

**877—22.6(260G) Program agreements and administration.**

**22.6(1)** Program agreements will be developed by an employer and a community college. The development of the program agreements may be facilitated by an entity representing a group of employers. If a bargaining unit is in place with the employer pledging the jobs, a representative of the bargaining unit shall take part in the development of the program agreement. All participating parties must sign the program agreement. The program agreement must include employer certification of contributions that are made toward the program costs.

**22.6(2)** A program agreement shall include, at a minimum, the following terms:

- a. Match provided by the employer;
- b. Tuition, student fees, or special charges fixed by the community college board of directors;
- c. Guarantee of employer payments;
- d. Type and amount of funding sources that will be used to pay for program costs;
- e. Description of program services and implementation schedule;
- f. The term of the agreement, not to exceed five years;
- g. The employer's agreement to interview graduates for full-time positions and provide hiring preference;
- h. For employers with more than four sponsored participants, certification that a job offer will be made to at least 25 percent of those participants who complete the program;
- i. An agreement by the employer to provide a wage level of no less than 200 percent of the federal poverty guideline for a family of two;
- j. A provision that the employer does not have to fulfill the job offer requirement if the employer experiences an economic downturn;
- k. A provision that the participants will agree to interview with the employer following completion of the program; and
- l. Default procedures.

**22.6(3)** Program agreements shall be submitted to the authority via the 260G data system. Program agreements shall document the findings of the community college that all program and employer eligibility requirements have been met. The authority will review agreements for issues of quality. The authority will maintain a record of all approved agreements.

**22.6(4)** Term, amendments, and renewals.

a. *Term.* The term of a program agreement shall not exceed five years from the effective date of the agreement. Once a program agreement is approved, the authority will obligate job credits, contingent upon the availability of funding, for each year of the term of the agreement.

b. *Amendments.* A program agreement shall be amended only with the consent of both parties and approval by the authority. A program agreement can be amended to extend the term of the agreement a maximum of two years.

c. *Renewals.* A program agreement may be renewed upon completion of its approved term. The community college must demonstrate the program meets the eligibility requirements in Iowa Code section 260G.4, including increased program capacity, as of the date of approval of renewal by the authority. A renewed agreement, including exhibits, shall be entered and uploaded into the 260G data system. In order to renew an agreement, the following budgeted items and employer commitments shall be updated:

- (1) Sponsored positions;
- (2) Program costs;
- (3) Changes in tuition;
- (4) Other fees;
- (5) Changes in salaries and expenses;
- (6) Federal poverty thresholds;
- (7) Income;
- (8) Employer match amounts;
- (9) Any other items identified by the authority.

**22.6(5)** The 260G data system will automatically assign a 12-digit agreement number once the agreement data is entered and approved. The agreement number will remain the same if an approved agreement is extended or otherwise amended. Program agreements that are renewed pursuant to paragraph 20.6(4) “c” will be assigned a new 12-digit number.

**22.6(6)** The authority shall provide information about the ACE program in accordance with its annual reporting requirements in Iowa Code section 15.107B.

**22.6(7)** Each community college shall establish a monitoring system which includes, at a minimum, a review of employers’ compliance with Iowa Code, these rules, and the program agreement. Monitoring shall be conducted at least annually by community colleges with active program agreements. Each community college shall document its monitoring efforts and promptly notify the authority of any changes.

**22.6(8)** Coordination with other state agencies.

*a. Department of revenue.* When a program agreement is approved for funding, the community college shall notify the authority through the 260G data system, and the authority shall notify the department of revenue on behalf of the community college within 30 days of the date of its approval. Information to be provided to the department of revenue includes, but is not limited to, program agreement number, employer name, employer address, start and expiration dates, federal employer identification number, wages, sponsored positions, and approved amount of program job credits. If, at any time after a program agreement is approved, changes are made that would affect the above reporting requirements, the department of revenue and the authority shall be notified within 30 days.

*b. Iowa workforce development.* Community colleges and the authority shall provide program data to Iowa workforce development as required.

*c. Department of education.* Community colleges and the authority shall provide program data to the department of education as required.

**22.6(9)** Program costs for new and renewal program agreements shall be calculated or recalculated based on the required program services for a specific number of participants. Program agreement updates reflecting this recalculation must be submitted to the authority to review compliance.

[ARC 5524C, IAB 3/24/21, effective 4/28/21; Editorial change: IAC Supplement 11/1/23]