

CHAPTER 116L

MINNESOTA JOB SKILLS PARTNERSHIP

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116L.01 DEFINITIONS.

Subdivision 1. **Generally.** For the purposes of this chapter, the terms defined in this section have the meanings given them.

[For text of subs 2 and 3, see M.S.2000]

History: 2001 c 7 s 30

116L.02 JOB SKILLS PARTNERSHIP PROGRAM.

(a) The Minnesota job skills partnership program is created to act as a catalyst to bring together employers with specific training needs with educational or other nonprofit institutions which can design programs to fill those needs. The partnership shall work closely with employers to train and place workers in identifiable positions as well as assisting educational or other nonprofit institutions in developing training programs that coincide with current and future employer requirements. The partnership shall provide grants to educational or other nonprofit institutions for the purpose of training workers. A participating business must match the grant-in-aid made by the Minnesota job skills partnership. The match may be in the form of funding, equipment, or faculty.

(b) The partnership program shall administer the health care and human services worker training and retention program under sections 116L.10 to 116L.15.

History: 2001 c 181 s 1

116L.03 BOARD.

Subdivision 1. **Members.** The partnership shall be governed by a board of 13 directors.

Subd. 2. **Appointment.** The Minnesota job skills partnership board consists of seven members appointed by the governor, the chair of the governor's workforce development council, the commissioner of trade and economic development, the chancellor, or the chancellor's designee, of the Minnesota state colleges and universities, the president, or the president's designee, of the University of Minnesota, and two nonlegislator members, one appointed by the subcommittee on committees of the senate committee on rules and administration and one appointed by the speaker of the house. If the chancellor or the president of the university makes a designation under this subdivision, the designee must have experience in technical education. Four of the appointed members must be members of the governor's workforce development council, of whom two must represent organized labor and two must represent business and industry. One of the appointed members must be a representative of a nonprofit organization that provides workforce development or job training services.

Subd. 3. **Qualifications.** Members must have expertise in, and be representative of the following fields of education, job skills training, labor, business, and government.

Subd. 4. **Chair.** The chair shall be appointed by the governor.

Subd. 5. **Terms.** The terms of appointed members shall be for four years except for the initial appointments. The initial appointments of the governor shall have the following terms: two members each for one, two, three, and four years. No member shall serve more than two terms, and no person shall be appointed after December 31,

2001, for any term that would cause that person to serve a total of more than eight years on the board. Compensation for board members is as provided in section 15.0575, subdivision 3.

Subd. 7. Offices. The department of trade and economic development shall provide office space and staff to the job skills partnership board for the execution of its duties. The board shall hire an executive director to assist in carrying out its duties.

History: *1Sp2001 c 4 art 2 s 3*

116L.04 PARTNERSHIP POWER.

[For text of subd 1, see M.S.2000]

Subd. 1a. Pathways program. The pathways program may provide grants-in-aid for developing programs which assist in the transition of persons from welfare to work and assist individuals at or below 200 percent of the federal poverty guidelines. The program is to be operated by the board. The board shall consult and coordinate with program administrators at the department of economic security to design and provide services for temporary assistance for needy families recipients.

Pathways grants-in-aid may be awarded to educational or other nonprofit training institutions for education and training programs and services supporting education and training programs that serve eligible recipients.

Preference shall be given to projects that:

- (1) provide employment with benefits paid to employees;
- (2) provide employment where there are defined career paths for trainees;
- (3) pilot the development of an educational pathway that can be used on a continuing basis for transitioning persons from welfare to work; and
- (4) demonstrate the active participation of department of economic security workforce centers, Minnesota state college and university institutions and other educational institutions, and local welfare agencies.

Pathways projects must demonstrate the active involvement and financial commitment of private business. Pathways projects must be matched with cash or in-kind contributions on at least a one-to-one ratio by participating private business.

A single grant to any one institution shall not exceed \$400,000.

The board shall annually, by March 31, report to the commissioners of economic security and trade and economic development on pathways programs, including the number of recipients participating in the program, the number of participants placed in employment, the salary and benefits they receive, and the state program costs per participant.

[For text of subd 2, see M.S.2000]

Subd. 4. Performance standards and reporting. By January 15, 2002, the board must develop performance standards for workforce development and job training programs receiving state funding. The standards may vary across program types. The board may contract with a consultant to develop the performance standards. The board must consult with stakeholder advocacy groups, nonprofit service providers, and local workforce councils in the development of both performance standards and reporting requirements. The adult standards must at a minimum measure:

- (1) the employability levels of individuals as defined by basic skill level, the amount of work experience, and barriers to employment prior to program entry;
- (2) the individual's annual income and employability level for the 12 months prior to entering the program, the starting annual income upon placement after completing the program, employability level and annual income one year after completion of the program, and the individual's reported satisfaction;
- (3) the program completion rate, placement rate, employability level upon placement, and one-year retention rate; and

(4) the governmental cost per placement and per job retained at one year and the percentage of program funding coming from the state and other levels of government.

After January 15, 2002, all workforce development programs receiving state funds must submit an annual performance report to the board. The board may develop a uniform format for the report and prescribe the manner in which the report is required to be submitted.

History: 2001 c.181 s 2; 1Sp2001 c 4 art 2 s 4

116L.05 FUNDING.

[For text of subs 1 to 3, see M.S.2000]

Subd. 4. Legislative recommendations. By January 15 of each odd-numbered year, the board must submit recommendations to the house and senate committees with jurisdiction over workforce development programs, regarding modifications to, or elimination of, existing workforce development programs and the potential implementation of new programs. The recommendations must include recommendations regarding funding levels and sources.

History: 1Sp2001 c 4 art 2 s 5

116L.06 HIRE EDUCATION LOAN PROGRAM.

[For text of subs 1 to 4, see M.S.2000]

Subd. 5. Loan uses. Loans must be used by an employer to obtain the most effective training available from public or private training institutions. An employer must document to the board the process the employer has utilized to ensure that the proposed loan is used to acquire the most cost-effective training and provide a training plan.

[For text of subs 6 and 7, see M.S.2000]

History: 2001 c 181 s 3

116L.11 DEFINITIONS.

[For text of subs 1 to 3, see M.S.2000]

Subd. 4. Qualifying consortium. "Qualifying consortium" means an entity that includes a public or private institution of higher education and one eligible employer.

History: 1Sp2001 c 9 art 6 s 1

116L.12 FUNDING MECHANISM.

[For text of subd 1, see M.S.2000]

Subd. 2. [Repealed, 1Sp2001 c 9 art 6 s 8].

[For text of subd 3, see M.S.2000]

Subd. 4. Grants. Within the limits of available appropriations, the board shall make grants not to exceed \$400,000 each to qualifying consortia to operate local, regional, or statewide training and retention programs. Grants may be made from TANF funds, general fund appropriations, and any other funding sources available to the board, provided the requirements of those funding sources are satisfied. Grant awards must establish specific, measurable outcomes and timelines for achieving those outcomes.

Subd. 5. Local match requirements. A consortium must satisfy the match requirements established in section 116L.02, paragraph (a).

[For text of subd 6, see M.S.2000]

Subd. 7. [Repealed, 1Sp2001 c 9 art 6 s 8]

History: 1Sp2001 c 9 art 6 s 2,3

116L.13 PROGRAM REQUIREMENTS.

Subdivision 1. **Marketing and recruitment.** A qualifying consortium must implement a marketing and outreach strategy to recruit into the health care and human services fields persons from one or more of the potential employee target groups. Recruitment strategies must include:

- (1) a screening process to evaluate whether potential employees may be disqualified as the result of a required background check or are otherwise unlikely to succeed in the position for which they are being recruited; and
- (2) a process for modifying course work to meet the training needs of non-English-speaking persons, when appropriate.

[For text of subs 2 to 4, see M.S.2000]

History: 1Sp2001 c 9 art 6 s 4

116L.146 EXPEDITED GRANT PROCESS.

(a) The board may authorize grants not to exceed \$50,000 each through an expedited grant approval process to:

- (1) eligible employers to provide training programs for up to 50 workers; or
- (2) a public or private institution of higher education to:
 - (i) do predevelopment or curriculum development for training programs prior to submission for program funding under section 116L.12;
 - (ii) convert an existing curriculum for distance learning through interactive television or other communication methods; or
 - (iii) enable a training program to be offered when it would otherwise be canceled due to an enrollment shortfall of one or two students when the program is offered in a health-related field with a documented worker shortage and is part of a training program not exceeding two years in length.

(b) The board shall develop application procedures and evaluation policies for grants made under this section.

History: 1Sp2001 c 9 art 6 s 5

116L.16 DISTANCE-WORK GRANTS.

The job skills partnership board may make grants-in-aid for distance-work projects. The purpose of the grants is to promote distance-work projects involving technology in rural areas and may include a consortium of organizations partnering in the development of rural technology industry. Grants may be used to identify and train rural workers in technology, act as a catalyst to bring together employers and rural employees to perform distance work, and provide rural workers with physical connections to telecommunications infrastructure, where necessary, in order to be self-employed or employed from their homes or satellite offices. Grants must be made according to sections 116L.02 and 116L.04, except that:

(1) the business match may include, but is not limited to, office space; additional management or technology staff costs; start-up equipment costs such as telecommunications infrastructure, additional software, or computer upgrades; consulting fees for implementation of distance-work policies or identification and skill assessment of potential employees; and the joint financial contribution of two or more businesses acting as a consortium;

(2) cash or in-kind contributions by partnering organizations may be used as a match;

(3) eligible grantees may be educational or nonprofit educational training organizations;

(4) grants-in-aid may be packaged with loans under section 116L.06, subdivision 6; and

(5) with respect to grants serving as a catalyst to bring together employers and rural employees to perform distance work, the match must be at least one-to-two.

The board shall, to the extent there are sufficient applications, make grant awards to as many parts of the state as possible. Subject to the requirement for geographic distribution of grants, preference shall be given to grant applications that provide the most cost-effective training proposals, that provide the best prospects for high-paying jobs with high retention rates, or that are from more economically distressed rural areas or communities.

Grantees must meet reporting and evaluation requirements established by the board.

History: *1Sp2001 c 4 art 2 s 6*

116L.17 STATE DISLOCATED WORKER PROGRAM.

Subdivision 1. **Definitions.** (a) For the purposes of this section, the following terms have the meanings given them in this subdivision.

(b) "Dislocated worker" means an individual who is a resident of Minnesota at the time employment ceased or was working in the state at the time employment ceased and:

(1) has been terminated or has received a notice of termination from public or private sector employment, is eligible for or has exhausted entitlement to unemployment benefits, and is unlikely to return to the previous industry or occupation;

(2) has been terminated or has received a notice of termination of employment as a result of any plant closing or any substantial layoff at a plant, facility, or enterprise;

(3) has been long-term unemployed and has limited opportunities for employment or reemployment in the same or a similar occupation in the area in which the individual resides, including older individuals who may have substantial barriers to employment by reason of age;

(4) has been self-employed, including farmers and ranchers, and is unemployed as a result of general economic conditions in the community in which the individual resides or because of natural disasters, subject to rules to be adopted by the commissioner;

(5) has been self-employed as a farmer or rancher and, even though that employment has not ceased, has experienced a significant reduction in income due to inadequate crop or livestock prices, crop failures, or significant loss in crop yields due to pests, disease, adverse weather, or other natural phenomenon. This clause expires July 31, 2003; or

(6) is a displaced homemaker. A "displaced homemaker" is an individual who has spent a substantial number of years in the home providing homemaking service and (i) has been dependent upon the financial support of another; and now due to divorce, separation, death, or disability of that person, must find employment to self support; or (ii) derived the substantial share of support from public assistance on account of dependents in the home and no longer receives such support.

To be eligible under this clause, the support must have ceased while the worker resided in Minnesota.

(c) "Eligible organization" means a state or local government unit, nonprofit organization, community action agency, business organization or association, or labor organization.

(d) "Plant closing" means the announced or actual permanent shutdown of a single site of employment, or one or more facilities or operating units within a single site of employment.

(e) "Substantial layoff" means a permanent reduction in the workforce, which is not a result of a plant closing, and which results in an employment loss at a single site of employment during any 30-day period for at least 50 employees excluding those employees that work less than 20 hours per week.

Subd. 2. **Grants.** The board shall make grants to workforce service areas or other eligible organizations to provide services to dislocated workers. The board shall allocate funds available for the purposes of this section in its discretion to respond to large layoffs. The board shall regularly allocate funds to provide services to individual dislocated workers or small groups. The allocation for this purpose must be no less than 35 percent and no more than 50 percent of the projected collections, interest and other earnings of the workforce development fund during the period for which the allocation is made, less any collection costs paid out of the fund. The board shall consider the need for services to individual workers and workers in small layoffs in comparison to those in large layoffs relative to the needs in previous years when making this allocation. The board may, in its discretion, allocate funds carried forward from previous years under subdivision 9 for large, small, or individual layoffs.

Subd. 3. **Allocation of funds.** The board, in consultation with local workforce councils and local elected officials, shall develop a method of distributing funds to provide services for dislocated workers who are dislocated as a result of small or individual layoffs. The board shall consider current requests for services and the likelihood of future layoffs when making this allocation. The board shall consider factors for determining the allocation amounts that include, but are not limited to, the previous year's obligations and projected layoffs. After the first quarter of the program year, the board shall evaluate the obligations by workforce service areas for the purpose of reallocating funds to workforce service areas with increased demand for services. Periodically throughout the program year, the board shall consider making additional allocations to the workforce service areas with a demonstrated need for increased funding. The board shall make an initial determination regarding allocations under this subdivision by July 15, 2001, and in subsequent years shall make a determination by April 15.

Subd. 4. **Use of funds.** Funds granted by the board under this section may be used for any combination of the following, except as otherwise provided in this section:

(1) employment transition services such as developing readjustment plans for individuals; outreach and intake; early readjustment; job or career counseling; testing; orientation; assessment of skills and aptitudes; provision of occupational and labor market information; job placement assistance; job search; job development; prelayoff assistance; relocation assistance; and programs provided in cooperation with employers or labor organizations to provide early intervention in the event of plant closings or substantial layoffs;

(2) services that will allow the participant to become reemployed by retraining for a new occupation or industry, enhancing current skills, or relocating to employ existing skills, including classroom training; occupational skill training; on-the-job training; out-of-area job search; relocation; basic and remedial education; literacy and English for training non-English speakers; entrepreneurial training; and other appropriate training activities directly related to appropriate employment opportunities in the local labor market; and

(3) support services, including family care assistance, including child care; commuting assistance; housing and rental assistance; counseling assistance, including personal and financial; health care; emergency health assistance; emergency financial assistance; work-related tools and clothing; and other appropriate support services that enable a person to participate in an employment and training program.

Subd. 5. **Cost limitations.** Funds allocated to a grantee are subject to the following cost limitations:

(1) no more than ten percent may be allocated for administration;

(2) at least 50 percent must be allocated for training assistance as provided in subdivision 4, clause (2); and

(3) no more than 15 percent may be allocated for support services as provided in subdivision 4, clause (3).

A waiver of the training assistance minimum in clause (2) may be sought, but no waiver shall allow less than 30 percent of the grant to be spent on training assistance. A waiver of the support services maximum in clause (3) may be sought, but no waiver shall allow more than 20 percent of the grant to be spent on support services.

Subd. 6. Performance standards. (a) The board, in consultation with representatives of local workforce councils and local elected officials, shall establish performance standards for the programs and activities administered or funded under this section. The board may use, when appropriate, existing federal performance standards or, if the commissioner determines that federal standards are inadequate or not suitable, may formulate new performance standards to ensure that the programs and activities of the dislocated worker program are effectively administered.

(b) The board shall, at a minimum, establish performance standards that appropriately gauge the program's effectiveness at placing dislocated workers in employment, replacing lost income resulting from dislocation, early intervention with workers shortly after dislocation, and retraining of workers from one industry or occupation to another.

Subd. 7. Reports. (a) Grantees receiving funds under this section shall report to the board information on program participants, activities funded, and utilization of funds in a form and manner prescribed by the board.

(b) The board shall report quarterly to the workforce development council information on grants awarded, activities funded, and plant closings and substantial layoffs. Specific information to be reported shall be by agreement between the board and the workforce development council.

Subd. 8. Administrative costs. No more than three percent of the funds appropriated to the board for the purposes of this section may be spent by the board for its administrative costs.

Subd. 9. Carryforward. Any funds not allocated, obligated, or expended in a fiscal year shall be available for allocation, obligation, and expenditure in the following fiscal year.

History: 1Sp2001 c 4 art 2 s 7