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State of Minnesota

HOUSE OF REPRESENTATIVES

EIGHTY-NINTH SESSION

H. F. No.

3592

03/24/2016 Authored by Mullery

The bill was read for the first time and referred to the Committee on Higher Education Policy and Finance

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A bill for an act
relating to workforce development; providing for customized training;
appropriating money; proposing coding for new law in Minnesota Statutes,
chapter 116L.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. **[116L.101] CUSTOMIZED TRAINING FOR SKILLED
MANUFACTURING INDUSTRIES.**

1.7 Subdivision 1. **Program.** The commissioner of employment and economic
development, in consultation with the commissioner of labor and industry, shall collaborate
with Minnesota State Colleges and Universities (MnSCU) institutions and employers
to develop and administer a customized training program for skilled manufacturing
industries that integrates academic instruction and job-related learning in the workplace
and MnSCU institutions. The commissioner shall actively recruit and give priority to
participants in a customized training program for skilled manufacturing industries from
the following groups: minorities, previously incarcerated individuals, individuals residing
in labor surplus areas as defined by the United States Department of Labor, any other
disadvantaged group as determined by the commissioner, individuals with disabilities,
veterans, individuals enrolled in MFIP under chapter 256J, and dislocated workers.

1.8 Subd. 2. **Definitions.** (a) For the purposes of this section, the terms defined in this
subdivision have the meanings given them.

1.9 (b) "Commissioner" means the commissioner of employment and economic
development.

2.1 (c) "Employer" means an employer in Minnesota in the skilled manufacturing
2.2 industry who employs no more than 50 employees and who enters into the agreements
2.3 with MnSCU institutions and the commissioner under subdivisions 3 to 5.

2.4 (d) "MnSCU institution" means an institution designated by the commissioner
2.5 unless otherwise specified by the legislature.

2.6 (e) "Participant" means an employee who enters into a customized training program
2.7 for skilled manufacturing industries participation agreement under subdivision 4.

2.8 (f) "Related instruction" means classroom instruction or technical or vocational
2.9 training required to perform the duties of the skilled manufacturing job.

2.10 (g) "Skilled manufacturing" means occupations in manufacturing industry sectors 31
2.11 to 33 as defined by the North American Industry Classification System (NAICS).

2.12 **Subd. 3. Skilled manufacturing customized training program employer
2.13 agreement.** (a) The commissioner, employer, and MnSCU institution shall enter into
2.14 a skilled manufacturing customized training program employer agreement, hereafter
2.15 "employer agreement," that is specific to the identified skilled manufacturing training
2.16 needs of an employer.

2.17 (b) The agreement must contain the following:

2.18 (1) the name of the employer;

2.19 (2) a statement showing the number of hours to be spent by a participant in work and
2.20 the number of hours to be spent, if any, in concurrent, supplementary instruction in related
2.21 subjects. The maximum number of hours of work per week, not including time spent in
2.22 related instruction, for any participant shall not exceed either the number prescribed
2.23 by law or the customary regular number of hours per week for the employees of the
2.24 employer. A participant may be allowed to work overtime provided that the overtime
2.25 work does not conflict with supplementary instruction course attendance. All time spent
2.26 by the participant in excess of the number of hours of work per week as specified in the
2.27 skilled manufacturing customized training program participation agreement, hereafter
2.28 "participation agreement," shall be considered overtime;

2.29 (3) the hourly wage to be paid to the participant and requirements for reporting to
2.30 the commissioner on actual wages paid to the participant;

2.31 (4) an explanation of how the employer agreement or participant agreement may
2.32 be terminated;

2.33 (5) a statement setting forth a schedule of the processes of the occupation in which
2.34 the participant is to be trained and the approximate time to be spent at each process;

2.35 (6) a statement by the MnSCU institution and the employer describing the related
2.36 instruction that will be offered, if any, under subdivision 5, paragraph (c); and

3.1 (7) any other provision the commissioner deems necessary to carry out the purposes
3.2 of this section.

3.3 (c) The commissioner may periodically review the adherence to the terms of the
3.4 customized training program employer agreement. If the commissioner determines that
3.5 an employer or employee has failed to comply with the terms of the agreement, the
3.6 commissioner shall terminate the agreement. An employer must report to the commissioner
3.7 any change in status for the participant within 30 days of the change in status.

3.8 Subd. 4. **Participation agreement.** (a) The commissioner, the prospective
3.9 participant, and the employer shall enter into a participation agreement that is specific to
3.10 the training to be provided to the participant.

3.11 (b) The participation agreement must contain the following:
3.12 (1) the name of the employer;
3.13 (2) the name of the participant;
3.14 (3) a statement setting forth a schedule of the processes of the occupation in which
3.15 the participant is to be trained and the approximate time to be spent at each process;
3.16 (4) a description of any related instruction;

3.17 (5) a statement showing the number of hours to be spent by a participant in work and
3.18 the number of hours to be spent, if any, in concurrent, supplementary instruction in related
3.19 subjects. The maximum number of hours of work per week, not including time spent in
3.20 related instruction, for any participant shall not exceed either the number prescribed
3.21 by law or the customary regular number of hours per week for the employees of the
3.22 employer. A participant may be allowed to work overtime provided that the overtime
3.23 work does not conflict with supplementary instruction course attendance. All time spent
3.24 by the participant in excess of the number of hours of work per week as specified in the
3.25 participation agreement shall be considered overtime;

3.26 (6) the hourly wage to be paid to the participant; and
3.27 (7) an explanation of how the parties may terminate the participation agreement.

3.28 (c) The commissioner may periodically review the adherence to the terms of the
3.29 participation agreement. If the commissioner determines that an employer or participant
3.30 has failed to comply with the terms of the agreement, the commissioner shall terminate the
3.31 agreement. An employer must report to the commissioner any change in status for the
3.32 participant within 30 days of the change in status.

3.33 Subd. 5. **MnSCU instruction.** (a) The MnSCU institution shall collaborate
3.34 with an employer to provide related instruction that the employer deems necessary to
3.35 instruct participants of a skilled manufacturing customized training program. The related
3.36 instruction provided must be, for the purposes of this section, career-level, as negotiated

4.1 by the commissioner and the MnSCU institution. The related instruction may be for credit
4.2 or noncredit, and credit earned may be transferable to a degree program, as determined by
4.3 the MnSCU institution. The MnSCU institution shall provide a summary of the related
4.4 instruction to the commissioner prior to disbursement of any funds.

4.5 (b) The commissioner, in conjunction with the MnSCU institution, shall issue a
4.6 certificate of completion to a participant who completes all required components of the
4.7 participation agreement.

4.8 (c) As part of the skilled manufacturing customized training program, an employer
4.9 shall collaborate with the MnSCU institution for any related instruction required to
4.10 perform the skilled manufacturing job. The agreement shall include:

4.11 (1) a detailed explanation of the related instruction; and
4.12 (2) the number of hours of related instruction needed to receive a certificate of
4.13 completion.

4.14 (d) The commissioner shall follow the requirements of section 116L.98 regardless of
4.15 the funding source. The MnSCU institution shall provide the commissioner with the data
4.16 needed for the commissioner to fulfill the requirements of section 116L.98.

4.17 Sec. 2. **APPROPRIATION.**

4.18 \$..... in fiscal year 2017 is appropriated from the general fund to the commissioner
4.19 of employment and economic development for the customized training program for skilled
4.20 manufacturing industries under section 1.