



# Notice of Intent to Adopt Rules

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

Revised July 2019

## 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 non-emergency 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 non-emergency regular rules new as per the above description and the definition of "new" in Chapter 1 of the Rules on Rules?

No.  Yes. If the rules are new, please provide the Chapter Numbers and Years Enacted (e.g. 2015 Session Laws Chapter 154):

## 3. Rule Type and Information

For purposes of this Section 3, "New" means an emergency or regular rule that has never been previously created.

a. Provide the Chapter Number, Title\* and Proposed Action for Each Chapter. Please use the "Additional Rule Information" form to identify additional rule chapters.

|                 |               |                              |                                  |                                   |
|-----------------|---------------|------------------------------|----------------------------------|-----------------------------------|
| 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 Repealed |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 |

\* If the name of a chapter of rules is changing, please provide the NEW chapter name in parenthesis following the OLD chapter name. Example: Old Chapter Name: General Provisions; New Chapter Name: General Provisions and Requirements. This would appear as "General Provisions (General Provisions and Requirements)."

**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: |
|-------|-------|-------|-----------|

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: |
|--|

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.  The Agency has completed a takings assessment as required by 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: \_\_\_\_\_

**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>                 |  |

**Statement of Principal Reasons**  
**Wyoming Development Training Fund (WDTF)**  
**Chapter 5 – Internship Grants**

The Wyoming Department of Workforce Services (DWS) Development Training Fund (WDTF) proposes a new rule, Chapter 5 – Internship Grants. This rule is a result of several factors and is based on trending business needs. DWS received input through Wyoming businesses, educational and industry associations, the University of Wyoming incubator program, and legislative contacts in support of an internship program.

This program is designed to complement and not compete with other federally funded employment programs. Priority will be given to internships in preferred industries and with educational partners. DWS anticipates the first six (6) months will serve as a pilot to determine long-term goals. Criteria has been set through these rules, the business application process, the internship assessment tools and exit interviews.

DWS will reimburse eligible businesses up to a maximum of twelve dollars (\$12.00) per hour per intern. Businesses are expected to be responsible for all other costs for the internship, such as payroll taxes, bonuses, overtime, travel expenses, supplies or equipment.

Internships or structured learning experiences are different than apprenticeship programs as it is open to any Wyoming business or non-profit organization, that is not a government agency, it's a flexible program, relatively short-term in duration and does not result in a certificate. Apprenticeship programs are usually a long-term commitment, have to be approved through the U.S. Department of Labor and result in certification of participants, once completed.

To apply for this grant, the business will identify the needs of the business, the learning objectives of the internship, and show their support of the intern by assigning a mentor on-site that will assist the intern in their structured, work-based learning opportunity. This opportunity will be available to both Wyoming-based start-ups and established businesses to offer interns a wide variety of learning environments. Internships do not include self-employment or entrepreneurial enterprises.

DWS understands interns can receive funding through Workforce Investment and Opportunities Act (WIOA), if eligible. The WDTF grant process will require businesses to coordinate with WIOA to determine the eligibility of the selected intern and provide documentation of ineligibility from WIOA prior to the first invoice submitted.

The Wyoming Development Training Fund is always striving to improve its services and support local business needs, and must be flexible to address trending business needs as they develop. The internship program will help businesses, the local economy and individuals seeking up-to-date work skills.

## Chapter 5

### Internship Grants

#### Section 1. Authority

The Department of Workforce Services (DWS) is authorized under the DWS Act Wyoming Statutes (W.S.) § 9-2-2601(d) and (g)(i)(ii) and (iv), W.S. § 9-2-2602(b)(vi), W.S. § 9-2-2604, W.S. § 27-3-209, W.S. § 27-3-211, and the Wyoming Administrative Procedures Act, W.S. § 16-3-101, *et seq.* to promulgate rules and regulations to be used by DWS in the discharge of its functions.

#### Section 2. Purpose

To provide Wyoming businesses the opportunity to offer structured work experiences to individuals through internships to enhance an individual's work skills, knowledge and abilities.

#### Section 3. Definitions

(a) "Applicant" means any business proprietor or business entity that applies for an Internship Grant through DWS.

(b) "Intern" is a student or trainee who works, on a limited basis, at a trade or occupation in order to gain work experience. This does not include entrepreneurship or self-employment.

(c) "Internship" means to provide real-world work experience that enables the intern to gain skills that can be applied to future jobs. Internship terms are twelve (12) months or less.

(d) "Preferred Industries" are focused workforce areas that have been selected by industry partnerships associated with the Wyoming Workforce Development Council. Specific industries can be found at:  
<http://wyomingworkforce.org/businesses/wdtf/industries/>

(e) "Structured learning experience" (SLE) means experiential, supervised, in-depth learning experiences that are designed to offer interns the opportunity to more fully explore career interests.

(f) "Wyoming based business" means any business physically located in the state of Wyoming.

#### **Section 4. Business Internship Grants**

(a) Applicant Eligibility

- (i) Must be a Wyoming based business or non-profit organization;
- (ii) Cannot be a government entity, other than county hospitals; and,
- (iii) Internship grants will be limited by business size and per state fiscal year.

- (A) One (1) intern for businesses with 1-8 employees;
  - (B) Up to two (2) interns for businesses with 9-49 employees;
  - (C) Up to three (3) interns for businesses with 50+ employees.
- and,

(b) Intern Eligibility Requirements.

(i) Interns that qualify for Workforce Investment and Opportunities Act (WIOA) services (Public Law §113-128; 128 Stat. 1425) or qualify for vocational rehabilitation services (Rehabilitation Act of 1973 as amended by Title IV and VI of the WIOA, Public Law §93-112; Title 34, C.F.R. 361.48) through DWS are deemed to be not eligible for the Internship Grants.

(ii) Fair Labor Standards Act (FLSA). The FLSA and the youth employment regulations as issued in 29 CFR, Part 570, establishing both hours and occupational standards for youth, including the hazardous occupations shall be fully complied with. The FLSA rules can be reviewed at:  
<https://www.dol.gov/whd/regs/compliance/whdfs43.pdf>

(c) Applicant Compliance Requirements. For Application consideration, the applicant must demonstrate and allow, to the satisfaction of the Department, the following requirements:

- (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).

(d) Allowable Wage Reimbursement

(i) Grants will reimburse up to a maximum of twelve dollars (\$12) per hour per intern.

(ii) Internship grants will allow up to 1040 hours per internship.

(iii) Internships can be up to forty (40) hours per week.

(e) Non-allowable Reimbursements. The following list is not included in any reimbursement from this program and will be the responsibility of the business:

(i) fringe benefits – insurance coverage, payroll taxes

(ii) bonuses;

(iii) overtime wages;

(iv) supplies and/or equipment; or

(v) travel expenses.

(f) Grant Application Process. Applications will be reviewed on a quarterly basis, by a panel composed of Department staff.

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

(A) Describe, in detail, the internship opportunity, and include the following:

(I) Identify specific industry – preference will be given for preferred industries listed on: <http://wyomingworkforce.org/businesses/wdtf/industries/>

(II) List job title and duties.

(III) List skills, knowledge and abilities to be achieved.

(IV) Provide a work schedule – to include hours to be worked, start date, end date, etc.

(V) Define the structured learning experience including competencies and how these skills will be documented. If applicable, indicate any business partnerships with an educational institution.

(g) Grant Approval Process. Approval will be based on the following criteria:

(i) DWS will screen Internship Grant Applications for compliance with the

requirements in Section 4(a) through (f) above.

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

(B) Preference will be given to Applicants who are in a preferred industry.

(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 contractor either on a monthly basis and at the end of the internship/contract. Payment schedules will be individualized per business requests on the application with the exception of the final payment. Final payments will be completed once the internship is completed and the final report is received.

(iii) Grant programs must be operated on a cost reimbursement basis with the contractor submitting paystub(s) and contact information to ensure payments may be made in conformance with their contract.

(i) Reporting Requirements. An applicant who receives funds from this program shall submit reports, in formats provided by the Department and include the following:

(i) The applicant in collaboration with the intern(s), shall submit a final report, within forty-five (45) days of completion, to DWS outlining the results of the internship:

(A) How the internship supported the business and improved efficiency or profitability of the business(es) or industry; and,

(B) Demonstrate and document how the structured learning experience increased the skill level of the intern.

(I) At a minimum, evaluations of pre-internship skills, mid-internship skills and final internship skills will be completed with the intern(s).

(j) Performance Standards

(i) DWS will evaluate performance based on individual applicant's structured learning experience plans and final report.

(A) Intern exit interviews will be completed at the end of the



scheduled internship to include a review of the initial plan and measuring employment skills.

### **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.

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