Chapter DWD 801

WISCONSIN FAST FORWARD WORKFORCE TRAINING GRANTS

DWD 801.01 Authority and purpose.
DWD 801.02 Applicability.
DWD 801.03 Definitions.
DWD 801.04 Eligibility.
DWD 801.05 Application.
DWD 801.06 Grant awards.
DWD 801.07 Restrictions.
DWD 801.08 Match requirement.
DWD 801.09 Use of grant funds.
DWD 801.10 Amount of grants.
DWD 801.11 Reporting requirements.
DWD 801.12 Assurances and certifications.
DWD 801.13 Grant Administration.

Note: Chapter DWD 801 was created by emergency rule, EmR 1317, effective October 1, 2013.

DWD 801.01 Authority and purpose. This chapter is created to establish the rules that shall govern the administration and granting of funds for the training of unemployed and underemployed workers and incumbent employees in this state, as authorized under s. 106.27 (1), Stats.

History: CR 13–045: cr. Register April 2014 No. 700, eff. 5–1–14; CR 22–056: am. Register May 2023 No. 809, eff. 6–1–23; **CR 22–056 (corrected version): am. Register June 2023 No. 810, eff. 7–1–23.**

DWD 801.02 Applicability. This chapter applies to the department, to applicants for grants awarded by the department, and to public and private organizations that are awarded grants by the department, all in connection with workforce training grants applied for and awarded under s. 106.27 (1), Stats.

History: CR 13–045: cr. Register April 2014 No. 700, eff. 5–1–14; CR 22–056: am. Register May 2023 No. 809, eff. 6–1–23; **CR 22–056 (corrected version): am. Register June 2023 No. 810, eff. 7–1–23.**

DWD 801.03 Definitions. In this chapter:

(1) "Administrative costs" means costs associated with a grantee's general administration of a grant, such as office supplies and the wages and benefits of staff who perform functions related to the administration of the grant but who do not directly carry out the grant's objectives or activities.

(2) "Applicant" means a public or private organization that applies for a grant from the department for the development or implementation of a project.

(3) "Capital equipment" means equipment having a value greater than $5000 and a useful life of more than one year.

(4) "Department" means the department of workforce development.

(8) "Grant" means a contract between the department and a grantee whereby the department provides funds from the appropriation under s. 20.445 (1) (b), Stats., for the purposes specified in s. 106.27 (1), Stats.

(9) "Grantee" means a public or private organization receiving a grant from the department, except that if a lead public or private organization serves as the applicant for a consortium of placement partners under s. DWD 801.05 (1) (c), "grantee" means the lead public or private organization and not the placement partners.

(10) "Grant Program Announcement" or "GPA" means a document describing a grant program that includes all of the following:

(a) Solicitation of applications for grants that specifies who may apply and establishes application procedures, including requirements for demonstrating eligibility under s. DWD 801.04.

(b) Criteria for awarding grants.

(c) Conditions and restrictions that accompany grants, including any outcomes the grantee must achieve under the grant program and any matching funds required by the grantee under s. 106.27 (1) (intro.), Stats.

(12) "In–kind contributions" means the monetary value of noncash contributions provided by a grantee or third parties which directly benefit and are specifically identifiable to the project.

(13) "Incumbent employee" means an individual who is currently employed by an applicant or placement partner.

(15) "O*NET" means a United States government system of classifying occupations. O*NET occupation codes are unique numbers assigned to each occupation. O*NET is used for career exploration, job analysis, and statistical analysis.

Note: More information about O*NET can be found at the U.S. Department of Labor websites http://www.onetonline.org/ and http://www.onetcenter.org/.

(15g) "Placement partner" means an employer, other than an applicant, that commits to hire unemployed and underemployed workers who successfully complete training or to provide incumbent employees who successfully complete training with full–time employment, higher–level employment, or wage increases when the project is complete.

(15r) "Pre–existing training program" means an employment training program that an applicant or placement partner has previously conducted to increase trainees' or workers' skills to better match the applicant's or placement partner's needs. "Pre–existing training program" does not include a pilot program conducted to evaluate feasibility.

(17) "Private organization" means a private for–profit or non–profit business or service provider.

(17m) "Project" means the development or implementation of a workforce training program that an applicant proposes to conduct under a grant.

(18) "Public organization" means any of the following:

(a) A state or local agency, department, committee, council, or public body created by constitution, statute, ordinance, or rule, including a county, city, village, town, school district, or technical college district.

(b) A formally constituted subunit of an entity specified in par. (a).

(c) A tribal governing body of a federally recognized tribe or band of Indians or an organization appointed by the tribal governing body.

(20m) "Trainee" means an individual receiving workforce training in a project conducted under a grant.

(21) "Underemployed worker" means an individual who is currently employed in a capacity that does not reflect the skills and experience of the individual and that is reflected in less than desirable terms of compensation, hours, or responsibility.

(22) "Unemployed worker" means an individual who is currently out of work and is available for work. "Unemployed worker" includes a secondary education student in a project for which the employer confirms an intent to hire students who successfully complete the project. "Unemployed worker" does not include an individual who is not working but anticipates being called back to his or her regular employment.

History: CR 13–045: cr. Register April 2014 No. 700, eff. 5–1–14; CR 22–056: am. (1), (2), r. (5), (7), am. (8), (9), renum. (10) to (10) (intro.), (a) to (c) and am., am.

(12), (13), r. (14), am. (15), cr. (15g), (15r), (17m), renum. (18) to (18) (intro.), (a), (b) and am., cr. (18) (c), r. (20), cr. (20m), am. (21), (22) Register May 2023 No. 809, eff. 6–1–23; **CR 22–056 (corrected version): am. (1), (2), r. (5), (7), am. (8), (9), renum. (10) to (10) (intro.), (a) to (c) and am., am. (12), (13), r. (14), am. (15), cr. (15g), (15r), (17m), renum. (18) to (18) (intro.), (a), (b) and am., cr. (18) (c), r. (20), cr. (20m), am. (21), (22) Register June 2023 No. 810, eff. 7–1–23.**

DWD 801.04 Eligibility. (1) ELIGIBLE APPLICANTS. Any public or private organization that is current on all federal and state tax obligations, is in compliance with applicable federal and state laws and regulations, and is financially viable is eligible to receive grant funds.

(2) ELIGIBLE PROJECTS. A project is eligible to receive grant funds if its proposal demonstrates that the project will do all of the following:

(a) Train unemployed workers, underemployed workers, incumbent employees, or any combination of unemployed workers, underemployed workers, or incumbent employees.

(b) Achieve the outcomes required by the GPA, which may include improving employment, reducing layoffs, and increasing overall employment in the state by improving unemployed and underemployed workers' and incumbent employees' skills to better match employers' needs.

History: CR 13–045: cr. Register April 2014 No. 700, eff. 5–1–14; CR 22–056: r. and recr. (title), am. (1), renum. (2) to (2) (intro.), (b) and am., cr. (2) (a) Register May 2023 No. 809, eff. 6–1–23; **CR 22–056 (corrected version): r. and recr. (title), am. (1), renum. (2) to (2) (intro.), (b) and am., cr. (2) (a) Register June 2023 No. 810, eff. 7–1–23.**

DWD 801.05 Application. (1) WHO MAY APPLY. An applicant may be any of the following:

(a) A public organization.

(b) A private organization.

(c) A consortium of placement partners with a lead public or private organization serving as the applicant.

(2) SOLICITATION. The department shall solicit applications for grants by publishing a GPA on the department's website. The department may also distribute copies of the GPA to interested parties.

Note: GPAs can be found on the department's website at https://wisconsinfastforward.com/wff_standard.htm.

(3) SUBMISSION OF APPLICATIONS. (c) An applicant shall submit an application for a grant to the department in accordance with the deadline and processes indicated in the GPA for the grant, which may include instructions for applications on paper or in an electronic format.

(d) The department may issue grant guidelines and may update the guidelines as necessary. The guidelines may contain clarification or additional information on grant application instructions, requirements, and procedures.

(4) CONTENT OF APPLICATION. An application for a grant for a project shall include all of the following:

(b) Identification and contact information for the project point of contact, the financial officer for the project, and the signatories authorized by the proposed grantee to execute legal documents.

(d) A description of the critical work force shortage that exists in the project target area.

(e) An abstract that briefly describes the project and highlights the project's purpose.

(f) A summary of the budget request, including the amount and source of matching funds to be used in the project in accordance with requirements established by the GPA.

(g) A justification of the proposed budget detailing cost estimates used in compiling the budget request.

(h) A narrative description of the project, including the number of unemployed and underemployed workers and incumbent employees that will be enrolled as trainees in the project and how the project will achieve the outcomes required by the GPA.

(i) A statement of assurances and certifications in accordance with s. DWD 801.12.

(im) If the applicant is the lead for a consortium of placement partners, the names of the placement partners.

(jm) For applicants proposing to use one or more placement partners, in whole or in part, to achieve the outcomes required by the GPA, a letter of commitment from each placement partner describing the commitment the placement partner has made to the applicant to achieve the outcomes required by the GPA. A letter of commitment under this paragraph must be signed by an official of the placement partner who has the authority to enter a binding commitment on its behalf.

(km) A letter of commitment from each organization that will be providing match contributions to the project stating the match contribution that the organization will make. A letter of commitment under this paragraph must be signed by an official of the organization who has the authority to enter a binding commitment on its behalf.

(L) Information on the proposed use of one or more subcontractors in accordance with standards established by the GPA.

(m) Any other information required in the GPA.

(5) REVIEW OF APPLICATIONS. (a) *Preliminary review.* All grant applications shall meet the eligibility requirements under s. DWD 801.04 and include all of the application contents specified in sub. (4). The department or persons invited by the department shall review each application for eligibility under s. DWD 801.04 and compliance with the format and content specifications of sub. (4) and the GPA. The department may deny any application that fails to meet any of the eligibility requirements or fails to comply with the format and content specifications. Denial of an application under this paragraph is not subject to administrative review.

(b) *Evaluation criteria.* The department or persons invited by the department shall evaluate grant applications that meet the criteria as specified in par. (a) using the criteria specified in the GPA and all of the following criteria:

1. The applicant's organizational and programmatic capacity to implement the proposed project.

2. The applicant's understanding and ability to communicate the needs of the target population.

3. The applicant's stated purpose and objectives for the project and methods and timetable for implementing the project.

4. The extent to which the applicant's proposed budget is clear and justified.

5. An evaluation plan for the project.

6. The potential impact on economic development.

7. The potential impact on economic opportunities for the business, the trainees and the local workforce.

8. The potential impact of the project on building the capacity of the workforce to find and retain employment.

(6) RANKING APPLICATIONS. (a) The department or persons invited by the department shall weigh the importance of each evaluation criterion by assigning points to it. The criteria weighting shall be provided in the GPA.

(b) Using the evaluation criteria specified in sub. (5) (b), the department or persons invited by the department shall evaluate each application using each applicable criterion and assign points signifying the degree to which the application meets the criterion up to the maximum number of points specified in the GPA. The total points assigned to the application for all applicable criteria will be the score for the application.

(c) The department shall numerically rank each application for each GPA.

(d) In addition to application rankings, the department or persons invited by the department may consider underserved populations, strategic priorities, past performance, underserved geographic areas, potential to replicate the project, cost per trainee, and available funding.

History: CR 13–045: cr. Register April 2014 No. 700, eff. 5–1–14; CR 22–056: am. (1) (a), (c), r. (1) (d), am. (2), (3) (title), r. (3) (a), (b), am. (3) (c), (d), (4) (intro.), r. (4) (a), am. (4) (b), r. (4) (c), am. (4) (h), (i), cr. (4) (im), r. (4) (j), cr. (4) (jm), r. (4)

(k), cr. (4) (km), am. (5) (a), (b) (intro.), 3., (6) (a), (b), (d) Register May 2023 No. 809, eff. 6–1–23; **CR 22–056 (corrected version): CR 22–056: am. (1) (a), (c), r. (1) (d), am. (2), (3) (title), r. (3) (a), (b), am. (3) (c), (d), (4) (intro.), r. (4) (a), am. (4) (b), r. (4) (c), am. (4) (h), (i), cr. (4) (im), r. (4) (j), cr. (4) (jm), r. (4) (k), cr. (4) (km), am. (5) (a), (b) (intro.), 3., (6) (a), (b), (d) Register June 2023 No. 810, eff. 7–1–23.**

DWD 801.06 Grant awards. (1) MAKING AWARDS. Except as provided in sub. (2), for each GPA, the department shall award a grant to the applicant with the highest numerical score under s. DWD 801.05 (6).

(2) EXCEPTIONS. In reviewing a grant application, the department may do any of the following:

(a) Reject any application which fails to meet the content specifications under s. DWD 801.05 (4). Rejection of an application for failure to meet the content specifications under s. DWD 801.05 (4) is not subject to administrative review.

(b) Negotiate the amount of an award, authorized budget items, and programmatic goals and objectives before awarding a grant to an applicant.

(c) Consider additional factors, including underserved populations, strategic priorities, past performance, underserved geographic areas, potential to replicate the project, cost per trainee, and available funding.

(3) NOTIFICATION. The department shall notify each applicant, in writing, within 60 days of the deadline stated in the GPA for submitting a grant application, of either of the following:

(a) The department's decision on the application.

(b) The current status of the application and the date by which the department anticipates issuing a decision on the application.

(4) ADMINISTRATIVE REVIEW. Except as provided in s. DWD 801.05 (5) (a) and sub. (2) (a), an applicant for a grant described in a GPA may request an administrative review of an adverse decision of the department regarding the application. The request shall be in writing. The request shall be received by the department within 10 working days of the date of the department's notice to the applicant advising the applicant of the adverse decision.

(5) CONTRACT. (a) The department shall make each grant award through a contract between the department and the applicant selected to receive the grant.

(b) The contract shall provide for the retainage of a percentage of the grant funds, in accordance with a standard established by the GPA, to be paid upon compliance with the conditions of the grant.

(6) AVAILABILITY OF FUNDS. (a) The department shall decide the amount of funds available for grants from the expected appropriation under s. 20.445 (1) (b), Stats., and shall announce the availability of funds in one or more GPAs.

(b) All funding decisions shall be contingent upon availability of funds under s. 20.445 (1) (b), Stats. Any changes in the amount of funds available which were unforeseen at the time of the department's release of a GPA shall be accommodated by the department, as appropriate, by means of reduction, elimination, or increase in existing awards, by awarding of funds to applicants previously denied due to insufficient funds, or by release of a new GPA.

(c) Any funds that become available due to a denial of an award to a selected applicant as a result of failure of the selected applicant to sign the required contract, or as a result of termination of a project by the department or the applicant, shall be reallocated by the department at its discretion but within the limits of the intent of the appropriation and this chapter.

History: CR 13–045: cr. Register April 2014 No. 700, eff. 5–1–14; CR 22–056: am. (2), renum. (3) to (3) (intro.) and am., cr. (3) (a), (b), am. (4), (6) (c) Register May 2023 No. 809, eff. 6–1–23; **CR 22–056 (corrected version): am. (2), renum. (3) to (3) (intro.) and am., cr. (3) (a), (b), am. (4), (6) (c) Register June 2023 No. 810, eff. 7–1–23.**

DWD 801.07 Restrictions. (1) PROHIBITED USE OF FUNDS. Grant funds shall be used only for the payment or reimbursement of expenses which are allowable under s. DWD 801.09, reasonable, necessary, and properly assignable to the purposes of an approved grant. Any other use of grant funds is prohibited.

(2) VIOLATION OF PROHIBITED ACTIVITIES. If a grantee uses grant funds for prohibited activities under sub. (1), the department may terminate the grant and recover funds previously paid to the grantee under the grant.

(4) OWNERSHIP OF CURRICULUM. Curriculum developed for a project using grant funds is owned by the department. Subject to any conditions established by the grant, any of the following may make future use of the curriculum:

(a) The grantee.

(b) Any placement partner that is part of a consortium for which an application is made under s. DWD 801.05 (1) (c).

History: CR 13–045: cr. Register April 2014 No. 700, eff. 5–1–14; CR 22–056: am. (1), (2), r. (3) Register May 2023 No. 809, eff. 6–1–23; **CR 22–056 (corrected version): am. (1), (2), r. (3), cr. (4) Register June 2023 No. 810, eff. 7–1–23.**

DWD 801.08 Match requirement. Match contributions determined by the department under s. 106.27 (1) (intro.), Stats., are subject to all of the following criteria:

(1) The match contributions shall be from private funds or from public funds specifically authorized by federal or state law to satisfy the matching requirements.

(2) The match contributions may not be used to satisfy any other state or federal matching requirements.

(3) The match contributions shall be made during the required matching period identified in the GPA and the grant.

(5) Trainee wages, stipends, and fringe benefits may be considered as match contributions.

(6) In–kind contributions may be accepted as part of the match contribution if the grantee provides the basis for valuing the contribution.

(7) The GPA or the grant may identify additional match conditions based on the specific nature of the proposal or grant.

History: CR 13–045: cr. Register April 2014 No. 700, eff. 5–1–14; CR 22–056: am. (intro.), (1) to (3), r. (4), am. (5) to (7) Register May 2023 No. 809, eff. 6–1–23; **CR 22–056 (corrected version): am. (intro.), (1) to (3), r. (4), am. (5) to (7) Register June 2023 No. 810, eff. 7–1–23.**

DWD 801.09 Use of grant funds. (1) ALLOWABLE USES. A grantee may use grant funds received under this chapter for any of the following:

(a) Developing or implementing curriculum for projects that are designed to do any of the following:

1. Increase the skills of unemployed workers to meet the needs of one or more employers.

2. Increase the skills of underemployed workers to a level which would qualify the workers for employment at the current employer or a new employer with higher wages, more hours, or increased functionality.

3. Increase the skills of incumbent employees to a level which would qualify the employees for employment at the current employer with higher wages, more hours, or increased functionality.

(b) Developing or implementing a special project that generates creative problem–solving skills, creates a competitive work culture and environment, inspires underachieving workers, increases the productivity of an organization, or facilitates and encourages the development of individual employees.

(c) Renting capital equipment as specified and approved in the grant.

(d) Paying administrative costs pursuant to sub. (3).

(2) UNALLOWABLE USES. A grantee may not use grant funds received under this chapter for any of the following:

(a) Purchase of real estate.

(b) Construction or major remodeling.

(c) Kindergarten to 12th grade education.

(d) Support of the enactment, repeal, modification or adoption of any law, regulation or policy, at any level of government.

(e) Sectarian purposes or activities.

(f) Trainee wages, stipends, or fringe benefits.

(g) Purchase of capital equipment.

(h) Pre−existing training programs.

(3) LIMIT ON ADMINISTRATIVE COSTS. The department may limit the amount of grant funding that a grantee may spend on administrative costs to no more than 10% of the total project costs reimbursed by the department under the grant.

History: CR 13–045: cr. Register April 2014 No. 700, eff. 5−1−14; CR 22–056: am. (1) (intro.), (a) (intro.), (b), (c), cr. (1) (d), am. (2) (intro.), cr. (2) (g), (h), am. (3), r. (4) Register May 2023 No. 809, eff. 6−1−23; **CR 22–056 (corrected version): am. (1) (intro.), (a) (intro.), (b), (c), cr. (1) (d), am. (2) (intro.), cr. (2) (g), (h), am. (3), r. (4) Register June 2023 No. 810, eff. 7−1−23.**

DWD 801.10 Amount of grants. (1m) Subject to subs. (3) and (4), the amount of a grant shall be based on the following:

(a) The amount requested by the applicant and approved by the department.

(b) The amount of match contributions by the applicant under s. DWD 801.08 that are approved by the department.

(3) No grant may be awarded for an amount of less than $5000.

(4) No grantee may receive more than $400,000 in any combination of grants during a calendar year. This subsection does not apply to a grantee serving as an applicant for a consortium of placement partners under s. DWD 801.05 (1) (c).

History: CR 13–045: cr. Register April 2014 No. 700, eff. 5−1−14; CR 22–056: renum. (intro.), (1), (2) to (1m) (intro.), (a), (b) and, as renumbered, am. (1m) (intro.), (b), am. (4) Register May 2023 No. 809, eff. 6−1−23; **CR 22–056 (corrected version): renum. (intro.), (1), (2) to (1m) (intro.), (a), (b) and, as renumbered, am. (1m) (intro.), (b), am. (4) Register June 2023 No. 810, eff. 7−1−23.**

DWD 801.11 Reporting requirements. (1) A grantee shall submit to the department data and information on the use and effect of the grant funds as specified in this section and in any grant guidelines issued under s. DWD 801.05 (3) (d). The grantee shall authorize the department to audit and inspect its records and to use business data for administrative purposes.

(2) A grantee shall submit quarterly Bureau of Labor Statistics multiple worksite survey forms.

(3) As specified in a grant, a grantee shall report all of the following:

(a) The O*NET occupation code for each trainee.

(b) The actual employer worksite location of each trainee after the completion of the training.

(c) The number of trainees initially enrolled in the project, identified by social security number and status at the time of enrollment as an unemployed worker, an underemployed worker, or an incumbent employee.

(d) For each trainee who is employed at the time of enrollment, whether the trainee is an employee of one of the placement partners and the hourly wage of the trainee.

(e) For each trainee who is an unemployed worker at the time of enrollment, whether the trainee has obtained employment during the training, or within a specified time period after successful completion of the training, whether the employment obtained is with one of the placement partners, and the hourly wages of the newly employed worker.

(f) The number of trainees, identified by social security number, that successfully complete the training, and the status of the trainees at the completion of the project as an unemployed worker, underemployed worker, or incumbent employee.

(g) For each trainee who was an underemployed worker at the time of enrollment, whether the trainee has obtained new employment, whether any new employment is with a placement partner, and whether the new employment has provided an increased wage or increased hours of work.

(h) Such other information as may be required by the department.

History: CR 13–045: cr. Register April 2014 No. 700, eff. 5−1−14; correction in (3) (c) made under s. 35.17, Stats., Register April 2014 No. 700; CR 22–056: am. (1), (2), (3) (intro.), (a), (c) to (g) Register May 2023 No. 809, eff. 6−1−23; **CR 22–056 (corrected version): am. (1), (2), (3) (intro.), (a), (c) to (g) Register June 2023 No. 810, eff. 7−1−23.**

DWD 801.12 Assurances and certifications. Each grantee shall assure and certify that the grantee and its contractors are in compliance with all of the following:

(1) AUTHORITY TO SIGN AND ACCEPT FUNDS. The grantee shall certify that the designated signatory official has the authority to sign on behalf of the grantee and has the authority to accept funds.

(2) COMPLIANCE STATEMENT. The grantee shall provide a statement that it is in compliance with applicable state and federal laws, rules, and regulations, including tax laws, the unemployment insurance and worker's compensation laws, the requirements of this chapter, and the GPA.

(3) NONDISCRIMINATION AND EQUAL OPPORTUNITY. In accordance with s. 16.765, Stats., the grantee may not discriminate in violation of state or federal law and shall follow equal employment opportunity practices in the administration and delivery of project services and benefits to eligible applicants and participants.

(4) ADEQUATE AND DOCUMENTED SYSTEMS. The grantee shall have adequate and documented administrative, personnel, financial, and project management systems, including the policies, procedures, and controls necessary to ensure effective and efficient use of funds and reporting of how funds are used for the delivery of projects.

History: CR 13–045: cr. Register April 2014 No. 700, eff. 5−1−14; correction in (intro.) made under s. 35.17, Stats., Register April 2014 No. 700; CR 22–056: am. (intro.), (3), (4) Register May 2023 No. 809, eff. 6−1−23; **CR 22–056 (corrected version): am. (intro.), (3), (4) Register June 2023 No. 810, eff. 7−1−23.**

DWD 801.13 Grant Administration. (1) GRANT RECORDS. A grantee shall maintain grant records and provide access to the records when requested by the department.

(2) RETENTION. A grantee shall retain grant records for at least three years after the conclusion of the grant.

(3) INVOICES. A grantee shall submit invoices for reimbursement in accordance with procedures established by the department.

(4) MONITORING AND AUDITS. A grantee shall cooperate with any monitoring and auditing activities of the department related to the grant activities or grant expenditures, including providing the department with any requested records or information and, at the request of the department, appearing before the department to respond to any questions about the grant activities or grant expenditures.

History: CR 13–045: cr. Register April 2014 No. 700, eff. 5−1−14; CR 22–056: am. (1) to (3), cr. (4) Register May 2023 No. 809, eff. 6−1−23; **CR 22–056 (corrected version): am. (1) to (3), cr. (4) Register June 2023 No. 810, eff. 7−1−23**