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HOUSE BILL NO. 41
INTRODUCED BY J. BERGSTROM
BY REQUEST OF THE DEPARTMENT OF LABOR AND INDUSTRY

A BILL FOR AN ACT ENTITLED: "AN ACT EXPANDING INCUMBENT WORKER TRAINING ELIGIBILITY AND AWARDS; REVISING DEFINITIONS; AND AMENDING SECTIONS 53-2-1215, 53-2-1216, AND 53-2-1218, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 53-2-1215, MCA, is amended to read:

"53-2-1215. Incumbent worker training program -- purpose. There is an incumbent worker training program, administered by the department, the purpose of which is to:

- (1) meet the training needs of incumbent workers in businesses employing 50 or fewer workers in this state; and
- (2) assist local businesses in preserving existing jobs for Montana residents."

Section 2. Section 53-2-1216, MCA, is amended to read:

"53-2-1216. Definitions. As used in 53-2-1215 through 53-2-1220, the following definitions apply:

- (1) "Department" means the department of labor and industry provided for in 2-15-1701.
- (2) "Eligible training provider" means:
 - (a) a unit of the university system, as defined in 20-25-201;
 - (b) a community college district, as defined in 20-15-101;
 - (c) an accredited, tribally controlled community college located in the state of Montana;
 - (d) an apprenticeship program that is in compliance with Title 39, chapter 6; or
 - (e) an entity approved to provide workforce training that is approved by the department.
- ~~(3) "Employee" or "worker" means an individual currently employed in a predominantly year-round job and working an average of at least 20 hours a week.~~

1 ~~(4)~~(3) "Employer" means a business entity that employs ~~50 or fewer employees~~ workers in this state
 2 and that is registered with the secretary of state to conduct business as a sole proprietor, if required, or as a
 3 corporation, a partnership, a limited liability company, or an association.

4 ~~(5)~~(4) "Incumbent worker" means ~~an employee~~ a worker who has completed at least 6 months of
 5 employment with the employer.

6 ~~(6)~~(5) "Incumbent worker training program grant" or "grant" means the grant awarded to employers to
 7 hire eligible training providers to provide incumbent workers with education and training required to improve
 8 productivity, efficiency, or wages in existing jobs.

9 (6) "Worker" means an individual currently employed in a predominantly year-round job and
 10 working an average of at least 20 hours a week."

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12 **Section 3.** Section 53-2-1218, MCA, is amended to read:

13 **"53-2-1218. Incumbent worker training program grant award criteria.** (1) Subject to appropriation
 14 by the legislature, the department shall award grants as provided in this section. The distribution of funding
 15 must be reviewed annually by the department, and funds that are not being used or for which there are no
 16 qualified applications, as determined by the department, may be transferred to other programs as provided in
 17 17-7-138 and 17-7-139.

18 (2) The following criteria must be used in determining whether to award an incumbent worker
 19 training program grant:

20 (a) prospects for enhancing the incumbent worker's productivity, efficiency, or wages;

21 (b) prospects for reducing incumbent worker turnover;

22 (c) ability to provide matching funds;

23 (d) a demonstrated need by the employer for upgrading skills of incumbent workers through
 24 training as a way to improve the employer's ability to remain competitive in the industry or in the economy;

25 (e) a direct relationship between the training and an added benefit to the incumbent worker's
 26 occupation or craft; and

27 (f) a demonstration that the training is not normally provided or required by the employer and, as
 28 far as may be determined, by the employer's competitors.

