Program eligibility, application scoring, and awards.

13.4(1) Program eligibility.

a. To be considered for an award under this program, an apprenticeship program sponsor must meet the following eligibility requirements:

(1) The apprenticeship sponsor established a new eligible apprenticeable occupation or added an eligible apprenticeable occupation to the apprenticeship sponsor's existing apprenticeship program in the calendar year prior to the application period.

(2) Twenty or fewer apprentices are registered in the existing apprenticeship program as of December 31 of the calendar year prior to the date the authority receives the apprenticeship sponsor's application.

(3) More than 70 percent of the applicant's apprentices are residents of Iowa, and the remainder of the applicant's apprentices are residents of states contiguous to Iowa. In determining the number of apprentices in an applicant's apprenticeship program, the authority may calculate the average number of apprentices in the program within the most recent two-year period.

b. An apprenticeship sponsor receiving financial assistance under Iowa Code chapter 15B is ineligible for financial assistance under this chapter during the same fiscal year.

13.4(2) Application scoring criteria. Applications for financial assistance under the program shall be reviewed and scored as described below. To be considered eligible for funding, an application must receive a minimum score of 65 out of a possible 100 points and meet all other eligibility criteria specified in these rules. If an applicant does not meet all eligibility requirements, the application will not be scored.

a. Budget and costs. The extent to which the applicant's budget and estimated or real program costs are based on industry standards for the eligible occupation. (maximum 30 points)

b. Application of financial assistance. The applicant has provided specific details regarding the use of funding and how it will be applied. (maximum 30 points)

c. Local support. The applicant has provided documentation of local support from area partners, such as schools, local government entities, and other employers that may benefit from the apprenticeship program. (maximum 10 points)

d. Additional funding. The authority will take into consideration sources of funding for establishing an apprenticeable occupation. Scores will be based on whether the source of funding is public or private, whether the funding is repayable, and the proportion of internal funding to funding from other sources. Higher scores will be awarded if the source of funding is a private entity, if the funding is repayable, and if the amount of internal funding is more than 50 percent of funding needed to establish the apprenticeable occupation. (maximum 10 points)

e. Certification of worker safety. The applicant has not violated state or federal statutes, rules or regulations, including environmental and worker safety regulations, or if such violations have occurred, the violations have been addressed and mitigated. (maximum 10 points)

f. Certification of employment at an Iowa work site. The applicant has certified that the apprentices identified by their U.S. Department of Labor identification numbers and represented in the application are registered with the applying sponsor or lead sponsor's registered apprenticeship program and that each apprentice listed worked some time in Iowa during the prior calendar year. (maximum 10 points)

13.4(3) Financial assistance awards. The director will make final funding decisions after considering the recommendations of staff. Successful applicants will be notified in writing of an award of financial assistance, including the conditions and terms of approval.

a. Disbursement of funds. The authority will disburse funds to a successful applicant only after approval of a completed application and execution of an agreement between the applicant and the authority pursuant to this chapter. Prior to disbursement of funds, the applicant must provide the authority with confirmation of expenses detailed in the applicant's budget and the authority must confirm that all terms for financial assistance have been met.

b. Form of financial assistance. The authority will provide financial assistance in the form of a grant to the applicant. The amount of the grant and any other terms shall be included in the agreement required pursuant to this chapter.

c. Use of funds. An applicant shall use funds only for reimbursement of the costs directly related to the project. The authority may require documentation or other information establishing the actual costs incurred for a project. Failure to use the funds for reimbursement of the costs directly related to a project shall be grounds for default under the agreement required pursuant to this chapter.

261—13.5(15,87GA,HF2458) Agreement required.

13.5(1) Each applicant that is approved for financial assistance under the program shall enter into an agreement with the authority for the provision of such financial assistance. The agreement will establish the terms on which the financial assistance is to be provided and may include any other terms reasonably necessary for the efficient administration of the program.

13.5(2) The authority and the applicant may amend the agreement at any time upon the mutual agreement of both the authority and the applicant.

13.5(3) The agreement may require an applicant that has been approved for financial assistance under the program to submit information reasonably required by the authority to make reports to the authority's board, the governor's office, or the general assembly.

These rules are intended to implement 2018 Iowa Acts, House File 2458.

[Filed 10/12/18, effective 12/12/18]

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 11/7/18.