

Title 20: Labor

Part 201: Mississippi Works Fund Rules & Regulations

Part 201 Chapter 1: STATUTORY AUTHORITY

Rule 1.1: Statutory Authority. The MS Works Fund was created through MS Works Funds created in Mississippi Code Annotated § 71-5-353.

The rules for the MS Works Fund are promulgated in accordance with Senate Bill 2808, which empowers and requires the State Workforce Development Board (the Board) to:

- A. Establish a Rules Committee that in consultation with the full board shall be designated as the body with the sole authority to promulgate rules and regulation for distribution of MS Works Funds created in Mississippi Code Annotated §71-5-353; and to
- B. Create and implement performance metrics for the MS Works Fund to determine added value to the local and state economy.

Source: Miss. Code Ann. §71-5-353 §37-153-7

Rule 1.2: Rules Committee. The Rules Committee shall consist of State Workforce Development Board members:

- A. The Executive Director of the Mississippi Development Authority;
- B. The Executive Director of the Mississippi Department of Employment Security;
- C. The Executive Director of the Mississippi Community College Board;
- D. The Chair of the Mississippi Association of Community and Junior Colleges;
- E. The Chair of the State Workforce Development Board;
- F. A representative from the workforce areas selected by the Mississippi Association of Workforce Areas, Inc.;
- G. A business representative currently serving on the board, selected by the Chairman of the State Workforce Development Board; and
- H. Two (2) legislators, who shall serve in a nonvoting capacity, one (1) of whom shall be appointed by the Lieutenant Governor from the membership of the Mississippi Senate and one (1) of whom shall be appointed by the Speaker of the House of Representatives from the membership of the Mississippi House of Representatives.

Source: Miss. Code Ann. §71-5-353 §37-153-7

Part 201Chapter 2: MS WORKS FUND PROJECTS

Introduction. The Rules Committee has approved funding for two types of projects: Job Creation Projects (JCP); and Work Ready Projects (WRP). The Mississippi public community college system and its partners shall be the primary entities to facilitate the training associated with both types of projects. Eligible applicants are community and junior colleges, state institutions of higher learning, Workforce Investment Network job centers, and other training providers, as approved (referred to in this document as Training Providers).

Applications are accepted year-round, as funds are available. Training Providers must apply on behalf of the Benefitting Business through the Mississippi Development Authority (MDA) and complete the MS Works Fund proposal package to include:

- A. Business Description
- B. Project Description
- C. Detailed Job and Wage Information
- D. Consent to Release Employment Data (UI Wage Record)
- E. Certification
- F. Vendor Registration

Rule 2.1: JOB CREATION PROJECTS. Job Creation Projects (JCP) must result in net new jobs and meet retention requirements.

Source: Miss. Code Ann. §71-5-353

Rule 2.2: JCP ELIGIBLE PROJECTS. Eligible projects for JCP must meet the critical training needs of a specific Benefitting Business to train new employees in skills necessary for the operation of the business, or to support subsidized On-the-Job training for new employees. MS Works Fund grants should be used to maximize existing training resources available through the Workforce Enhancement Training Funds, the Workforce Innovation and Opportunity Act and other sources. The Training Provider must demonstrate that the Benefitting Business is not eligible for, or has exhausted funding through, these or other existing programs.

- A. The Benefitting Business should be targeted towards, but not limited to, high growth target industry sector, as identified by MDA;
- B. The Benefitting Business shall create at least 10 net new full-time permanent jobs within two years of completion of training under the MS Works grant;
- C. Retention of trained employees is extremely important. MDA will not commit funds towards training for any job that is known to be short-term (a year or less). Furthermore,

MDA will not commit future funds toward training for a Benefitting Business that has a poor history of job retention.

Source: Miss. Code Ann. §71-5-353

Rule 2.3: JCP ELIGIBLE APPLICANTS. The applicable Training Provider will apply on behalf of a Benefitting Business, as indicated below, to receive training funds.

- A. Existing – For-profit businesses that have been in operation for a minimum of one year prior to the application date, are expanding the number of full-time employees at the Mississippi location, are current on all federal and state tax obligations, and are financially viable are eligible to apply.
- B. New – For-profit businesses that have been recruited to the state by MDA or in consultation with MDA, are current on all federal and state tax obligations, and are financially viable.

Source: Miss. Code Ann. §71-5-353

Rule 2.4: JCP ALLOWABLE USE OF FUNDS. MS Works Funds may only be used for immediate training needs for the net new jobs created and retained. Not more than five hundred thousand dollars (\$500,000) may be awarded annually for the training needs of any one employer.

Eligible projects must meet critical training needs of a specific business (Benefitting Business) to train new or existing employees in skills necessary for the operation of the business. When applicable, MS Works funds should be aligned with the WIOA state plan.

- A. The MS Works Fund grants shall be available for, but not limited to high growth industry sectors as designated by MDA.
- B. These funds shall place a special emphasis and priority on skill, aptitude, and physical assessments such as ACT WorkKeys© and Job PASS. When possible, MS Works Funds shall be used to increase the number of certificated employees in the state.
- C. Educational training including, but not limited to: workplace literacy, basic skills, soft skills, and English as a second language
- D. Subsidized On-the-Job training for new employees
- E. Priority for training shall be given to improving the skills of unemployed and underemployed individuals
- F. Training in operational strategies to improve efficiency of business operations connected to an expansion

- G. Training Providers may request administrative cost recovery and MDA may approve on a case by case basis. Administrative costs will be capped at 5 percent but the negotiated amount will be approved based on the justifiable costs associated with each project.

MDA will take wage rates into consideration when making a determination on the amount of grant funds to make available to the Benefitting Business. Higher wage rates are a factor in MDA's recruitment of industries and as such will be a factor in the determination of how MS Works Funds will be allocated.

Source: Miss. Code Ann. §71-5-353

Rule 2.5: JCP UNALLOWABLE USE OF FUNDS. Funds approved for JCP projects may not be used to pay training costs of a company that relocates the company's worksite from one community in Mississippi to another.

In no case shall MS Works Funds be used to supplant workforce funds available from any other source, including but not limited to local, state, or federal sources that are available for workforce training and development. Applicants must disclose other funds sought or awarded for workforce training.

MS Works Fund grants may not be used to provide the following:

- A. Proprietary management training packages such as: VitalEdu, AchieveGlobal, Plexus, Zig Ziglar, Phi Theta Kappa Leadership, Stephen Covey and similar packages;
- B. Training to a gaming enterprise; and
- C. Training for service sector businesses.

Source: Miss. Code Ann. §71-5-353

Rule 2.6: JCP APPLICATION PROCESS. The applicable Training Provider, in partnership with the Benefitting Business, must submit electronic copies of the application according to the appropriate format.

- A. The application must be complete, with all information supplied;
- B. The application must clearly describe the training to be delivered, state the training objectives, and describe how the funds will be used to meet the objectives;
- C. The application must document that the training is needed and that other resources are not available to meet the need; and
- D. Any additional criteria required by MDA.

Source: Miss. Code Ann. §71-5-353

Rule 2.7: JCP SUB GRANT AGREEMENT. Upon approval of the application by the MDA, Training Providers must enter into a sub grant agreement with the MDA to facilitate training related to the JCP activity.

Source: Miss. Code Ann. §71-5-353

Rule 2.8: JCP DISBURSEMENT AND REIMBURSEMENT OF FUNDS. All funds deposited into the Mississippi Department of Employment Security (MDES) MS Works Fund shall be disbursed exclusively by the Executive Director of the MDES, in accordance with the rules and regulations promulgated by the State Workforce Development Board Rules Committee. The MDES upon approval by the MDA will make all disbursements to the Training Provider.

The Training Provider will be reimbursed upon completion of a participant's training. Reimbursement requests may be submitted no more frequently than on a monthly basis.

Source: Miss. Code Ann. §71-5-353

Rule 2.9: WORK READY PROJECTS. Work Ready Projects must result in a trained and work ready applicant pool. Training must comply with the Workforce Innovation and Opportunity (WIOA) plan and meet targeted sector, credential, middle skill job requirements. When possible, MS Works Funds shall be used to increase the number of certificated employees in the state.

Source: Miss. Code Ann. §71-5-353

Rule 2.10: WRP ELIGIBLE PROJECTS. Eligible projects for WRP must either:

- A. Meet the critical training needs of a specific Benefitting Business to train existing employees in skills necessary for the retention of jobs, or
- B. Support implementation of the WIOA state plan to result in a trained and work-ready applicant pool, with a special emphasis and priority on certificate-based skill, aptitude, and physical assessments such as ACT WorkKeys© and Job PASS applicable to middle skill jobs.

For projects under Part B above, MDA shall make grants to the appropriate Training Provider after consultation with the State Workforce Development Board to ensure that the project adheres to the WIOA state plan. MS Works Fund grants should be used to maximize existing training resources available through the Workforce Enhancement Training Funds, the Workforce Innovation and Opportunity Act and other sources. For retention projects, the Training Provider must demonstrate that the Benefitting Business is not eligible for, or has exhausted funding through, these or other existing programs.

Source: Miss. Code Ann. §71-5-353

Rule 2.11: WRP ELIGIBLE APPLICANTS. Applications for WRPs for the purpose of building a quantifiable and certifiable applicant pool must be submitted by a Training Provider.

Applications for WRPs for retention purposes must be submitted in partnership with a Benefitting Business.

- A. Training Providers – community and junior colleges, state institutions of higher learning, Local Workforce Development Board, and other training providers, as approved.
- B. WRP Benefitting Business – For-profit businesses that have been in operation for a minimum of one year prior to the application date, are current on all federal and state tax obligations, and are facing market conditions that require skills upgrades to prevent layoffs.

Private non-profit entities and public agencies (excluding Training Providers) cannot receive training assistance through a WRP.

Source: Miss. Code Ann. §71-5-353

Rule 2.12: WRP ALLOWABLE USE OF FUNDS. MS Works Funds for WRP may not account for more than twenty-five percent of the total allocation in any one year. Eligible projects must meet critical training needs of specific Benefitting Business to train existing employees in skills necessary for the retention of jobs, or result in a trained and work-ready applicant pool with a special emphasis and priority on certificate-based training applicable to middle skill jobs. MS Works funds should be aligned with the WIOA state plan.

- A. The MS Works Fund grants shall be targeted towards, but not limited to, high growth industry sectors as designated by MDA.
- B. These funds shall place a special emphasis and priority on skill, aptitude, and physical assessments such as ACT WorkKeys© and Job PASS.
- C. Educational training including, but not limited to: workplace literacy, basic skills, soft skills, and English as a second language
- D. Training in operational strategies to improve efficiency of business operations
- E. Priority for training not related to retention projects shall be given to improving the skills of unemployed and underemployed individuals
- F. MS Works Training Grants may be used for Lean Manufacturing training and customized training, only to match the contribution to the cost of such training made by the company or group of companies, and may be subject to the 25% cap on retention related projects.
- G. Training Providers may request administrative cost recovery and MDA may approve on a case by case basis. Administrative costs will be capped at 5 percent but the negotiated amount will be approved based on the justifiable costs associated with each project.

MDA will take wage rates of the Benefitting Business into consideration when making a

determination on the amount of grant funds to make available for retention.

Source: Miss. Code Ann. §71-5-353

Rule 2.13: WRP UNALLOWABLE USE OF FUNDS. In no case shall MS Works Funds be used to supplant workforce funds available from any other source, including but not limited to local, state, or federal sources that are available for workforce training and development.

Funds approved for WRP may not be used to pay training costs for a company that relocates the company's worksite from one community in Mississippi to another.

Trainee wages are not allowable expenditures. In addition, the purchase of proprietary or production equipment is not an allowable expenditure.

MS Works Fund grants may not be used to provide the following:

- A. Proprietary management training packages such as: VitalEdu, AchieveGlobal, Plexus, Zig Ziglar, Phi Theta Kappa Leadership, Stephen Covey and similar packages;
- B. Training to a gaming enterprise; and
- C. Training for service sector businesses.

Source: Miss. Code Ann. §71-5-353

Rule 2.14: WRP APPLICATION PROCESS. The applicable Training Provider, in partnership with a Benefitting Business if applicable, must submit electronic copies of the application according to the appropriate format.

- A. The application must be complete, with all information supplied;
- B. The application must clearly describe the training to be delivered, state the training objectives, and describe how the funds will be used to meet the objectives;
- C. The application must document that the training is needed and that other resources are not available to meet the need; and
- D. Any additional criteria required by MDA.

Source: Miss. Code Ann. §71-5-353

Rule 2.15: WRP SUB GRANT AGREEMENT. Upon approval of the application by the MDA, Training Providers must enter into a sub grant agreement with the MDA to facilitate training related to the WRP activity.

Source: Miss. Code Ann. §71-5-353

Rule 2.16: WRP DISBURSEMENT AND REIMBURSEMENT. All funds deposited into the Mississippi Department of Employment Security (MDES) MS Works Fund shall be disbursed exclusively by the Executive Director of the Mississippi Department of Employment Security, in accordance with the rules and regulations promulgated by the State Workforce Development Board Rules Committee. The MDES upon approval by the MDA will make disbursements.

The Training Provider will be reimbursed upon completion of a participant's training. Reimbursement requests may be submitted no more frequently than on a monthly basis.

Source: Miss. Code Ann. §71-5-353

Part 201 Chapter 3: PERFORMANCE METRICS

The Mississippi State Workforce Development Board has created performance metrics for the MS Works Fund to determine the added value to the local and state economy and the contribution to the future growth of the state economy.

Rule 3.1: REQUIRED PERFORMANCE METRICS FOR JOB READY PROJECTS. The State Longitudinal Data System (SLDS) will be used to calculate performance. Performance metrics for Job Ready Projects will at a minimum include:

- A. Jobs Created
- B. Jobs Retained
- C. Wages / Personal Income
- D. National Career Readiness Certificates and other Job Preparedness Certifications Granted (geo-located)
- E. Private training funds committed

Source: Miss. Code Ann. §71-5-353

Rule 3.2: REQUIRED PERFORMANCE METRICS FOR WORK READY PROJECTS. The State Longitudinal Data System (SLDS) will be used to calculate performance. Performance metrics for Work Ready Projects will at a minimum include:

- A. Training Enrollments
- B. Training Completion
- C. National Career Readiness Certificates and other Job Preparedness Certifications Granted (geo-located)
- D. Entered Employment

E. Wages Earned

The Training Providers will be required to input data associated with each JCP and WRP activity using appropriate mechanisms to incorporate that data into SLDS.

Source: Miss. Code Ann. §71-5-353

Part 201 Chapter 4: RECONCILIATION & REPORTING

Rule 4.1: RECONCILIATION OF PERFORMANCE AND FINANCIAL MEASURES. The State Longitudinal Data System (SLDS) will be used to generate quarterly performances and annual performance reports. Specific reporting requirements will be included in sub grant agreements between MDA and the Training Provider which will describe the process for collecting, transmitting, validating, and reporting data in compliance with SLDS Governing Board rules and regulations on training expenditures and participant results.

For training provided by the community and junior colleges, the MCCB assumes responsibility for demographic data validation. MDA assumes responsibility for financial validation. Upon validation of demographics and financial reports by the appropriate parties, MCCB will make the submission to SLDS. The community and junior college training provider assumes responsibility for collecting accurate data as required and submitting the data to MCCB by the designated deadline.

Source: Miss. Code Ann. §71-5-353

Rule 4.2: REQUIRED REPORTS. The MDES in conjunction with MDA will generate quarterly and annual financial reports by project and in the aggregate. Financial reports will include:

- A. Collections
- B. Expenditures
- C. Obligations
- D. Plan versus Actual

A report on the performance of the fund shall be made to the Governor, Lieutenant Governor, and Speaker of the House of Representatives annually, throughout the life of the fund.

Source: Miss. Code Ann. §71-5-353

Rule 4.3: REPORTING SCHEDULE. Quarterly financial reports will be submitted for review and approval to the MDA and the SWIB 45 days after the end of each quarter. Annual financial reports will be submitted to MDA and the SWIB 45 days after the end of the calendar year.

Source: Miss. Code Ann. §71-5-353