



# Notice of Intent to Adopt Rules

A copy of the proposed rules may be obtained at <http://rules.wyo.gov>

Revised May 2018

## 1. General Information

a. Agency/Board Name*		
b. Agency/Board Address	c. City	d. Zip Code
e. Name of Agency Liaison		f. Agency Liaison Telephone Number
g. Agency Liaison Email Address		
h. Date of Public Notice		i. Comment Period End Date
j. Public Comment URL or Email Address:		
k. Program		

\*  By checking this box, the agency is indicating it is exempt from certain sections of the Administrative Procedure Act including public comment period requirements. Please contact the agency for details regarding these rules.

## 2. Legislative Enactment

For purposes of this Section 2, "new" only applies to regular rules promulgated in response to a Wyoming legislative enactment not previously addressed in whole or in part by prior rulemaking and does not include rules adopted in response to a federal mandate.

a. Are these rules new as per the above description and the definition of "new" in Chapter 1 of the Rules on Rules?

No.  Yes. Please provide the Chapter Numbers and Years Enacted  
(eg: 2015 Session Laws Chapter 154):

## 3. Rule Type and Information

a. Provide the Chapter Number, Title, and Proposed Action for Each Chapter.  
Please use the Additional Rule Information form for more than 10 chapters, and attach it to this certification.

Chapter Number:	Chapter Name:	<input type="checkbox"/> New	<input type="checkbox"/> Amended	<input type="checkbox"/> Repealed
Chapter Number:	Chapter Name:	<input type="checkbox"/> New	<input type="checkbox"/> Amended	<input type="checkbox"/> Repealed
Chapter Number:	Chapter Name:	<input type="checkbox"/> New	<input type="checkbox"/> Amended	<input type="checkbox"/> Repealed
Chapter Number:	Chapter Name:	<input type="checkbox"/> New	<input type="checkbox"/> Amended	<input type="checkbox"/> Repealed
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Chapter Number:	Chapter Name:	<input type="checkbox"/> New	<input type="checkbox"/> Amended	<input type="checkbox"/> Repealed
Chapter Number:	Chapter Name:	<input type="checkbox"/> New	<input type="checkbox"/> Amended	<input type="checkbox"/> Repealed
Chapter Number:	Chapter Name:	<input type="checkbox"/> New	<input type="checkbox"/> Amended	<input type="checkbox"/> Repealed

**4. Public Comments and Hearing Information**

a. A public hearing on the proposed rules has been scheduled.  No.  Yes. Please complete the boxes below.

Date:	Time:	City:	Location:
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b. What is the manner in which interested persons may present their views on the rulemaking action?

By submitting written comments to the Agency at the physical and/or email address listed in Section 1 above.

At the following URL: \_\_\_\_\_

A public hearing will be held if requested by 25 persons, a government subdivision, or by an association having not less than 25 members. Requests for a public hearing may be submitted:

To the Agency at the physical and/or email address listed in Section 1 above.

At the following URL: \_\_\_\_\_

c. Any person may urge the Agency not to adopt the rules and request the Agency to state its reasons for overruling the consideration urged against adoption. Requests for an agency response must be made prior to, or within thirty (30) days after adoption, of the rule, addressed to the Agency and Agency Liaison listed in Section 1 above.

**5. Federal Law Requirements**

a. These rules are created/amended/revoked to comply with federal law or regulatory requirements.  No.  Yes. Please complete the boxes below.

Applicable Federal Law or Regulation Citation:
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Indicate one (1):

The proposed rules meet, but do not exceed, minimum federal requirements.

The proposed rules exceed minimum federal requirements.

Any person wishing to object to the accuracy of any information provided by the Agency under this item should submit their objections prior to final adoption to:

To the Agency at the physical and/or email address listed in Section 1 above.

At the following URL: \_\_\_\_\_

**6. State Statutory Requirements**

a. Indicate one (1):

The proposed rule change *MEETS* minimum substantive statutory requirements.

The proposed rule change *EXCEEDS* minimum substantive statutory requirements. Please attach a statement explaining the reason that the rules exceed the requirements.

b. Indicate one (1):

The Agency has complied with the requirements of W.S. 9-5-304. A copy of the assessment used to evaluate the proposed rules may be obtained:

By contacting the Agency at the physical and/or email address listed in Section 1 above.

At the following URL: \_\_\_\_\_

Not Applicable.

**7. Additional APA Provisions**

a. Complete all that apply in regards to uniform rules:

These rules are not impacted by the uniform rules identified in the Administrative Procedure Act, W.S. 16-3-103(j).

The following chapters do not differ from the uniform rules identified in the Administrative Procedure Act, W.S. 16-3-103(j):

\_\_\_\_\_ (Provide chapter numbers)

These chapters differ from the uniform rules identified in the Administrative Procedure Act, W.S. 16-3-103(j) (see Statement of Principal Reasons).

\_\_\_\_\_ (Provide chapter numbers)

b. Checklist

The Statement of Principal Reasons is attached to this Notice and, in compliance with *Tri-State Generation and Transmission Association, Inc. v. Environmental Quality Council*, 590 P.2d 1324 (Wyo. 1979), includes a brief statement of the substance or terms of the rule and the basis and purpose of the rule.

If applicable: In consultation with the Attorney General's Office, the Agency's Attorney General representative concurs that strike and underscore is not required as the proposed amendments are pervasive (Chapter 3, *Types of Rules Filings*, Section 1, Proposed Rules, of the Rules on Rules).

**8. Authorization**

a. I certify that the foregoing information is correct.

<i>Printed Name of Authorized Individual</i>	
<i>Title of Authorized Individual</i>	
<i>Date of Authorization</i>	

**Principal Statement of Reason**  
**Wyoming Development Training Fund**  
**Chapter 4 – Apprenticeship Grants**

The Wyoming Development Training Fund (WDTF) completed Chapter 4 – Apprenticeship Grants rules on 6/29/18. The Department of Workforce Services proposes revising and updating this rule as the current rule is not in alignment with the United States Department of Labor’s (US DOL) registered apprenticeship requirements.

Specific items that are being updated are:

- Corrected State Of Wyoming statute citations and added federal US DOL Apprenticeship Programs regulation citation
- Apprenticeship Grants will be available to fund the related instruction component of a US DOL, Office of Apprenticeship registered apprenticeship program.
- Sponsors or institutions providing related instruction, as approved in the registered apprenticeship program through the Office of Apprenticeship, are eligible under the proposed rules to apply for DWS grant funding.
- Definitions have been added to Section 3.
- “Training” has been deleted throughout the rule as this implies “on-the-job” training in the apprenticeship industry. This term could be misread or misunderstood in the apprenticeship industry to mean the WDTF grant could pay for the apprentice’s wages.
- “Related Instruction” has replaced “training” throughout the proposed rule. This means the grant funding is only available to support the “related instruction” component of the registered apprenticeship program.
- Non-allowable grant expenses also clarify the grant funds will not cover apprentice wages.
- Contract and Payment, Section 4(h) has been simplified for clarification and streamlining the process.
- Performance Standards, Section 4(j) is specific to the related instruction provider and apprentices in completing the educational requirements.

## Chapter 4

### Apprenticeship Grants

#### Section 1. Authority.

The Department of Workforce Services (DWS) is authorized under the DWS Act Wyoming Statute (W.S.) § 9-2-2601(d) and (g)(i),(ii) and (iv), and W.S. § 9-2-2604 to establish Apprenticeship Grants, and W.S. § 9-2-2602(b)(ii) and (iv) and the Wyoming Administrative Procedures Act, W.S. §16-3-101, *et seq.*, authorizes DWS to promulgate rules and regulations to administer the Apprenticeship Grants.

#### Section 2. Purpose.

Apprenticeship Grants are available to Registered Apprenticeship Programs, approved by the U.S. Department of Labor (US DOL) Office of Apprenticeship (29 CFR § Parts 29 and 30). The purpose of this funding is to develop an industry specific workforce for a business, businesses or industry where there is a shortage of skilled workers.

#### Section 3. Definitions.

(a) “Apprentice” means a worker who is at least sixteen (16) years of age, except where a higher minimum age standard is otherwise fixed by law, who is employed to learn an apprenticeable occupation under the standards of apprenticeship.

(b) “Apprenticeship Program” means a plan containing all terms and conditions for the qualification, recruitment, selection, employment and training of apprentices.

(c) “Davis Bacon Certification” means documentary evidence that the Office of Apprenticeship has approved and registered an apprenticeship program with the United States Department of Labor (DOL), Office of Apprenticeship.

(d) “Registration of an apprenticeship program” means the acceptance of recordings of such program by the Office of Apprenticeship as meeting the basic standards and requirements of US DOL for federal purposes.

(e) “Related Instruction” means an organized and systemic form of instruction designed to provide the apprentice with the knowledge of the theoretical and technical subjects related to the apprentice’s occupation.

(f) “Sponsor” means any person, association, committee, organization or business operating an US DOL, Office of Apprenticeship registered apprenticeship program and in whose name the program is registered.

#### Section 4. Apprenticeship Grants.

(a) Applicant Eligibility

- (i) The following entities are eligible to apply for grants under this section:
  - (A) Wyoming-based sponsor(s) with US DOL, Office of Apprenticeship registered apprenticeship programs; and/or
  - (B) Related instruction provider associated with a Wyoming-based sponsor.
  
- (b) Applicant Compliance Requirements. The applicant shall be:
  - (i) In good standing with the Wyoming Unemployment Insurance program, if required;
  - (ii) In good standing with the Wyoming Workers' Compensation program, if required;
  - (iii) Registered and in good standing with the Wyoming Secretary of State's office, if required; and
  - (iv) In good standing with the Workforce Development Training Fund (WDTF).
  
- (c) Related Instruction Eligibility. In order for the related instruction to be approved under this section, the applicant shall demonstrate, to the satisfaction of DWS, that the related instruction shall:
  - (i) Provide trained workers for a business, businesses or industry in Wyoming; and
  - (ii) Meet the eligibility requirements of the US DOL, Office of Apprenticeship Standards of Apprenticeship.
    - (A) Incorporation by Reference
      - (I) DWS has determined that incorporation of the full text in these rules would be cumbersome or inefficient given the length or nature of the rules;
      - (II) Any code, standard, rule or regulation incorporated by reference does not include any later amendments or editions of the incorporated matter beyond the applicable date identified in subsection IV if this section;
      - (III) The incorporated code, standard, rule or regulation is maintained at the Department of Workforce Services office (614 South Greeley Hwy, Cheyenne, WY 82007) and is available for public inspection and copying at cost at the same location;

(IV) Each rule incorporated by reference is further identified as follows:

1. 29 CFR § Part 29 (10/29/08) as it was in effect on May 21, 2019 and adopted by the Department of Workforce Services, available at: <https://www.doleta.gov/OA/regulations.cfm>

2. 29 CFR § Part 30 (12/19/16) as it was in effect on May 21, 2019 and adopted by the Department of Workforce Services, available at: <http://www.lni.wa.gov/TradesLicensing/Rules/files/apprenticeship/29CFRPart30.pdf>

(d) Allowable Related Instruction Expenses. The following related instruction expenses may be allowed, if supported by the application:

- (i) Direct costs include, but are not limited to, tuition, registration, class fees and class materials;
- (ii) Travel expenses to include transportation, lodging and meals;
- (iii) Instructor wages and fringe benefits;
- (iv) Fees for licenses and certifications that may be obtained as part of the related instruction;
- (v) Administration not to exceed five percent (5%) of the total costs; and/or
- (vi) Where additional monetary contributions are received, the grant would cover the remaining balance not to exceed the actual expenditures.

(e) Non-allowable Related Instruction Expenses. The following expenses are not allowed:

- (i) Purchased, rented or leased equipment; and
- (ii) Apprentice wages.

(f) Grant Application Process

(i) Applicants shall complete the Apprenticeship Grant application provided by DWS, to include detailed information about the following:

- (A) Provide Davis-Bacon Certificate;
- (B) How the related instruction meets the eligibility requirements of Section 4(a) through (e) above;

(C) Confirmation from the sponsor that the related instruction plan will meet the specific need;

(D) Any partnerships that support the project or other resource enhancements or contributions to the project;

(E) The number of apprentices to participate in the grant and the wage progression upon completion of the apprenticeship; and

(F) A cost proposal and budget sheet.

(ii) Applicants shall prepare the application jointly with the related instruction\_provider when they are a separate entity, such as a community college, and the US DOL Office of Apprenticeship.

(iii) The completed Apprenticeship Grant application shall be submitted to DWS.

(iv) Past performance of the applicant shall be considered regarding future grant awards.

(g) Grant Approval Process

(i) DWS will screen Apprenticeship Grant applications for compliance with the requirements of Sections 4(a) through (f) above.

(A) Applications that do not meet the requirements will be rejected.

(B) Applications that meet the requirements will be submitted to a subcommittee of the Wyoming Workforce Development Council (WWDC) for consideration.

(ii) The WWDC subcommittee may require the related instruction provider and/or the sponsor to make a presentation supporting their application.

(iii) The WWDC subcommittee shall consider the application and make a recommendation to the Director of DWS regarding whether or not to award the grant.

(iv) After the WWDC subcommittee recommendation, the DWS Director shall make the final decision.

(h) Contract and Payment



(i) If the grant is approved and funds are available, DWS shall enter into a contract with the applicant.

(ii) Grant funds shall be paid directly to the applicant.

(iii) Grant programs must be operated on a cost reimbursement basis with the applicant submitting invoices in sufficient detail to ensure payments may be made in conformance with their contract and per W.S. § 16-6-602.

(i) Reporting Requirements

(i) The applicant in collaboration with the related instruction provider and/or sponsor, in cases where the related instruction is provided through a separate entity, shall submit a final report to DWS outlining the results of the related instruction:

(A) Number of apprentices completed;

(B) Date services began and ended for each apprentice;

(C) Post-related instruction employment information; and

(D) Demonstrate and document how the related instruction increased the skill level of the apprentices and improved the efficiency, profitability, or compliance of the sponsor or business, businesses or industry.

(j) Performance Standards. Before DWS will reimburse applicants under this rule, DWS will evaluate each applicant's performance under the following criteria:

(i) Eighty percent (80%) of the apprentices complete the related instruction;  
and,

(ii) DWS will evaluate performance based on individual applicant's related instruction plan.

**Section 5. Annual Report**

The Director of DWS shall report annually to the Governor and the Legislature on the expenditures made from the WDTF in the preceding fiscal year and the results of the activities funded by the WDTF.

## Chapter 4

### Apprenticeship Training Grants

#### Section 1. Authority.

The Department of Workforce Services (DWS) is authorized under the DWS Act Wyoming Statute (W.S.) § 9-2-2601~~(e)~~(d) and (g)(i),(ii) and (iv), and ~~W.S. § 9-2-2602(b)(ii), W.S. § 9-2-2602(b) and (vi),~~ W.S. § 9-2-2604 to establish Apprenticeship Grants, and W.S. § 9-2-2602(b)(ii) and (iv) and the Wyoming Administrative Procedures Act, W.S. §16-3-101, *et seq.*, authorizes DWS to promulgate rules and regulations to be used by DWS in the discharge of its functions administer the Apprenticeship Grants.

#### Section 2. Purpose.

Apprenticeship ~~Training~~ Grants are available to Registered Apprenticeship Programs, approved by the U.S. Department of Labor (US DOL) Office of Apprenticeship (29 CFR § Parts 29 and 30). The purpose of this funding is to develop an industry specific workforce for a business, businesses or industry where there is a shortage of skilled workers. The training must be a registered apprenticeship program through the Department of Labor Office of Apprenticeship.

#### Section 3. Definitions.

(a) “Apprentice” means a worker who is at least sixteen (16) years of age, except where a higher minimum age standard is otherwise fixed by law, who is employed to learn an apprenticeable occupation under the standards of apprenticeship.

(b) “Apprenticeship Program” means a plan containing all terms and conditions for the qualification, recruitment, selection, employment and training of apprentices.

(c) “Davis Bacon Certification” means documentary evidence that the Office of Apprenticeship has approved and registered an apprenticeship program with the United States Department of Labor (DOL), Office of Apprenticeship.

(d) “Registration of an apprenticeship program” means the acceptance of recordings of such program by the Office of Apprenticeship as meeting the basic standards and requirements of US DOL for federal purposes.

(e) “Related Instruction” means an organized and systemic form of instruction designed to provide the apprentice with the knowledge of the theoretical and technical subjects related to the apprentice’s occupation.

(f) “Sponsor” means any person, association, committee, organization or business operating an US DOL, Office of Apprenticeship registered apprenticeship program and in whose

name the program is registered.

**Section 34. Apprenticeship Training Grants**

(a) ~~Training Entity~~ Applicant Eligibility

(i) The following ~~Wyoming-based training~~ entities are eligible to apply for ~~training~~ grants under this section:

(A) ~~Industry associations;~~ Wyoming-based sponsor(s) with US DOL, Office of Apprenticeship registered apprenticeship programs; and/or

(B) ~~Trade unions;~~ Related instruction provider associated with a Wyoming-based sponsor.

~~(C) Private training entities; in compliance with all requirements set forth by the Wyoming Department of Education;~~

~~(D) Community Colleges; and~~

~~(E) University of Wyoming.~~

(b) ~~Training Entity and Business or Businesses~~ Applicant Compliance Requirements

~~Training entities and the business or businesses participating in the application shall meet the following requirements to be eligible to receive training grants under this section. The training entity and the business or businesses applicant shall be:~~

(i) In good standing with the Wyoming Unemployment Insurance program, if required;

(ii) In good standing with the Wyoming Workers' Compensation program, if required;

(iii) Registered and in good standing with the Wyoming Secretary of State's office, if required; and

(iv) In good standing with the Workforce Development Training Fund (WDTF).

(c) Training Related Instruction Eligibility. In order for the training related instruction to be approved under this section, the training entity applicant shall demonstrate, to the satisfaction of DWS, that the training related instruction shall:

(i) Provide trained workers for a business, businesses or industry in

Wyoming; and

(ii) Meet the eligibility requirements of the US DOL, Office of Apprenticeship Standards of Apprenticeship.

(A) Incorporation by Reference

(I) DWS has determined that incorporation of the full text in these rules would be cumbersome or inefficient given the length or nature of the rules;

(II) Any code, standard, rule or regulation incorporated by reference does not include any later amendments or editions of the incorporated matter beyond the applicable date identified in subsection IV if this section;

(III) The incorporated code, standard, rule or regulation is maintained at the Department of Workforce Services office (614 South Greeley Hwy, Cheyenne, WY 82007) and is available for public inspection and copying at cost at the same location;

(IV) Each rule incorporated by reference is further identified as follows:

1. 29 CFR § Part 29 (10/29/08) as it was in effect on May 21, 2019 and adopted by the Department of Workforce Services, available at: <https://www.doleta.gov/OA/regulations.cfm>

2. 29 CFR § Part 30 (12/19/16) as it was in effect on May 21, 2019 and adopted by the Department of Workforce Services, available at: <http://www.lni.wa.gov/TradesLicensing/Rules/files/apprenticeship/29CFRPart30.pdf>

~~(ii) Provide trainees, upon completion, with:~~

~~(A) A license or certificate; and~~

~~(B) Skills to receive a progressive wage.~~

~~(iii) Be provided in the length of time appropriate to the business, businesses or industry need;~~

~~(e) Trainee Eligibility~~

~~(i) Meet the eligibility requirements of the Department of Labor; and~~

~~(ii) Reside in Wyoming.~~

~~(d) Business, Businesses or Industry Requirements~~

~~(i)~~—All government entities, except Wyoming county hospitals, are not eligible to participate in Apprenticeship Training Grants.

~~(ii)~~—The business, businesses or industry shall be involved in the:

~~(A)~~—Grant application process; and

~~(B)~~—Design of the training program.

~~(f)~~(d) Allowable Training Related Instruction Expenses. The following trainingrelated instruction expenses may be allowed, if supported by the application:

(i) Direct ~~training~~ costs include, but are not limited to, tuition, registration, class fees and class materials ~~directly related to the training~~;

(ii) Travel expenses to include transportation, lodging and meals ~~directly related to training~~;

(iii) Instructor wages and fringe benefits;

(iv) Fees for licenses and certifications that may be obtained ~~during the training~~ as part of the related instruction;

(v) Administration not to exceed five percent (5%) of the ~~direct training~~ total costs; and/or

(vi) Where additional monetary contributions are received, the grant would cover the remaining balance not to exceed the actual expenditures.

~~(g)~~(e) Non-allowable Training Related Instruction Expenses. The following expenses are not allowed:

(i) Purchased, rented or leased equipment; ~~shall not be allowed.~~ and

(ii) Apprentice wages.

~~(h)~~(f) Grant Application Process

(i) Training Applicants shall complete applying for grants under this section ~~shall complete~~ the Apprenticeship ~~Training~~ Grant application provided by DWS, to include detailed information about the following:

(A) Provide Davis-Bacon Certificate;

(B) How the ~~training~~ related instruction meets the ~~training~~ eligibility requirements of Section ~~34~~(e)(a) through (e) ~~above of these rules~~;

~~(C) The training entity's ability to provide the training and qualifications of staff involved;~~

~~(D) The training entity's ability to provide an appropriate assessment of the outcomes of the training;~~

~~(E)~~(C) Confirmation from the ~~business, businesses or industry sponsor~~ that the ~~training~~ related instruction plan will meet the specific need;

~~(F)~~(D) Any partnerships that support the project or other resource enhancements or contributions to the project;

~~(G)~~(E) The number of ~~trainees~~apprentices to be trained participate in the grant and the wage progression upon completion ~~of training~~of the apprenticeship; and

~~(H)~~(F) A cost proposal and budget sheet.

(ii) ~~Training entities~~ Applicants shall prepare the application jointly with the ~~business or businesses~~ related instruction provider when they are a separate entity, such as a community college, and the US Department of O-Labor Office of Apprenticeship.

(iii) The completed Apprenticeship ~~Training~~ Grant application shall be submitted to DWS.

(iv) Past performance of the ~~training entity~~applicant shall be considered regarding future grant awards.

#### ~~(i)~~(g) Grant Approval Process

(i) DWS will screen Apprenticeship ~~Training~~ Grant applications for compliance with the requirements of Sections ~~34~~(a) through ~~(h)~~(f) above.

(A) Applications that do not meet the requirements will be rejected.

(B) Applications that meet the requirements will be submitted to a subcommittee of the Wyoming Workforce Development Council (WWDC) for consideration.

(ii) The WWDC subcommittee may require the ~~training entity, business, businesses or industry~~ related instruction provider and/or the sponsor to make a presentation

supporting their application.

(iii) The WWDC subcommittee shall consider the application and make a recommendation to the Director of DWS regarding whether or not to award the grant.

(iv) After the WWDC subcommittee recommendation, the DWS Director shall make the final decision.

~~(h)~~ Contract and Payment

(i) If the grant is approved and funds are available, DWS shall enter into a contract with the ~~approved training entity~~ applicant.

(ii) Grant funds shall be paid directly to the ~~training entity~~ applicant.

(iii) Training Grant programs must be operated on a cost reimbursement basis with the ~~training entity~~ applicant submitting invoices in sufficient detail to ensure payments may be made in conformance with their contract and per W.S. § 16-6-602, billing the WDTF once per month.

~~(i)~~ Reporting Requirements

(i) The ~~training entity~~ applicant in collaboration with the ~~business partners~~ related instruction provider and/or sponsor, in cases where the related instruction is provided through a separate entity, shall submit a final report to DWS outlining the results of the ~~training~~ related instruction:

(A) Number of ~~trainees apprentices served~~ completed;

~~(B) Trainee identifying information;~~

~~(C)~~ (B) Date services began and ended for each ~~trainee~~ apprentice;

~~(D)~~ (C) Post-~~training~~ related instruction employment information; and

~~(E) List of annual certificate of completion for trainees~~ apprentice(s);

and

~~(F)~~ (D) Demonstrate and document how the ~~training~~ related instruction increased the skill level of the ~~trainees apprentices~~ and improved the efficiency, profitability, or compliance of the sponsor or business, businesses or industry.

~~(j)~~ Performance Standards. Before DWS will reimburse applicants under this rule, DWS will evaluate each applicant's performance under the following criteria:

(i) Eighty percent (80%) of the ~~trainees~~apprentices complete the ~~training-related instruction; and,~~

(ii) DWS will evaluate performance based on individual applicant's related instruction plan.

~~(ii) Each trainee who completes the training receives a certificate of completion;~~

~~(iii) The trainees who completed the training have been retained in employment with the business entity for a ninety (90) day period after the date of completion of the training; and~~

~~(iv) Show proof of progressive wages.~~

#### **Section 45. Annual Report**

The Director of DWS shall report annually to the Governor and the Legislature on the expenditures made from the WDTF in the preceding fiscal year and the results of the activities funded by the WDTF.