

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

CHAPTER Res 2700 RULES FOR THE JOB TRAINING PROGRAM

PART Res 2701 PURPOSE AND SCOPE

Statutory Authority: RSA 12-A:54, II, (a)

Res 2701.01 Purpose of the Job Training Program.

(a) The job training program (JTP) was established to provide job training which is designed to attract new business, assist in the expansion of business, and retain existing business in the state of New Hampshire.

(b) The purpose of this program is to:

(1) Enhance the state's economic growth and vitality by offering assistance to privately owned businesses that have a need to provide training to develop a new workforce or retraining existing employees to implement new technologies, in creating new jobs, and for upgrading existing jobs;

(2) Provide technical education and training as a component of the state's economic development efforts; and

(3) Be flexible and responsive to the training requirements of business in New Hampshire.

Source. #8975, INTERIM, eff 9-14-07, EXPIRED: 3-12-08

New. #9498, eff 7-1-09

Res 2701.02 Scope. These rules shall apply to any business for which assistance from the JTP is requested. A business meeting the criteria set forth by Res 2700 shall be eligible for a 50% match of funds on a reimbursement basis.

Source. #8975, INTERIM, eff 9-14-07, EXPIRED: 3-12-08

New. #9498, eff 7-1-09

PART Res 2702 DEFINITIONS

Res 2702.01 "Grant recipient" means "grant recipient" as defined in RSA 12-A:55, I, namely "the business entity that receives funds from the department and which provides funds to the training provider."

Source. #8975, INTERIM, eff 9-14-07, EXPIRED: 3-12-08

New. #9498, eff 7-1-09

Res 2702.02 "CCSNH" means the community college system of New Hampshire established by RSA 188-F:1.

Source. #8975, INTERIM, eff 9-14-07, EXPIRED: 3-12-08

New. #9498, eff 7-1-09

PART Res 2703 ELIGIBILITY REQUIREMENTS

Res 2703.01 Eligible Businesses. Any business that is physically located or intends to be physically located in New Hampshire whose employees are residents of New Hampshire or whose employees work at that business located or intending to be located in New Hampshire may be eligible for job training funds

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available from this program. All businesses shall meet the eligibility requirements by completing and submitting a Statement of Eligibility, as described in Res 2705.01.

Source. #8975, INTERIM, eff 9-14-08, EXPIRES: 3-12-08

New. #9498, eff 7-1-09

Res 2703.02 Non-Eligible. No grant from the job training program shall be awarded to:

- (a) The state, including the state university system, and the CCSNH;
- (b) Any county, city, town, or other political subdivision; and
- (c) Any organization or group of organizations, formed pursuant to section 501(c)(3) and exempt under section 501(a) of the internal revenue code, which has not currently elected to pay unemployment compensation.

Source. #8975, INTERIM, eff 9-14-07, EXPIRED: 3-12-08

New. #9498, eff 7-1-09

PART Res 2704 PROGRAM INFORMATION

Res 2704.01 Matching State Funds. Job training program awards of state funds shall require a minimum of 50% matching funds from the business making application.

Source. #8975, INTERIM, eff 9-14-07, EXPIRED: 3-12-08

New. #9498, eff 7-1-09

Res 2704.02 Non-Acceptable Use of Funds. State funds shall not be used for:

- (a) Salaries, wages, bonuses, and benefits of employees in training;
- (b) In-kind contributions;
- (c) Administrative or entertainment expenses; and
- (d) Costs resulting from violation of or failure to comply with federal, state, or local laws and regulations; and
- (e) Costs or portions of costs resulting from training programs completed or started prior to the date of grant approval.

Source. #8975, INTERIM, eff 9-14-07, EXPIRED: 3-12-08

New. #9498, eff 7-1-09

Res 2704.03 Acceptable Use of Funds. Funds shall be used for training programs including but not limited to:

- (a) Structured, on-site laboratory or classroom training;
- (b) Basic skills;
- (c) Technical skills;

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- (d) Quality improvement;
- (e) Safety;
- (f) Management and supervision;
- (g) English as a second language; and
- (h) Other training programs that enhance the state's economic growth.

Source. #8975, INTERIM, eff 9-14-07, EXPIRED: 3-12-08

New. #9498, eff 7-1-09

Res 2704.04 Job Training Provider.

- (a) Training shall be provided by the CCSNH so long as it is feasible; or
- (b) If the CCSNH cannot provide the desired training, a business shall obtain a letter or statement from the CCSNH indicating that the CCSNH cannot provide the training and that the CCSNH has approved another training entity selected by the business.
- (c) A copy of the letter or statement shall be submitted with the application.

Source. #8975, INTERIM, eff 9-14-07, EXPIRED: 3-12-08,
EXPIRED: 3-12-08

New. #9498, eff 7-1-09

Res 2704.05 Program Administration. The commissioner may contract with an outside entity for the purpose of administering the job training program. Notification and contact information shall be posted on the division of economic development (DED) website at least 15 business days in advance of any change.

Source. #8975, INTERIM, eff 9-14-07, EXPIRED: 3-12-08,
EXPIRED: 3-12-08

New. #9498, eff 7-1-09

Res 2704.06 Starting and Completion Dates.

- (a) The job training program starting date as specified on the application shall not be prior to the date of the grant review committee meeting at which the application will be considered;
- (b) Job training programs shall begin within 3 months of the date of grant approval; and
- (c) The training program completion date shall be within 15 months of the date of grant approval.

Source. #8975, INTERIM, eff 9-14-07, EXPIRED: 3-12-08,
EXPIRED: 3-12-08

New. #9498, eff 7-1-09 (from Res 2704.05)

Res 2704.07 Grant Review Committee Meetings. A grant review committee established in accordance to RSA 12-A:54, II(b) shall hold bi-monthly meetings for the purpose of reviewing applications.

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Notification of meeting dates shall be posted on the DED website at least 15 business days in advance of a scheduled meeting.

Source. #8975, INTERIM, eff 9-14-07, EXPIRED: 3-12-08,
EXPIRED: 3-12-08, EXPIRED: 3-12-08

New. #9498, eff 7-1-09 (from Res 2704.06)

Res 2704.08 Additional Grant Review Committee Meetings. The grant review committee may hold additional meetings for the purpose of reviewing applications if the JTP administrator determines that the quantity of applications is more than can be reviewed at a scheduled meeting. Notification shall be posted on the DED website at least 3 business days in advance of any additional scheduled meetings.

Source. #8975, INTERIM, eff 9-14-07, EXPIRED: 3-12-08,

New. #9498, eff 7-1-09 (from Res 2704.07)

Res 2704.09 Deadline for Submitting Applications. An eligible business shall submit its application at least two weeks prior to a committee meeting. Late applications shall be considered by the committee if good cause for failing to meet the deadline exists. Good cause shall include, but not be limited to, loss of information due to fire, theft or other circumstances beyond the control of the business. Claims of good cause shall be made in writing to the committee and the commissioner.

Source. #8975, INTERIM, eff 9-14-07, EXPIRED: 3-12-08,

New. #9498, eff 7-1-09 (from Res 2704.08)

Res 2704.10 Incomplete Applications.

(a) Applications submitted shall be reviewed by the JTP administrator for completeness.

(b) If the JTP administrator determines that the application is incomplete in any respect, the JTP administrator shall notify the business of the specific deficiencies and allow the business to amend the application.

(c) Only complete applications shall be reviewed by the grant review committee at its next scheduled meeting provided that the deadline in Res 2704.09 has been met.

Source. #8975, INTERIM, eff 9-14-07, EXPIRED: 3-12-08

New. #9498, eff 7-1-09 (from Res 2704.09)

Res 2704.11 Presentation of Application.

(a) The business shall make available a contact person to meet with the grant review committee to provide a verbal presentation on the application and to answer any questions relative to the proposed job training program.

(b) The contact person shall be listed on the job training program application.

(c) If the contact person listed on the job training program application is unavailable for good cause to meet with the grant review committee, the business shall notify the JTP administrator. Good cause shall include, but not be limited to, illness, death in the family, or other circumstance not under the control of the person.

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(d) Failure to have the contact person appear shall cause the application to be tabled until the next scheduled grant review committee meeting.

Source. #8975, INTERIM, eff 9-14-07, EXPIRED: 3-12-08

New. #9498, eff 7-1-09 (from Res 2704.10)

Res 2704.12 Grant Application Confidentiality. Confidential commercial or financial information provided with a grant application shall be exempt from disclosure under RSA 91-A:5.

Source. #8975, INTERIM, eff 9-14-07, EXPIRED: 3-12-08

New. #9498, eff 7-1-09 (from Res 2704.11)

Res 2704.13 Grant Limitations.

- (a) The minimum grant amount shall be \$750 per application;
- (b) The maximum grant amount shall be \$100,000 per application; and
- (c) A business may apply for more than one grant each fiscal year.

Source. #8975, INTERIM, eff 9-14-07, EXPIRED: 3-12-08

New. #9498, eff 7-1-09 (from Res 2704.12)

Res 2704.14 Training Grant Evaluation Report. No application for any job training funds shall be considered from any business that has not submitted a training evaluation report as required by Res 2709.01 for any previously funded training program.

Source. #8975, INTERIM, eff 9-14-07, EXPIRED: 3-12-08

New. #9498, eff 7-1-09

PART Res 2705 APPLYING FOR PROGRAM FUNDS

Res 2705.01 Statement of Eligibility.

(a) The business applying for funds shall provide on the statement of eligibility the following information:

- (1) The business name, address, website and telephone number;
- (2) The names of the chief executive officer and all other officers; and
- (3) The contact person's name, business address, telephone number and email address.

(b) All information shall be legible.

(c) The business shall include a copy of the following:

- (1) A lease, purchase and sales agreement, or deed for real estate, if intending to locate in New Hampshire; and
- (2) A certificate showing good standing with the New Hampshire secretary of state.

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(d) The applicant shall agree to:

- (1) Provide a training evaluation report; and
- (2) Abide by all non-discrimination laws.

(e) The contact person representing the business shall:

- (1) Sign and date the form; and
- (2) Certify by his or her signature that:
 - a. The employees receiving training are residents of or are employed in New Hampshire;
 - b. The business is in compliance with all applicable federal, state, or local laws and regulations; and
 - c. A training evaluation report due on any previously funded program has been completed and submitted.

Source. #8975, INTERIM, eff 9-14-07, EXPIRED: 3-12-08

New. #9498, eff 7-1-09

Res 2705.02 Job Training Program Application.

(a) The business applying for funds shall provide on a job training program application the following information:

- (1) The business name, address, telephone number, fax number, website, and federal identification number;
- (2) The name, title, and email address of the contact person;
- (3) A description of the business;
- (4) The number of employees in the New Hampshire facility or facilities;
- (5) The number of employees who are New Hampshire residents;
- (6) The number of potential employees to be trained;
- (7) The number of New Hampshire employees to be trained if grant amount is awarded;
- (8) A summary of the training to be conducted;
- (9) The starting date and completion date for training in accordance with Res 2704.05;
- (10) The current salaries of the employees to be trained and the probable salaries of the employees after training;
- (11) A statement whether or not training creates opportunities for advancement for the employees involved;
- (12) If the business has laid-off employees in the past 12 months, an indication of:

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- a. The number of employees laid-off;
 - b. What department or departments;
 - c. The number of employees that have been rehired; and
 - d. If the business plans to rehire these employees;
- (13) The annual sales for the last two fiscal years;
- (14) The annual training budget;
- (15) A detailed budget for the training program including:
- a. Total training cost;
 - b. Less funds provided by applicant; and
 - c. Total of grant requested; and
- (16) The training provider name, address, telephone number, fax number, and email address.
- (b) All information shall be legible.
- (c) The business shall provide the following:
- (1) A training proposal narrative;
 - (2) A copy of a letter or statement from the CCSNH in accordance with Res 2704.04(b), if applicable; and
 - (3) A statement giving the reason(s) the training provider identified was selected, if different than the CCSNH.
- (d) The applicant shall indicate on the application agreement to:
- (1) Have the contact person attend the grant review committee as required by Res 2704.11;
 - (2) Submit all bills for reimbursement as required by Res 2708; and
 - (3) Submit a training evaluation report after completion of the training program as required by Res 2709.
- (e) The applicant shall sign and date the application.

Source. #9498, eff 7-1-09

Res 2705.03 Submittal. The applicant shall mail or hand-deliver the original and 10 copies of the eligibility statement, application, and all attachments to:

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Department of Resources and Economic Development
Division of Economic Development
JTP Administrator
172 Pembroke Road
PO Box 1856
Concord, NH 03302-1856

Source. #9498, eff 7-1-09

PART Res 2706 REVIEW OF JOB TRAINING PROGRAM APPLICATIONS

Res 2706.01 Application Review.

(a) Applications shall be reviewed by the grant review committee at its next scheduled meeting provided that the deadline in Res 2704.09 has been met.

(b) A contact person as required by Res 2704.11 shall attend the meeting and provide:

- (1) An overview of the business;
- (2) The expectations of the training program; and
- (3) How the training program will enhance the skills of its workers.

Source. #8975, INTERIM, eff 9-14-07, EXPIRED: 3-12-08

New. #9498, eff 7-1-09

Res 2706.02 Scoring.

(a) All members of the grant review committee in attendance shall score an application.

(b) Grant review committee members shall determine a score for each of the following factors of the application after considering if it is consistent with the purpose of the program as provided by Res 2701.01:

- (1) Transferable job skills the training provides;
- (2) Assessment process used to determine training needs;
- (3) Level of industry-recognized certifications or credentials or both which the training provides;
- (4) Evaluation method to be used to determine the training's effectiveness; and
- (5) Economic or tax base impact.

(c) The following scale shall apply to each factor in paragraph (b):

- (1) Unacceptable items shall receive a score of 0 points;
- (2) Poor items shall receive a score of 2 points;
- (3) Satisfactory items shall receive a score of 3 points;
- (4) Above average items shall receive a score of 4 points; and
- (5) Excellent items shall receive a score of 5 points.

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(d) An application shall receive a minimum average score of 15 points. The grant review committee shall make a recommendation to the commissioner to approve the application.

(e) Failure of an application to receive a minimum average score of 15 points shall be cause to deny the application. The JTP administrator shall notify unsuccessful applicants in writing as to the reason(s) for denial by the grant review committee.

Source. #8975, INTERIM, eff 9-14-07, EXPIRED: 3-12-08

New. #9498, eff 7-1-09

PART Res 2707 NOTIFICATION

Res 2707.01 Notification.

(a) Following a recommendation by the grant review committee, the commissioner shall approve the application if the following is true:

- (1) The business has met the requirements necessary for eligibility pursuant to Res 2703.01;
- (2) It is consistent with the purpose of the program as provided by Res 2701.01; and
- (3) Sufficient funding is available.

(b) If the commissioner approves an application pursuant to (a) above, the JTP administrator shall forward the applicant one fully executed copy of the training grant agreement outlining any conditions which have been placed on the training program.

(c) If the commissioner does not approve an application pursuant to (a) above, the JTP administrator shall notify the applicant in writing of the specific reason(s) for the commissioner's denial.

Source. #8975, INTERIM, eff 9-14-07, EXPIRED: 3-12-08

New. #9498, eff 7-1-09

PART Res 2708 REIMBURSEMENT OF FUNDS

Res 2708.01 Grant Funds Dispersion. Approved grant funds shall only be dispersed after proof of payment for the training is received. Grant recipients shall provide proof of payment by completing and submitting an Invoice Form, as described in Res 2708.02.

Source. #8975, INTERIM, eff 9-14-07, EXPIRED: 3-12-08

New. #9498, eff 7-1-09

Res 2708.02 Invoice Form.

(a) A grant recipient requesting reimbursement shall supply on the invoice form the following information:

- (1) The approved grant number, issued by the JTP administrator;
- (2) The business name;
- (3) The total grant funds approved;

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- (4) Previously billed amount;
- (5) Available balance;
- (6) An itemized list of invoices being submitted for reimbursement;
- (7) The name and telephone number of the contact person as required in Res 2705.01(a)(2); and
- (8) The date of the request for reimbursement.

(b) All information shall be legible.

(c) The grant recipient shall include a copy of all invoices and cancelled checks or paid receipts being submitted for reimbursement.

(d) The grant recipient shall mail or hand-deliver the original and one copy of the invoice form and all attachments to:

Department of Resources and Economic Development
Division of Economic Development
JTP Administrator
172 Pembroke Road
PO Box 1856
Concord, NH 03302-1856

Source. #8975, INTERIM, eff 9-14-07, EXPIRED: 3-12-08

New. #9498, eff 7-1-09

Res 2708.03 Time Limit for Reimbursement. Within 90 days of the completion date of the training, all requests for reimbursement shall be submitted.

Source. #8975, INTERIM, eff 9-14-07, EXPIRED: 3-12-08

New. #9498, eff 7-1-09

Res 2708.04 Grant Funds Used or Not Used. Within 90 days of the completion date of the training, a grant recipient shall report to the JTP administrator any portions of the dollars allocated for their grant that will not be used.

Source. #8975, INTERIM, eff 9-14-07, EXPIRED: 3-12-08

New. #9498, eff 7-1-09

Res 2708.05 Failure to Comply. Failure to comply with the rules governing reimbursement of funds shall result in the non-reimbursement of any monies owed.

Source. #8975, INTERIM, eff 9-14-07, EXPIRED: 3-12-08

New. #9498, eff 7-1-09

PART Res 2709 REPORTING

Res 2709.01 Training Evaluation Report.

(a) Results of training programs funded by the JTP shall be evaluated by the grant recipient. Direction, guidance and methods for gathering report information shall be provided on the DED website.

(b) The training evaluation report shall include the following types of information:

- (1) Participant analysis;
- (2) Training provider analysis;
- (3) Company impact analysis;
- (4) The number of employees retained as a result of the training;
- (5) The number of jobs retained as a result of the training; and
- (6) The number of jobs created as a result of the training.

(c) Within 45 days of the completion date of the training, it shall be the responsibility of the grant recipient to ensure that the training grant evaluation report is completed and properly reported to the JTP administrator.

Source. #8975, INTERIM, eff 9-14-07, EXPIRED: 3-12-08

New. #9498, eff 7-1-09

PART Res 2710 PROGRAM INFORMATION

Res 2710.01 Information. The public may obtain information regarding the JTP by contacting the DED as described in Res 103.01.

Source. #8975, INTERIM, eff 9-14-07, EXPIRED: 3-12-08

New. #9498, eff 7-1-09

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APPENDIX

Rule	Specific State or Federal Statute the Rule Implements
Res 2701.01	RSA 12-A:51 and RSA 12-A:52
Res 2701.02	RSA 12-A:54, II(a) and RSA 12-A:55, IV
Res 2702.01	RSA 12-A:55, I
Res 2702.02	RSA 541-A:7
Res 2703.01	RSA 12-A:55, II and III
Res 2703.02	RSA 12-A:55, VIII, IX and X
Res 2704.01	RSA 12-A:55, IV
Res 2704.02	RSA 12-A:54, II(a) and RSA 12-A:56, II
Res 2704.03	RSA 12-A:53 and RSA 12-A:54, II(a)
Res 2704.04	RSA 12-A:54, II(a) and RSA 12-A:57, I and II
Res 2704.05	RSA 12-A:54, I and II(a)
Res 2704.06	RSA 12-A:54, II(a)
Res 2704.07	RSA 12-A:54, II(a) and (b)
Res 2704.08 through Res 2704.14	RSA 12-A:54, II(a)
Res 2705.01	RSA 12-A:54, II(a) and RSA 12-A:55, II, III, VI and VII
Res 2705.02 and Res 2705.03	RSA 12-A:54, II(a)
Res 2706.01 and Res 2706.02	RSA 12-A:54, II(a) and III
Res 2707.01	RSA 12-A:54, II(a) and III
Res 2708.01 through Res 2708.05	RSA 12-A:54, II(a)
Res 2709.01	RSA 12-A:58, III
Res 2710.01	RSA 91-A:4