

**SUBSTITUTE FOR
SENATE BILL NO. 946**

A bill 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.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the "Going
2 pro talent fund act".

3 Sec. 3. As used in this act:

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

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

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

3 (d) "Fund" means the Going pro talent fund created in section
4 5.

5 (e) "Michigan works agency" means that term as defined in
6 section 3 of the Michigan works one-stop service center system act,
7 2006 PA 491, MCL 408.113.

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

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

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

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

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

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

1 1963.

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

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

6 (v) A qualified employer.

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

9 Sec. 5. (1) The Going pro talent fund is created within the
10 state treasury.

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

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

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

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

21 (a) The payment of awards to awardees.

22 (b) The administration of the program.

23 Sec. 7. (1) The department shall create and operate the Going
24 pro talent program. The department shall work with the Michigan
25 works agencies to implement the program. Michigan works agencies
26 shall conduct outreach to inform employers of the program.

27 (2) The purpose of the program is to provide competitive

1 awards to qualified employers for workforce training, including,
2 but not limited to, talent enhancement, increasing worker
3 productivity, development of workforce skills, leadership and
4 management training, and worker retention.

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

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

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

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

22 (c) Be conducted by a qualified training provider.

23 (d) Not be for basic training or training that is required by
24 state or federal law.

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

1 other requirements the department considers necessary.

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

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

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

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

13 Sec. 9. (1) Expenses for which program award may be used
14 include, but are not limited to, all of the following:

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

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

19 (c) Other costs as determined by the department.

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

22 (a) Equipment, including tools and computers.

23 (b) Licensing fees.

24 (c) Curriculum development.

25 (d) Qualified employee travel costs.

26 (e) Online training subscriptions.

27 (f) Training that begins before the date of the award, unless

1 approved by the department.

2 (g) Offsetting tuition reimbursement.

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

7 Sec. 11. By March 15 each year, beginning in 2019, the
8 department shall provide a written report regarding the program to
9 the chairpersons of the standing committees and the appropriations
10 subcommittees of the house of representatives and senate having
11 jurisdiction over legislation pertaining to workforce development.
12 The report must include all of the following information from the
13 immediately preceding fiscal year:

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

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

18 (c) The following information for each awardee:

19 (i) The name of the awardee.

20 (ii) The amount of the award received by the awardee.

21 (iii) The type of training approved for the awardee.

22 (iv) The number of qualified employees who completed the
23 approved training.

24 (d) Any other relevant information, as determined by the
25 department, including, but not limited to, the following:

26 (i) Total number of individuals hired and trained.

27 (ii) Total number of apprenticeships or jobs created.

1 Sec. 13. The department may promulgate rules to implement this
2 act pursuant to the administrative procedures act of 1969, 1969 PA
3 306, MCL 24.201 to 24.328.