GOING PRO TALENT FUND ACT

Act 260 of 2018

AN ACT to create and operate a Going pro talent program; to provide monetary awards to certain employers to train certain employees; to prescribe the duties and powers of certain state agencies and certain state and local officials; to create certain funds; and to provide for the distribution of money.

History: 2018, Act 260, Imd. Eff. June 28, 2018

The People of the State of Michigan enact:

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408.151 Short title.

Sec. 1.

This act shall be known and may be cited as the "Going pro talent fund act".

History: 2018, Act 260, Imd. Eff. June 28, 2018

408.153 Definitions.

Sec. 3.

As used in this act:

(a) "Approved training plan" means a training plan submitted under section 7 that is approved by the department.

(b) "Awardee" means a qualified employer that is awarded funds under this act.

(c) "Department" means the department of talent and economic development.

(d) "Fund" means the Going pro talent fund created in section 5.

(e) "Michigan works agency" means that term as defined in section 3 of the Michigan works one-stop service center system act, 2006 PA 491, MCL 408.113.

(f) "Program" means the Going pro talent program created in section 7.

(g) "Qualified employee" means an employee of a qualified employer who is a United States citizen or otherwise authorized to work in the United States; is employed by the qualified employer when the approved training begins; works primarily in this state and for whom the qualified employer pays all applicable taxes; and is, as determined by the department, a permanent, full-time employee.

(h) "Qualified employer" means an employer that has a physical presence in this state, as determined by the department, and that meets any other criteria established by the department.

(i) "Qualified training provider" means a training provider that is qualified to provide training under this act, as determined by the department. A qualified training provider may be, but is not limited to, any of the following:

(i) A community college described in section 7 of article VIII of the state constitution of 1963.

(ii) An institution of higher education designated or described in section 4 of article VIII of the state constitution of 1963.

(iii) A proprietary school licensed under the proprietary schools act, 1943 PA 148, MCL 395.101 to 395.103.

(iv) A registered United States Department of Labor joint apprenticeship training center.

(v) A qualified employer.

(vi) A vendor that provides training for the operation of equipment or systems for which the vendor is the provider.

History: 2018, Act 260, Imd. Eff. June 28, 2018

408.155 Going pro talent fund; creation; deposit of money or other assets; administration; expenditures.

Sec. 5.

(1) The Going pro talent fund is created within the state treasury.

(2) The state treasurer may receive money or other assets from any source for deposit into the fund. The state treasurer shall direct the investment of the fund. The state treasurer shall credit to the fund interest and earnings from fund investments.

(3) Money in the fund at the close of the fiscal year shall remain in the fund and shall not lapse to the general fund.

(4) The department is the administrator of the fund for auditing purposes.

(5) The department shall expend money from the fund, upon appropriation, only for 1 or more of the following purposes:

(a) The payment of awards to awardees.

(b) The administration of the program.

History: 2018, Act 260, Imd. Eff. June 28, 2018

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408.157 Going pro talent program; creation; awards for workforce training; application criteria.

Sec. 7.

(1) The department shall create and operate the Going pro talent program. The department shall work with the Michigan works agencies to implement the program. Michigan works agencies shall conduct outreach to inform employers of the program.

(2) The purpose of the program is to provide competitive awards to qualified employers for workforce training, including, but not limited to, talent enhancement, increasing worker productivity, development of workforce skills, leadership and management training, and worker retention.

(3) A Michigan works agency may submit to the department an application for a program award on behalf of a qualified employer. A Michigan works agency may submit an application under this subsection on behalf of 2 or more qualified employers for a shared training program. The department shall work with the Michigan works agencies to develop an application for this subsection. The application developed for this subsection must include a requirement that a qualified employer submit a training plan.

(4) By August 1, 2018, the department shall develop criteria to evaluate applications and training plans and shall post the criteria on its website. The department's criteria must require that training plans meet, at a minimum, all of the following requirements:

(a) Be not more than 6 months in duration, unless approved by the department.

(b) Conclude within 1 year after the date the department approves the award, unless approved by the department.

(c) Be conducted by a qualified training provider.

(d) Not be for basic training.

(5) The department shall work with the Michigan works agencies to develop a uniform training agreement to be used by awardees. The agreement must include the responsibilities of the awardee and any other requirements the department considers necessary.

(6) Any of the following changes made by an awardee to an approved training plan do not require the approval of the Michigan works agency or the department:

(a) Changes to the dates of the qualified training, if, subject to subsection (4)(b), the new dates will not result in the training concluding after 1 year after the date the department approves the award.

(b) A change in the provider of the training, if the content of the training does not change.

(c) Changes to which qualified employees will receive the training.

History: 2018, Act 260, Imd. Eff. June 28, 2018

408.159 Program awards; eligible expenses; remittance to department.

Sec. 9.

(1) Expenses for which program award may be used include, but are not limited to, all of the following:

(a) The actual cost of classroom training, including instructor costs and instructional materials.

(b) The actual cost of on-the-job training, including wage reimbursement, as determined by the department.

(c) Other costs as determined by the department.

(2) An awardee shall not expend any amount of a program award on any of the following:

(a) Equipment, including tools and computers.

(b) Licensing fees.

(c) Curriculum development.

(d) Qualified employee travel costs.

(e) Online training subscriptions.

(f) Training that begins before the date of the award, unless approved by the department.

(g) Offsetting tuition reimbursement.

(3) If less than the full amount of an award is utilized by a qualified employer, the Michigan works agency shall remit the remaining amount of the award to the department. The department shall deposit money received under this subsection into the fund.

History: 2018, Act 260, Imd. Eff. June 28, 2018

408.161 Annual report.

Sec. 11.

By March 15 each year, beginning in 2019, the department shall provide a written report regarding the program to the chairpersons of the standing committees and the appropriations subcommittees of the house of representatives and senate having jurisdiction over legislation pertaining to workforce development. The report must include all of the following information from the immediately preceding fiscal year:

(a) The total amount of funding awarded, organized by industry and region.

(b) The total number of applications received and the total number of applications approved, organized by industry and region.

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(c) The following information for each awardee:
(i) The name of the awardee.
(ii) The amount of the award received by the awardee.
(iii) The type of training approved for the awardee.
(iv) The number of qualified employees who completed the approved training.
(d) Any other relevant information, as determined by the department, including, but not limited to, the following:
(i) Total number of individuals hired and trained.
(ii) Total number of apprenticeships or jobs created.

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408.163 Rules.

Sec. 13.

The department may promulgate rules to implement this act pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

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