



JOB TRAINING PROGRAM

The Job Training Program is a job-specific reimbursable grant program that supports the design and delivery of customized training to meet the needs of employers throughout the state of Arizona.





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INTRODUCTION

The Job Training Program, established under [A.R.S. §§41-1541 through 41-1544](#), is a job-specific reimbursable grant program that supports the design and delivery of customized training to meet specific needs of employers, create new jobs and help increase the skill and wage levels of **employees in Arizona**. This program offers grants to eligible Arizona employers for training new employees or to supplement training programs for incumbent employees.

The Arizona Commerce Authority (Authority) administers the Job Training program and has adopted rules, attached hereto, ([A.A.C. R20-1-201 through R20-1-214](#)) to provide additional guidance to applicants.

All applications are taken on a first-come, first-served basis, and grants are awarded based on the availability of funds at the time the application is approved. Eligible employers can receive cash assistance up to 75% of the cost to train net new employees and up to 50% of the cost to train incumbent employees. Separate applications are required when applying for grant assistance to train new employees or incumbent employees. However, the combination of both grants cannot exceed \$1,500,000 in Job Training Funds. To determine the maximum allowable grant amount, a number of factors are considered, such as whether the employer applicant is a corporate headquarters, research and development facility, cluster industry, micro-business, or export-oriented business, the employer's location, the number of employees to be trained under an incumbent employee program or the number of positions to be created and trained under a net new employee program, the trainee wages paid, and the cost of the training.

Once an employer is awarded with a Job Training grant, it may take up to two years to complete the approved training. Under current legislation the program's sunset date is set for December 31, 2016. As soon as the training is complete and the grant is closed, the employer may apply for a new grant for additional job-specific training. An eligible employer or business related organization could also apply as a consortium for a grant on behalf of other eligible companies, with similar training needs or vendors, in need of skill upgrades.

PROGRAM FUNDING SOURCE

Employers in Arizona pay unemployment taxes on the first \$7,000 of wages paid to each employee in a calendar year. Effective January 1, 2001, a Job Training Tax equal to 0.10% was imposed on these taxable wages. Certain employer groups are exempt from paying the Job Training Tax. (Note: The Job Training Tax is not part of an employer's experience rating or included in the Unemployment Tax rate. Reporting and paying job training taxes mirrors the unemployment insurance tax process.) Employers began paying the job training tax with their unemployment taxes at the end of the first quarter of 2001. This program is funded by the Job Training Taxes collected by the State of Arizona.

EMPLOYER ELIGIBILITY FOR A PROGRAM GRANT

(See A.A.C. R20-1-202)

To be eligible for a Job Training grant, a company must be planning training for either its existing employees or its net new employees. Further a company must:

- Complete the application and all required attachments. Include the wage information sheet, budget sheet, and one course description page for each course on the budget. **Use of the Authority's forms is required.**
- Meet or exceed the average annual qualifying wage rate for trainees at the end of the grant. The qualifying wage rate is prescribed under A.R.S. § 41-1543(3) and A.A.C. R20-1-203.

- If applying for incumbent training funds, provide at least 50 percent of the cost of project training with cash or in-kind expenditures as prescribed under A.A.C. R20-1-208.
- If applying for net new training funds, provide at least 25 percent of the cost of project training with cash or in-kind expenditures as prescribed under A.A.C. R20-1-208.
- At the time of reimbursement, prove it is paying into the Arizona Job Training fund unless it is an exempt employer. The Unemployment Tax and Wage Report, Form UC-018, includes an item titled "Job Training Tax" and instructions on how to calculate and pay the job training tax. Employers must provide a copy of its recent UC 018 as proof. Groups exempt under A.R.S. § 23-769(C) include employers:
 1. With a positive reserve ratio of at least thirteen per cent pursuant to section A.R.S. § 23-730.
 2. With a positive reserve ratio of at least twelve per cent but less than thirteen per cent.
 3. That are assigned the contribution rate of two and seven-tenths per cent pursuant to sections A.R.S. § 23-729 or 23-730.
 4. With a negative reserve ratio pursuant to section A.R.S. § 23-730.

OR

1. Rural non-profit organization exempt from federal unemployment tax under Section 501(c)(3) of the Internal Revenue Code that:
 - a. Opts for unemployment tax reimbursement; and
 - b. Provides documentation to the Authority that:
 - i. Indicates that the geographical area where the organization is located has a shortage of skilled workers; and,
 - ii. Proposed training will increase the number of skilled workers in the geographical area.

REVIEW OF APPLICATIONS & FUNDING AWARDS

- Upon receipt of an application under the Job Training program, Commerce staff will review the application package for eligibility and completeness. If clarification is needed or if Commerce requires additional information, the applicant will be notified via email. The applicant or its authorized representative will have 14 calendar days to supply the requested information. One extension of an additional 14 days may be requested and granted by the program manager.
- Within 60 days of receipt of a complete application package, Commerce will notify the applicant of its approval or denial of grant funds.
 1. If an employer is approved, Commerce will issue a contract outlining the terms and conditions of the grant award as prescribed in A.A.C. R20-1-219.
 2. If an employer is denied, Commerce will return the applicant's application with a letter of explanation detailing the reason for denial.

FOLLOWING AWARD OF A GRANT

(See A.A.C. R20-1-211)

- After the applicant has a fully executed contract with Commerce, the employer may begin incurring qualified training expenses and begin submitting requests for reimbursement.
- Each grant awardee, must submit quarterly progress reports to Commerce even if no training expenses have been incurred. Failure to file progress reports may result in grant termination.
 - The first progress report is due within 120 days of the grant award date.
 - Thereafter, progress reports are due on a quarterly basis, every 90 days.
 - A final progress report is due within 90 days of the date the grant expires.

- A reimbursement request for training expenses may be submitted with each progress report but no later than 180 days from the date the training is invoiced or completed, whichever is earliest.
- Job Training grant funds can only be used for specific purposes; see A.A.C. R20-1-209.

The following costs are *not eligible* as reimbursement costs or match credit costs and therefore cannot be included in the application:

1. Trainee wages or fringe benefits;
2. Trainer fringe benefits;
3. Employer cost to complete a program application;
4. Expense for recruiting an employee;
5. Training expense for an employer officer or partner;
6. A signing bonus;
7. Food and beverage;
8. Expense for relocating an employee;
9. Course development or training development that is not part of the training to be provided under the employer's approved training plan;
10. Expense for assessing the training needs of an employer's employee;
11. Drug or other testing for employee screening or prescreening purposes;
12. Conference or seminar not resulting in a skill certificate; or trade show expense.

Eligible costs. To receive grant funding under either the net new or incumbent employee program, an employer shall include the following costs, as applicable, in a training plan as defined under R20-1-201:

1. Reimbursable costs:
 - a. Training program design and development;
 - b. Training material purchase and production;
 - c. Charges assessed by a qualified training provider;
 - d. Training facility rental expense;
 - e. On-the-job training costs that include:
 - i. Up to 25 percent of the base wage for an employer's employee who provides on-the-job training to a trainee under a grant program; or
 - ii. If greater than 25 percent, the documented portion of the time an employer's employee provides on-the-job training to a trainee under a grant program; and
 - f. Travel costs excluding food and beverage that do not exceed ten percent of the grant amount:
 - i. For a qualified training provider who travels to perform onsite employee training; or
 - ii. For employee offsite travel for training not to exceed 50 percent of the actual travel cost.
 2. Match credit costs:
 - a. Equipment and machinery;
 - b. Training space at an employer's place of business used during training;
 - c. Trainee wages, excluding employee benefits, paid by a small business or a business located in a rural area during training; or
 - d. Related training that is not job specific, including time, stress, or life management training classes.
- During the grant period, Commerce will conduct at least one site visit of the employer's place of business.

GENERAL PROVISIONS

(See A.A.C. R20-1-205)

- Grants are awarded in the order that the Authority receives an applicant's **complete application package**. *(See A.A.C. R20-1-204)*
- The Authority can only award grants to eligible employers meeting eligibility criteria if sufficient funds are available in the Arizona Job Training Fund. *(See A.A.C. R20-1-202)*
- A qualified employer may have both an active net new employee grant and an incumbent employee grant at the same time, but the total amount of any combined grant funding may not exceed \$1,500,000. *(See A.R.S. § 41-1544)*
- A minimum of 25% of the monies appropriated to the AZ job training fund shall be used to provide training to small businesses employing fewer than 100 employees. *(See A.R.S. § 41-1544)*
- A minimum of 25% of the monies appropriated to the AZ job training fund shall be used to provide training to businesses located in rural areas of the state. *(See A.R.S. § 41-1544)*
- No more than 50% of the monies in the AZ job training fund shall be used to provide incumbent worker training. *(See A.R.S. § 41-1544)*
- The maximum allowable grant amount is based on the applicant employer's sliding scale score calculated under A.A.C. R20-1-206(B) for a net new employee program or A.A.C. R20-1-207(B) for an incumbent employee program and are calculated as follows:
 1. For an employer with 100 or more employees:
 - a. Located in an urban area: from \$2,000 to \$5,000 per employee; or
 - b. Located in a rural area: from \$5,000 to \$8,000 per employee; or
 2. For an employer with fewer than 100 employees : from \$5,000 to \$8,000 per employee.

The actual grant amount awarded will equal the maximum allowable amount as calculated by the Authority or the approved amount requested by the applicant employer, whichever is lower.

- Grant funds cannot be used to train temporary or contract employees. A company whose employees are employed by a professional employment organization may be eligible if the employer can meet the reporting requirements. *(See A.A.C. R20-1-211)*
- Grants are approved or denied within 60 days of Authority receiving a complete application. A complete application consists of an original signed three-page application plus any supplemental information required by Commerce, including; a training plan consisting of a wage listing of incumbent employees to be trained or net new positions to be created and trained, course descriptions for each course to be provided, and a budget.
- Incumbent training grant funds must be used to supplement not supplant existing employer training efforts.
- Training may be provided by a state community college, a private postsecondary educational institution licensed under title 32, chapter 30, a community college operated by a tribal government or another qualified training provider, including employer provided training.
- All commitments for program training assistance are confirmed in writing and signed by an authorized designee appointed by the CEO of the Arizona Commerce Authority. No other agency or individual can commit program funds. No commitment is final until such written notice is provided to the applicant.

- Applicants shall not procure, contract for, nor incur costs to be paid from program funds prior to the project start date that means the date the CEO of Commerce or his designee signs the contract. **New jobs created or positions trained prior to the date of the written notice of award DO NOT qualify for reimbursement from the Net New Employee Program.** (See A.A.C. R20-1-210)

QUESTIONS

Contact the Arizona Commerce Authority Job Training Program staff for assistance when completing an application or for determining eligibility. Inquires can be directed to:

Tiffany Frechette, Incentives Director	602-845-1254	tiffanyf@azcommerce.com
Cindy Grogan, Program Manager	602-845-1221	cindyg@azcommerce.com
Justin John, Program Manager	602-845-1230	justinj@azcommerce.com

PLEASE NOTE:

The Arizona Commerce Authority will soon update the rules for the Job Training program (A.A.C. R20-1-201 *et seq.*), to reflect the 2011 legislative changes made via [House Bill 2001](#). Amendments to the Job Training program made under the bill include:

- On July 1, 2011, the Arizona Commerce Authority succeeds to the remaining functions and responsibilities formerly performed by the Arizona Department of Commerce;
- Any reference to “department” in this section is considered to refer to the Arizona Commerce Authority;
- Any reference to “director” in this section is considered to refer to the Chief Executive Officer (CEO) of the Arizona Commerce Authority;
- The definition of a “rural area” was modified to mean a county with a population of less than 750,000 persons;
- With the expiration of the Enterprise Zone program on June 30, 2011, the Job Training program will no longer offer a reduced qualifying wage rate for employers who were located in an enterprise zone; and
- Pursuant to A.R.S. §41-1504(C)(1), the Arizona Commerce Authority is authorized to begin assessing and collecting fees for processing applications and administering tax incentive programs. The fee schedule will be posted once adopted.

JOB TRAINING RULES

**TITLE 20. COMMERCE, BANKING, AND INSURANCE
CHAPTER 1. ARIZONA COMMERCE AUTHORITY**

ARTICLE 2. ARIZONA JOB TRAINING PROGRAM

Article 2, consisting of Sections R20-1-201 through R20-1-206, repealed effective October 15, 1998 (Supp. 98-4).

Article 2, consisting of Sections R20-1-201 through R20-1-206, renumbered from Article 1, Sections R20-1-101 through R20-1-106 (Supp. 95-4).

Section

- R20-1-201. Definitions
- R20-1-202. Employer Eligibility for a Program Grant
- R20-1-203. Determination of Qualifying Wage Rate
- R20-1-204. Grant Program Application: Net New Employee; Incumbent Employee
- R20-1-205. Grant Award Funding General Provisions
- R20-1-206. Net New Employee Program Grant Award Process
- R20-1-207. Incumbent Employee Program Grant Award Process
- R20-1-208. Matching Fund Requirement
- R20-1-209. Use of Funds for Project Costs
- R20-1-210. Program Contract
- R20-1-211. Program Monitoring: Reimbursement Process; Site Visits
- R20-1-212. Final Grant Disbursement; Repayment Provision
- R20-1-213. Final Evaluation Form
- R20-1-214. Legal and Contractual Remedies
- R20-1-502. Expired
- R20-1-503. Expired
- R20-1-504. Expired
- R20-1-505. Expired
- R20-1-506. Expired
- R20-1-507. Expired

ARTICLE 2. ARIZONA JOB TRAINING PROGRAM

R20-1-201. Definitions

The following definitions apply to this Article unless context otherwise requires:

"Applicant" means an employer or a consortium that submits an application to the Department for a program grant.

"Area" means a regional economy that, depending on a particular industry and company operations, could encompass more than one county or include a country other than the United States.

"Cluster industry" has the meaning prescribed under A.R.S. § 41-1543(8).

"Consortium" means:

- A group of at least two employers excluding any contracted training provider that combines effort to meet common training needs according to:
 - A specific occupational category, or
 - Current industrial trend;
- A professional or trade association or a joint apprenticeship training committee that is composed of a majority of businesses eligible to participate under this Article; or
- A small business development center.

"Council" means the Governor's Council on Workforce Policy.

"Corporate headquarters" means the location of an entity's principal administrative office if the entity is authorized to do business in any other state in addition to this state.

"Department" has the meaning prescribed under A.R.S. § 41-1501(1).

"Director" has the meaning prescribed under A.R.S. § 41-1501(2) and may also include the Director's designee.

"Employee" means a full-time or part-time hourly or salaried employee of an employer that resides in this state.

"Employer" means an entity that:

- Has at least one business location in this state;
- Has a unique FEIN;
- Is not a subsidiary of a business with an active grant under this Article; and
- Is not a public agency as defined under A.R.S. § 11-951.

"Enterprise Zone" means a business zone established according to the provisions of A.R.S. Title 41, Chapter 10, Article 2 of this Chapter.

"Equipment" means the value of the following items prorated during the time used for training under a grant:

- Machinery that has verifiable annual depreciation; or
- Computer hardware or software purchased after a project start date.

"FEIN" means federal employer identification number.

"Export-oriented industry" means an industry that imports money into an area through the sale of goods and services to customers who do not live in the area.

"Grant" means funds set aside by the Department for an employer as reimbursable project costs and the employer's match credit costs as required under R20-1-208.

"Hourly employee" means an employee paid by work hour.

"Incumbent" means an employer's full-time or part-time employee or vacant position existing on the date of application.

"In-kind expenditure" means a non-cash expense incurred after a grant's start date for training provided under the program including expenses for:

- Goods,
- Services,
- Technical assistance,
- Machinery,
- Tools,
- Equipment,
- Training space, or
- Trainee wages paid by a small business or a business in a rural area.

"Management fee" means an employer's grant administration cost.

"Match credit costs" means costs that are not eligible to be paid by program funds under this Article but are used in determining the total grant amount and in meeting the employer's contribution requirement as prescribed by A.R.S. § 41-1541(D).

"Micro-business" means an employer with 25 or fewer employees.

"Net new jobs" means:

- The total number of employees at the end of a project that is in excess of the number of employees listed on an employer's payroll before the application date under R20-1-204; or
- The number of employees at the end of a project that is in excess of the number of employees listed on an employer's payroll before any layoffs or force reductions occurring during the 18-month period before the application date under R20-1-204.

"Officer" means a member of an employer's corporate board of directors.

"On-the-job training" means training of a trainee by the employer's employee while the employee performs regular job activities if the trainee:

- Assists the employee,
- Receives instruction from the employee, or
- Performs job activities under the employee's supervision.

"Owner" means a person that holds greater than five percent equity in a business.

"Part-time job" means a position that requires an employee to work fewer than 30 hours per week.

"Program" means the Arizona job training program.

"Program funds" means funds that come directly from the Arizona Job Training Fund and are awarded to an employer for reimbursement of training costs.

"Project" means a specific, customized training effort established under this Article for an employer to provide training authorized by the program and proposed for a grant.

"Project start date" means the date the Director signs a contract as prescribed under R20-1-210.

"Qualified training provider" means an educational institution listed in A.R.S. § 41-1541(F) or an individual or entity, including the employer, who has a written statement from the employer attesting to the trainer's competence to provide training for job-specific skills.

"Qualifying wage rate" means the wage rate set by the Council pursuant to R20-1-203.

"Reimbursable costs" are costs that are eligible to be paid for by program funds under this Article.

"Rural area" has the meaning prescribed under A.R.S. § 41-1544(I).

"Salaried employee" means a person compensated at a fixed weekly, monthly, or annual amount not calculated from number of hours worked.

"Site visit" means a Department inspection of a location where a qualified training provider conducts job training or inspection of financial records related to the job training.

"Small business" has the meaning prescribed under A.R.S. § 41-1544(J) (2).

"Small business development center" means a partnership between the state's ten community college districts and the U.S. Small Business Administration.

"Training" means job skill instruction intended to upgrade specific employee skills:
 For an employee's current specific job performance, or
 For a promotional job opportunity.

"Training plan" means information submitted to the Department under R20-1-204(A)(6).

"Urban" means any area not defined as rural.

Historical Note

Renumbered from R20-1-101 effective December 14, 1995 (Supp. 95-4). Repealed effective October 15, 1998 (Supp. 98-4). New R20-1-201 renumbered from R20-1-101 and amended by final rulemaking at 10 A.A.R. 2681, effective June 8, 2004 (Supp. 04-2).

R20-1-202. Employer Eligibility for a Program Grant

- A. An employer is eligible for a program grant under this Article if the employer:
1. Pays employees as prescribed under A.R.S. § 41-1543(3) and R20-1-203;
 2. Is paying into the Arizona job training fund at the time of reimbursement or is exempt under A.R.S. § 23-769(C); or
 3. Is a rural non-profit organization exempt from federal unemployment tax under Section 501(c)(3) of the Internal Revenue Code that:
 - a. Opts for unemployment tax reimbursement; and
 - b. Provides documentation to the Department that:
 - i. Indicates that the geographical area where the organization is located has a shortage of skilled workers; and
 - ii. Proposed training will increase the number of skilled workers in the geographical area.
- B. In addition to the requirements of subsection (A), an employer or a member of a consortium as defined under R20-1-201 is eligible for:
1. A net new employee program grant if it can demonstrate that it is adding net new jobs within the state; or
 2. An incumbent employee program grant if it is intending to provide training under the program for incumbent employees.

Historical Note

Renumbered from R20-1-101 effective December 14, 1995 (Supp. 95-4). Repealed effective October 15, 1998 (Supp. 98-4). New R20-1-202 renumbered from R20-1-103 and amended by final rulemaking at 10 A.A.R. 2681, effective June 8, 2004 (Supp. 04-2).

R20-1-203. Determination of Qualifying Wage Rate

- A. For purposes of A.R.S. §§ 41-1542(B)(6) and 41-1543(3), the Governor's Council on Workforce Policy in collaboration with the Department shall determine the qualifying employee wage rate for an applicant employer under R20-1-204. The Council and Department shall determine and apply the qualifying wage rate based on the following criteria:
1. Location by county,
 2. Number of employees, and
 3. Other relevant economic factors.
- B. The Council and the Department shall not determine a qualifying wage rate that is:
1. Less than 30 percent above minimum wage,
 2. More than 50 percent above unemployment wage rates excluding the mining industry and government, and
 3. Ten percent more than the previous year's qualifying wage rate.
- C. A qualifying wage rate set under this Section is effective on:
1. July 1 of each fiscal year, or
 2. An alternate date approved by the Council.

Historical Note

Renumbered from R20-1-101 effective December 14, 1995 (Supp. 95-4). Repealed effective October 15, 1998 (Supp. 98-4). New Section made by final rulemaking at 10 A.A.R. 2681, effective June 8, 2004 (Supp. 04-2).

R20-1-204. Grant Program Application: Net New Employee; Incumbent Employee

- A. On a form provided by the Department, a program applicant shall provide the following information:
1. Applicant company information:
 - a. Company name;
 - b. Any applicable doing business as (DBA) name;
 - c. Full address;
 - d. Names of principal owners;
 - e. Grant administrator name and title;
 - f. Telephone number;
 - g. Fax number;
 - h. E-mail address; and
 - i. FEIN;
 2. Applicable parent company information:

- a. Parent company name;
 - b. Full address;
 - c. Fax number;
 - d. Official contact; and
 - e. FEIN;
3. Whether the applicant listed under subsection (A)(1) is:
 - a. A corporate headquarters,
 - b. A research and development facility,
 - c. An export-oriented industry, or
 - d. A micro-business;
 4. The nature of the business or services the applicant provides;
 5. The following information for positions to be trained:
 - a. Job title;
 - b. Number of positions;
 - c. Average annual wage before proposed training; and
 - d. Projected annual average wage after proposed training;
 6. Proposed program specifications and supporting documentation:
 - a. Total estimated training costs including the company's matching funds required under R20-1-208;
 - b. The applicant's training budget that meets the requirements of R20-1-209(E);
 - c. Proposed training course description;
 - d. Name, address, and telephone number of any person or entity that will design or provide customized training; and
 - e. A description of the applicant's need for customized employee training;
 7. The number of current employees:
 - a. In this state; and
 - b. Company-wide if a parent company and Arizona subsidiary possess only one FEIN;
 8. Whether the applicant attempted to acquire training funds from any source in the 180-day period before program application;
 9. Any other information required by the Department; and
 10. The signature of the applicant company's designated official that verifies:
 - a. The applicant will maintain or increase current training expenditures apart from any granted program funds;
 - b. Any training provider under subsection (A)(5)(d) is competent to provide job-specific training skills as proposed;
 - c. Consent to provide any additional financial information required by the Department; and
 - d. All application information and supporting documentation is true, correct, and complete on the date of submission.
- B. In addition to the requirements of subsection (A), an applicant for a net new employee program grant shall provide the following to the Department:
1. The number of net new full-time and part-time employees the employer agrees to hire and train throughout the grant period after program grant award;
 2. Whether there were layoffs or force reductions in the 18-month period before application and if so:
 - a. The number of positions eliminated;
 - b. The date of elimination; and
 - c. A description of the type of positions eliminated.
- C. In addition to the requirements of subsection (A), an applicant for an incumbent employee program grant shall provide to the Department the total number of full-time and part-time incumbents the employer agrees will receive training throughout the grant period after program grant award.

Historical Note

Renumbered from R20-1-101 effective December 14, 1995 (Supp. 95-4). Repealed effective October 15, 1998 (Supp. 98-4). New R20-1-204 renumbered from R20-1-102 and amended by final rulemaking at 10 A.A.R. 2681, effective June 8, 2004 (Supp. 04-2).

R20-1-205. Grant Award Funding General Provisions

- A. The Department shall not award a grant to an employer meeting eligibility criteria as prescribed under R20-1-202 unless sufficient funds are available in the Arizona job training fund.
- B. The Department may award a qualified employer under this Article both an active net new employee grant and an incumbent employee grant at the same time, but the total amount of any combined grant funding shall not exceed ten percent of the estimated annual total of monies deposited in the Arizona job training fund.
- C. Except for any funding limitation prescribed under A.R.S. § 41-1544, the Department shall award program grants under this Article in the order that the Department receives an applicant's complete application package as prescribed under R20-1-204.
- D. The Department shall base the maximum allowable grant amount awarded under this Article on the applicant employer's sliding scale score calculated under R20-1-206(B) for a net new employee program or R20-1-207(B) for an incumbent employee program.
- E. The Department shall award a maximum allowable grant amount as follows:
 1. For an employer with 100 or more employees:
 - a. Located in an urban area: from \$2,000 to \$5,000 per employee; or
 - b. Located in a rural area: from \$5,000 to \$8,000 per employee; or.
 2. For an employer with fewer than 100 employees or that is located in an enterprise zone: from \$5,000 to \$8,000 per employee.
- F. The Department shall not award a program grant for an amount greater than stated on an applicant employer's training plan.
- G. The Department shall approve or deny an employer's training plan within 60 days of Department receipt of the plan.

Historical Note

Renumbered from R20-1-101 effective December 14, 1995 (Supp. 95-4). Repealed effective October 15, 1998 (Supp. 98-4). New Section made by final rulemaking at 10 A.A.R. 2681, effective June 8, 2004 (Supp. 04-2).

R20-1-206. Net New Employee Program Grant Award Process

- A. Sliding scale for maximum allowable grant amount calculation. The Department shall assign points based on an employer's application rounded to the nearest whole number based on the following factors:
1. Industry or facility type. An employer shall receive 20 points if the employer is one or more of the following:
 - a. An export-oriented industry,
 - b. A corporate headquarters,
 - c. A research and development facility,
 - d. A cluster industry, or
 - e. A micro-business.
 2. Wage level. The average wage level of an employer's net new jobs shall be at least as high as the qualifying wage rate prescribed under R20-1-203. The Department shall award points as follows:
 - a. 20 points if the average annual wage of all net new employees is 100 to 105 percent of the qualifying wage rate;
 - b. 30 points if the average annual wage of all net new employees is 106 to 110 percent of the qualifying wage rate;
 - c. 40 points if the average annual wage of all net new employees is 111 to 120 percent of the qualifying wage rate;
 - d. 50 points if the average annual wage of all net new employees is 121 to 130 percent of the qualifying wage rate; or
 - e. 60 points if the average annual wage of all net new employees is 131 percent or greater than the qualifying wage rate;
 3. Large employer positions. The Department shall award points under this subsection for an employer with 100 or more employees according to the number of net new jobs created. If the Department awards points under this subsection, the Department shall not award points under subsection (A)(4).
 - a. 10 points if the employer creates 25 or fewer jobs;
 - b. 20 points if the employer creates 26 to 50 jobs;
 - c. 30 points if the employer creates 51 to 75 jobs;
 - d. 40 points if the employer creates 76 to 100 jobs; or
 - e. 50 points if the employer creates 101 or more jobs.
 4. Small employer positions. The Department shall award points under this subsection for an employer with fewer than 100 employees according to the number of net new jobs created. If the Department awards points under this subsection, the Department shall not award points under subsection (A)(3).
 - a. 10 points if the employer creates five or fewer jobs;
 - b. 20 points if the employer creates six to 10 jobs;
 - c. 30 points if the employer creates 11 to 15 jobs;
 - d. 40 points if the employer creates 16 to 20 jobs; or
 - e. 50 points if the employer creates 21 or more jobs.
- B. Minimum points and grant amount. The Department shall:
1. Award the minimum per employee amount as specified in R20-1-205(E) to an employer with a score of at least 20 points; and
 2. Increase the per employee grant amount by \$27.27 for each point exceeding 20 points.

Historical Note

Renumbered from R20-1-101 effective December 14, 1995 (Supp. 95-4). Repealed effective October 15, 1998 (Supp. 98-4). New R20-1-206 renumbered from R20-1-104 and amended by final rulemaking at 10 A.A.R. 2681, effective June 8, 2004 (Supp. 04-2).

R20-1-207. Incumbent Employee Program Grant Award Process

- A. Sliding scale for maximum allowable grant amount calculation. The Department shall assign points based on an employers' application rounded to the nearest whole number based on the following factors:
1. Industry or facility type. An employer shall receive 20 points if the employer is one or more of the following:
 - a. An export-oriented industry,
 - b. A corporate headquarters,
 - c. A research and development facility,
 - d. A cluster industry, or
 - e. A micro-business.
 2. Average trainee incumbent-worker pay increase. An employer may receive a maximum of 80 points based on the average wage increase at the end of training to incumbent employees trained as follows:
 - a. 20 points if the average wage increase is five percent or less;
 - b. 40 points if the average wage increase is six to ten percent;
 - c. 60 points if the average wage increase is 11 to 15 percent; and
 - d. 80 points if the average wage increase is 16 percent or greater.
- B. Minimum points and grant amount. The Department shall:
1. Award the minimum per employee amount as specified in R20-1-205(F) to an employer with a score of at least 20 points; and
 2. Increase the per employee grant amount by \$37.50 for each point exceeding 20 points.

Historical Note

New Section made by final rulemaking at 10 A.A.R. 2681, effective June 8, 2004 (Supp. 04-2).

R20-1-208. Matching Fund Requirement

- A. An employer receiving funding for net new training shall provide at least 25 percent of the cost of project training with cash or in-kind expenditures.
- B. An employer receiving funding for incumbent training shall provide at least 50 percent of the cost of project training with cash or in-kind expenditures.

Historical Note

New Section renumbered from R20-1-105 and amended by final rulemaking at 10 A.A.R. 2681, effective June 8, 2004 (Supp. 04-2).

R20-1-209. Use of Funds for Project Costs

- A. An employer awarded a grant under this Article shall restrict use of program funds to employee job-specific training.
- B. An employer shall use a grant:
 - 1. To train employees at a level that maintains or exceeds the level of employer training expenditures excluding grant funds for the 12-month period of operation in this state before the application date; and
 - 2. To supplement, not replace, the employer's existing training expenditures.
- C. An employer shall not use program funds to train a full-time or part-time employee that is:
 - 1. Temporary;
 - 2. Employed under a contract;
 - 3. Employed by a professional employment organization unless the employer applying for a grant can meet the reporting requirements as prescribed under R20-1-211.
- D. The Department shall not approve grant funds for reimbursement of the following employer costs:
 - 1. Trainee wages or fringe benefits;
 - 2. Trainer fringe benefits;
 - 3. Employer cost to complete a program application;
 - 4. Expense for recruiting an employee;
 - 5. Training expense for an employer officer or partner;
 - 6. A signing bonus;
 - 7. Food and beverage;
 - 8. Expense for relocating an employee;
 - 9. Course development or training development that is not part of the training to be provided under the employer's approved training plan;
 - 10. Expense for assessing the training needs of an employer's employee;
 - 11. Drug or other testing for employee screening or prescreening purposes;
 - 12. Conference or seminar not resulting in a skill certificate; or
 - 13. Trade show expense.
- E. Eligible costs. To receive grant funding under either the net new or incumbent employee program, an employer shall include the following costs, as applicable, in a training plan as defined under R20-1-201:
 - 1. Reimbursable costs:
 - a. Training program design and development;
 - b. Training material purchase and production;
 - c. Charges assessed by a qualified training provider;
 - d. Training facility rental expense;
 - e. On-the-job training costs that include:
 - i. Up to 25 percent of the base wage for an employer's employee who provides on-the-job training to a trainee under a grant program; or
 - ii. If greater than 25 percent, the documented portion of the time an employer's employee provides on-the-job training to a trainee under a grant program; and
 - f. Travel costs excluding food and beverage that do not exceed ten percent of the grant amount:
 - i. For a qualified training provider who travels to perform onsite employee training; or
 - ii. For employee offsite travel for training not to exceed 50 percent of the actual travel cost.
 - 2. Match credit costs:
 - a. Equipment and machinery;
 - b. Training space at an employer's place of business used during training;
 - c. Trainee wages, excluding employee benefits, paid by a small business or a business located in a rural area during training; or
 - d. Related training that is not job specific, including time, stress, or life management training classes.
- F. An employer shall not incur or contract for any cost eligible under subsection (E) before the applicable program's start date.

Historical Note

New Section renumbered from R20-1-106 and amended by final rulemaking at 10 A.A.R. 2681, effective June 8, 2004 (Supp. 04-2).

R20-1-210. Program Contract

- A. For an approved training plan, the Department shall prepare and provide to the applicant a contract that specifies:
 - 1. Grant award terms and conditions that include:
 - a. Scope of work. Sets forth the number and the average annual salary of the full-time and part-time net new employees to be trained or the number and the average annual salary of the full-time or part-time incumbent employees to be trained;
 - b. Reimbursement of contractor. Sets forth the process by which the employer will be reimbursed for training services provided and for other incurred eligible expenses;
 - c. Right to assurance. Sets forth procedure by which a party may seek adequate assurance of the other party's intent to perform under the contract.
 - d. Termination. Sets forth terms and conditions under which the Department may terminate a contract;
 - e. Cancellation. Sets forth the procedure by which the Department may cancel a contract pursuant to A.R.S. § 38-511;
 - f. Arbitration. Provides that the contract is subject to arbitration only to the extent required by A.R.S. § 12-1518;
 - g. Applicable law. Provides that disputes arising out of the contract or concerning the contract shall be governed by Arizona law;
 - h. Relationship of parties. Provides that each party will act in its individual capacity and not as an agent, employee, partner, joint venturer, or associate of the other;

- i. Assignment-delegation. Provides that no right or interest in the contract shall be assigned without prior written permission of the Department and that no delegation of any duty under the contract shall be made without prior written permission of the Department;
 - j. Subcontractors. Requires advance written approval of the Department prior to entering into a subcontract with any other party to furnish any of the training services specified in the contract;
 - k. Rights and remedies. Provides that no provision in the contract shall be construed, expressly or by implication, as a waiver by the Department of any existing or future right or remedy available by law in the event of any claim of default or breach of contract;
 - l. Indemnification. Provides that the contracting party agrees to indemnify, defend, save and hold harmless the State of Arizona and any jurisdiction or agency issuing permits for any work included under the contract;
 - m. Overcharges by antitrust violations. Provides that the contracting party shall assign to the State of Arizona any and all claims for overcharges resulting from antitrust violations as to the goods or services used to fulfill the contract to the extent permitted by law;
 - n. Records. Sets forth length of time that the contractor shall retain and shall require subcontractors to retain, all books, accounts, reports, files, and other records relating to the acquisition of and the performance and completion of the contract;
 - o. Accounting principles. Provides that the contractor agrees to maintain, in accordance with standard accounting principles and practices, books, records, documents and other evidence that sufficiently and properly reflect performance of the contract;
 - p. Audit. Sets forth rights and obligations if State audit exceptions are made relating to the contract;
 - q. Adjustment to payments. Sets forth procedure for making adjustments to payments due to material default in the performance of any obligation under the contract;
 - r. Non-availability of funds. Provides that every payment obligation of the state under the contract is conditioned upon the availability of funds;
 - s. Program monitoring. Provides that the contracting party agrees to meet with the Department at reasonable intervals and provide the Department with all required forms necessary to review the work and progress of the activities of the contractor;
 - t. Non-discrimination. Mandates that the contracting party shall not discriminate against employees or prospective employees due to age, sex, handicap, race, religion or national origin; and
 - u. Modification. Sets forth the procedure for modifying approved training plans;
- 2. That the project shall not exceed 24 months from project start date;
 - 3. Responsibilities of each party; and
 - 4. Amount of grant and amount of contractor's match requirement.
- B. The applicant shall within 30 days after receipt of the contract:
 - 1. Sign the contract, and
 - 2. Return the original contract and a completed State of Arizona Substitute W-9 Form to the Department.
 - C. The Department shall extend the time under subsection (B) for an additional 15 days if the Department receives a written request for an extension during the 30-day period.
 - D. If an applicant fails to comply with the time-frame required under subsection (B) or as extended under subsection (C), the Department shall require the applicant to submit another original application as prescribed under R20-1-204.
 - E. The Department shall not reimburse a contracted employer for costs or obligations incurred before the project start date or before the date a modification is approved.

Historical Note

New Section renumbered from R20-1-108 and amended by final rulemaking at 10 A.A.R. 2681, effective June 8, 2004 (Supp. 04-2).

R20-1-211. Program Monitoring: Reimbursement Process; Site Visits

- A. Filing requirements.
 - 1. An employer under contract with the Department shall file a quarterly reimbursement request with the Department even if no training has occurred;
 - 2. Notwithstanding R20-1-211(A)(11), an employer may submit an invoice at any time but no later than 180 days from:
 - a. The date of the invoiced expense; or
 - b. Completion of the project, whichever is earlier.
- B. Reimbursement request format. A grant recipient shall submit each reimbursement request required under subsection (A) on a form provided by the Department that shall include:
 - 1. The following information for net new and incumbent employee programs:
 - a. Specific training completed during the reporting period;
 - b. For each employee trained under the program grant:
 - i. Name;
 - ii. Racial or ethnic background;
 - iii. Position title;
 - iv. Actual annual wage;
 - v. Hire date; and
 - vi. Any applicable termination date;
 - c. Reimbursement request information:
 - i. A copy of each applicable outside vendor invoice that details training provided or products purchased;
 - ii. An Arizona Unemployment Tax and Wage Report (UC-018) cover sheet; and
 - iii. Evidence documenting that the employer contributed the required match prescribed under R20-1-208; and
 - d. A certification under the employer's signature that all information submitted to the Department is true, correct, and complete.
 - 2. The following program-specific information:
 - a. Net new employee:

- i. Number of net new jobs created during the reporting period; and
 - ii. Number of new employees trained; or
 - b. The number of incumbent employees trained.
- C. Required site visit. The Department shall conduct at least one site visit of the employer's place of business during the grant period and before the Department makes the final disbursement of funds to the employer.

Historical Note

New Section renumbered from R20-1-109 and amended by final rulemaking at 10 A.A.R. 2681, effective June 8, 2004 (Supp. 04-2).

R20-1-212. Final Grant Disbursement; Repayment Provision

The Department shall determine the amount of a final grant disbursement to an employer contracted under this Article based on whether the contracted employer has met all contract terms and conditions during the contract period.

- 1. If the Department determines a contracted employer has met all contract terms and conditions, the Department shall make the final grant disbursement.
- 2. If the Department determines a contracted employer has not met all contract terms and conditions, the Department shall:
 - a. Make a reduced final grant disbursement for an amount based on the contracted employer's actual performance.
 - b. Not make a final grant disbursement; or
 - c. Send written notification to the contracted employer requiring full or partial repayment of any amount owed under the contract.

Historical Note

New Section renumbered from R20-1-110 and amended by final rulemaking at 10 A.A.R. 2681, effective June 8, 2004 (Supp. 04-2).

R20-1-213. Final Evaluation Form

A. Unless an earlier submission time-frame is required as prescribed under subsection (C), an employer contracted under this Article shall submit a final evaluation form provided by the Department within 90 days after contract completion date and before the Department makes a final grant disbursement. The form shall include:

- 1. Information for both net new and incumbent employee programs:
 - a. Date;
 - b. Employer information:
 - i. Name;
 - ii. Address;
 - iii. Telephone number;
 - iv. Fax number; and
 - v. E-mail address;
 - c. Name of a principal contact person;
 - d. Actual training start and completion dates;
 - e. Number of Arizona employees at the project start date; and
 - f. The signature of the contracted employer's chief executive officer or highest-ranking official to verify that all information is true, correct, and complete at the time of submission to the Department.
- 2. Additional information specific to the net new employee program:
 - a. The number of net new full-time and part-time positions the employer agreed to hire and train;
 - b. Average hourly wage for all positions subject to training; and
 - c. The actual number of net new full-time and part-time positions hired and trained under the grant; and
- 3. Additional information specific to the incumbent employee program:
 - a. The number of incumbent workers the employer agreed to train;
 - b. Average hourly wage for all positions subject to training; and
 - c. The actual number of incumbent workers trained under the grant.

B. Required attachments to the final evaluation form.

- 1. A contracted employer shall attach a list of new employees hired and trained or incumbent workers trained under the project from the start date through the end date. The employer shall include the following for each employee, if applicable:
 - a. Hire date;
 - b. Termination date;
 - c. Name;
 - d. Job title;
 - e. Actual annual wage; and
 - f. Racial or ethnic background; and
- 2. An Arizona Unemployment Tax and Wage Report (UC-018) cover sheet.

C. The Department shall require submission of all information under subsection (A) and (B) within ten days after the Department's action if the Department terminates an employer's grant because of the employer's failure to meet any term or condition prescribed under R20-1-210.

Historical Note

New Section renumbered from R20-1-111 and amended by final rulemaking at 10 A.A.R. 2681, effective June 8, 2004 (Supp. 04-2).

R20-1-214. Legal and Contractual Remedies

Protests and appeals concerning the award or proposed award of a grant shall be initiated and resolved under 2 A.A.C. 7, Article 9.

Historical Note

New Section made by final rulemaking at 10 A.A.R. 2681, effective June 8, 2004 (Supp. 04-2).