



**Certification Page**  
**Regular and Emergency Rules**  
 Revised July 2019

**Emergency Rules** (Complete Sections 1-3 and 5-6)

**Regular Rules**

<b>1. General Information</b>			
a. Agency/Board Name <b>Workforce Services, Department of</b>			
b. Agency/Board Address <b>5221 Yellowstone Road</b>		c. City <b>Cheyenne</b>	d. Zip Code <b>82002</b>
e. Name of Agency Liaison <b>Sharon Geissler</b>		f. Agency Liaison Telephone Number <b>307-777-8717</b>	
g. Agency Liaison Email Address <b>sharon.geissler@wyo.gov</b>		h. Adoption Date <b>3/26/2020</b>	
i. Program <b>Wyoming Development Training Fund (WDTF)</b>			

**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 or 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 **W.S. 9-2-2604**  
 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 checked="" type="checkbox"/> New	<input type="checkbox"/> Amended	<input type="checkbox"/> Repealed
<b>5</b>	<b>Internship Grants</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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 Repealed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 Repealed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 Repealed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 Repealed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 only provide the NEW chapter name on this rules certification form.

**4. Public Notice of Intended Rulemaking**

a. Notice was mailed 45 days in advance to all persons who made a timely request for advance notice.  No.  Yes.  N/A

b. A public hearing was held on the proposed rules.  No.  Yes. Please complete the boxes below.

Date:	Time:	City:	Location:

**5. Checklist**

a.  For regular rules, the Statement of Principal Reasons is attached to this Certification 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

b.  For emergency rules, the Memorandum to the Governor documenting the emergency, which requires promulgation of these rules without providing notice or an opportunity for a public hearing, is attached to this Certification.

**6. Agency/Board Certification**

The undersigned certifies that the foregoing information is correct. By electronically submitting the emergency or regular rules into the Wyoming Administrative Rules System, the undersigned acknowledges that the Registrar of Rules will review the rules as to form and, if approved, the electronic filing system will electronically notify the Governor's Office, Attorney General's Office, and Legislative Service Office of the approval and electronically provide them with a copy of the complete rule packet on the date approved by the Registrar of Rules. The complete rules packet includes this signed certification page; the Statement of Principal Reasons or, if emergency rules, the Memorandum to the Governor documenting the emergency; and a strike and underscore copy and clean copy of each chapter of rules.

Signature of Authorized Individual

Printed Name of Signatory

Robin Sessions Cooley

Signatory Title

Director, DWS

Date of Signature

3/26/2020

**7. Governor's Certification**

I have reviewed these rules and determined that they:

- 1. Are within the scope of the statutory authority delegated to the adopting agency;
- 2. Appear to be within the scope of the legislative purpose of the statutory authority; and, if emergency rules,
- 3. Are necessary and that I concur in the finding that they are an emergency.

Therefore, I approve the same.

Governor's Signature

Date of Signature



**Mark Gordon**  
Governor

# State of Wyoming

## Department of Workforce Services

Office of the Director  
5221 Yellowstone Road  
Cheyenne, Wyoming 82009  
307.777.8650 ■ Fax: 307.777.5857  
www.wyomingworkforce.org



**Robin Sessions Cooley, J.D.**  
Director

**Elizabeth Gagen, J.D.**  
Deputy Director

**To:** Honorable Mark Gordon, Governor

**From:** Robin Sessions Cooley, Director  
Department of Workforce Services (DWS)

**Subject:** Emergency Rules – Proposed Chapter 5 – Internship Grants  
DWS – Wyoming Development and Training Funds (WDTF)

**Date:** **March 27, 2020**

**Priority:** HIGH – Deadline for response is **April 10, 2020**

**Summary:** The Wyoming Department of Workforce Services (DWS) Development Training Fund (WDTF) proposes a new rule, Chapter 5 – Internship Grants. DWS has received input and support for this rule through several sources, including, Wyoming businesses, educational and industry associations, the University of Wyoming incubator program and legislative contacts. This rule is also supported by Wyoming Statute 9-2-2604.

Emergency rules are necessary so DWS can immediately implement the new grant option and begin issuing awards in accordance with existing and start-up business needs to spend 2019-2020 biennium funding. Currently, no grant options exist under WDTF to support internships. Deploying an internship grant option at this time will allow for program staff to spend the current available funds for this biennium as well as plan for the next biennium with the data collected during the next six (6) months.

This rule will offer intern wage reimbursement payments to businesses in preferred industries and with educational partners. This will include start-ups and established businesses. DWS will reimburse businesses up to a maximum of twelve dollars (\$12) per hour per intern for an approved structured work-based learning experience. Businesses will be vetted through an application process and a structured work-based learning experience plan with WDTF and individual interns. Interns and businesses will go through a required exit interview process and complete a final report.

WDTF will work with other DWS programs, such as Workforce Investment and Opportunities Act (WIOA) and Vocational Rehabilitation to avoid duplicative efforts and to provide services to fill gaps in our workforce.

**Agency Contact Name:** Marcia J. Price    **Agency Contact Phone:** 307-777-6746  
**Agency Contact Email:** Marcia.Price@wyo.gov

**Governor’s Response Options (to be completed by Governor’s Office):**

\_\_\_\_\_ Agency may proceed.      \_\_\_\_\_ Delay Public Comment and Schedule Meeting with

\_\_\_\_\_  
Governor’s Staff Representative

**As public servants, we work hard every day to help ensure  
safe and fair workplaces with qualified workers**

## Chapter 5

### Internship Grants

#### **“EMERGENCY RULES ARE NO LONGER IN EFFECT 120 DAYS AFTER FILING WITH THE SECRETARY OF STATE.”**

##### **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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