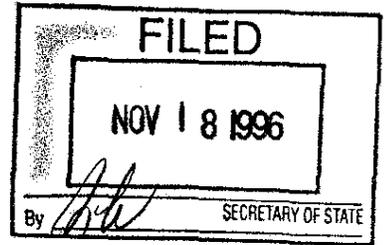


NEBRASKA ADMINISTRATIVE CODE



TITLE 85 - DEPARTMENT OF ECONOMIC DEVELOPMENT

Chapter 1 - Rules and Regulations

001 Rules relating to Administration of the Nebraska Job Training Grant. Under provisions of Legislative Bill 326, Ninety-fourth Legislature, First Session, 1995, the following rules and regulations shall govern the procedures for Nebraska Job Training Grants.

001.01 Definitions

001.01A Job Training Grant - shall mean state funds granted to qualifying businesses to create or retain jobs and thus assist in the expansion and diversification of Nebraska's economic base. Eligible businesses are defined in Section 001.02.

001.01B Grant Recipient - shall mean a qualifying business with a qualifying project as defined in Section 001.02, or any of the six Nebraska Community Colleges Areas.

001.01C Trainee - shall mean an individual being trained in an eligible project for a new full-time permanent position or an individual being retrained who is in a full-time permanent position.

001.01D Full-Time Permanent Position - shall mean a job which is created for an individual working an average of 35 or more hours a week for one year.

001.01E Department - shall mean the Department of Economic Development.

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E. BENJAMIN NELSON
GOVERNOR

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ATTORNEY GENERAL

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BY [Signature]
Assistant Attorney General

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001.01F Average Project Wage - shall mean average starting wage of all positions to be added or retrained.

001.01G Local Prevailing Wage - shall mean average wage of all occupation openings as reported by the Nebraska Department of Labor's "Nebraska Survey of Hourly Wage Rates" for the relevant Job Service area, which will be available for review from the Department of Economic Development.

001.01H Diversification - shall mean that the business qualifies under the definition in 001.02 below.

001.01I Export-Oriented - shall mean the business has either actual sales or has the potential to sell its goods or services in a market outside of Nebraska.

001.01J Business Plan - shall mean a business training plan.

001.01K Program Schedule - shall mean the business must have, in written form, a description and an outline of the schedule for the training that will be provided for each position that will be trained with grant funds.

001.02 Eligible Projects

To be eligible, the project and the business must meet all of the requirements of 001.02A through 001.02G.

001.02A Eligible businesses are for-profit businesses subject to Nebraska State tax, or non-profit businesses, and are engaged in any of the following:

- The conducting or research, development, or testing for scientific, agricultural, animal husbandry, food product, or industrial purposes;
- The performance of data processing, telecommunication, or insurance services;
- The assembly, fabrication, manufacture, or processing of tangible personal property;
- The storage, warehousing, distribution, or transportation of tangible personal property;

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- The sale of tangible personal property if more than 20 percent of the total sales are in any combination of the following:
 - a. sales for resale (wholesale sales), or
 - b. sales of tangible personal property assembled, fabricated, manufactured, or processed by the seller, or
 - c. sales of tangible personal property used by the purchaser in any of the listed qualifying activities;
- Administrative management of any activities including headquarters facilities of such activities;
- Any combination of the activities listed above.

001.02B The project must create jobs or, due to new processes or purchases of new technology or equipment, require retraining of existing positions in order to retain those positions in Nebraska.

001.02C - The average wage level of all jobs created or retrained must equal or exceed the average wage for job openings in that Job Service area as reported in the Nebraska Department of Labor's "Nebraska Survey of Hourly Wage Rates".

001.02D - The jobs created must diversify the local economy (see 1.01H above).

001.02E - The goods or services produced by the business must be export-oriented (see 1.01I above)..

001.02F - Seventy-five percent of the jobs created must be full-time permanent positions (see 1.01D above).

001.02G - All jobs must be created within three calendar years and must be retained for at least two years after completion of the training project.

001.03 Business Training Plan

The business training plan submitted to the Department must include at least the following, but the Department may require additional information in reviewing the project:

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1. A description of the business, its products and/or services, and other business information as required by the Department.
2. A description of the project for which the training funds are being requested.
3. The job title and description of full-time permanent positions to be created or retrained.
4. The number of full-time permanent trainees in each position.
5. The hourly wage of each full-time permanent position to be created or retrained.
6. A program schedule for the job training project and a description of the training that will occur.
7. A complete description of the benefit package offered by the business.

001.04 Award Limits

The Department will determine the dollar amount per position based on the quality of the project, but no greater than the following:

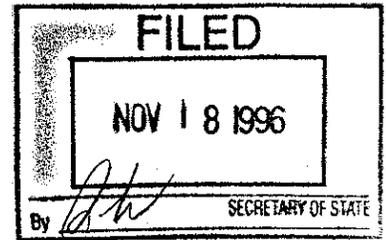
- Not greater than an average expenditure of five thousand dollars per position created if the proposed wage level does not exceed thirty thousand dollars per year.
- Not greater than an average expenditure of ten thousand dollars per position if the proposed wage level exceeds thirty thousand dollars per year.

001.05 Disbursements

Nebraska Job Training Grants are disbursed on a reimbursement basis. The Department and the business will determine in the contract the reimbursement schedule.

001.06 Performance Requirements and Non-Compliance Penalties

A business which is awarded a job training grant and signs a Contract with the Department shall provide annual performance reports to the Department and a final performance report upon the completion of the project. Monitoring of the project is required as are non-compliance penalties.



001.06A Monitoring - The Department will monitor the progress of job training projects. As deemed necessary, the Department may conduct a site audit and review business and employee records pertaining to the job training project.

001.06B Non-Compliance - The Department may revoke funding commitments, seek repayment of funds granted, or both actions if:

1. The business creates fewer positions than stated in the business plan. The following repayment plan will be followed:
 - (1) If less than fifty percent (50%) of the positions are created, one hundred percent (100%) of the grant shall be repaid.
 - (2) If fifty percent (50%) or more but less than seventy percent (70%) of the positions are created, fifty percent (50%) of the grant shall be repaid.
 - (3) If seventy percent (70%) or more but less than ninety percent (90%) of the positions are created, twenty-five percent (25%) of the grant shall be repaid.
 - (4) If ninety percent (90%) or more of the positions are created, no repayment is required.
2. If the business relocates or abandons its site during the grant disbursement period, the disbursements made to the business will be immediately due and payable to the Department.
3. If a business is sold during the grant disbursement period, the disbursements made to the business will be immediately due and payable to the Department unless the purchaser agrees to carry out the terms and conditions of the business plan.

001.07 Fund Disposal

The Department will remit repayments of job training grants due to non-compliance to the State Treasurer for credit to the Job Training Cash Fund.

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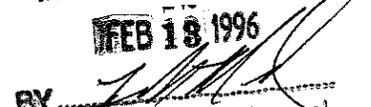
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