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NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 839
BUREAU OF LABOR AND INDUSTRIES

FILED

10/22/2019 12:16 PM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Adopt rules for Trade Outreach to Veterans Grant Program pursuant to OL CH. 528 (2019)

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 11/22/2019 5:00 PM

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

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Filed By:
Erin Seiler
Rules Coordinator

HEARING(S)

Auxiliary aids for persons with disabilities are available upon advance request. Notify the contact listed above.

DATE: 11/19/2019
TIME: 2:00 PM - 3:00 PM
OFFICER: staff
ADDRESS: Portland State Office
Building
800 NE Oregon Street
Suite 1045
Portland, OR 97232

NEED FOR THE RULE(S):

The Oregon Bureau of Labor and Industries filed a Notice of Proposed Permanent Rulemaking Hearing, with the Oregon Secretary of State, to adopt rules related to the development and administration of a grant program to conduct outreach about trade careers and apprenticeship opportunities to residents of Oregon who are veterans; served in the Oregon National Guard; or reserve component of the Armed Forces. The proposed rules address the purpose, application, eligibility, and evaluation criteria for the issuance of grants to trade unions and trade associations to conduct outreach.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

Enrolled House Bill 2202, 2019, available at
<https://olis.leg.state.or.us/liz/2019R1/Downloads/MeasureDocument/HB2202>

FISCAL AND ECONOMIC IMPACT:

The Bureau of Labor and Industries does not anticipate the adoption of the new rules will result in an economic or fiscal impact upon state agencies, local governments, or the general public. The application and issuance of grants under this

preparing individuals to qualify for and succeed as a Registered Apprentice. If awarded a grant, a trade association or trade union will be required to enter into a contract with the Apprenticeship and Training Division of the Bureau of Labor and Industries. Pursuant to the contract, each grant recipient must complete a final expense and narrative report. The entity may choose to employ professional services to assist in the application and compliance with the grant program, but there is no requirement to employ professional services.

COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

(1) None. The Bureau of Labor and Industries does not anticipate the adoption of the new rules will result in an economic or fiscal impact upon state agencies or local governments.

None. The Bureau of Labor and Industries does not anticipate the adoption of the new rules will result in an economic or fiscal impact upon the general public.

(2)(a) Application and issuance of grants under this program is limited to trade associations and trade unions that participate in providing Apprenticeship Opportunities or preparing individuals to qualify for and succeed as a Registered Apprentice.

(b) A trade association or trade union awarded a grant under this program will be required to enter into a contract with the Apprenticeship and Training Division of the Bureau of Labor and Industries. Pursuant to the contract, each grant recipient must complete a final expense and narrative report.

(c) A trade association or trade union may choose to employ professional services to assist in the application and compliance with the grant program. There is no requirement to employ professional services.

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

No small businesses were not involved in the development of these rules.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? NO IF NOT, WHY NOT?

An Advisory Committee was not appointed for the drafting of this rule because the rules mirror other state contracting and grant administration procedures.

RULES PROPOSED:

839-012-0600, 839-012-0605, 839-012-0610, 839-012-0615, 839-012-0635, 839-012-0645, 839-012-0655, 839-012-0675

ADOPT: 839-012-0600

RULE SUMMARY: Purpose of Division 12.

CHANGES TO RULE:

Purpose of Apprenticeship Grants and Contracts

The Apprenticeship Grants and Contracts Program, with advice and counsel from the Oregon State Apprenticeship and Training Council, awards grants for the Apprenticeship and Training Division through one grant program: Trade Outreach to Veterans Grants.

Statutory/Other Authority: OL CH. 528 (2019)

Statutes/Other Implemented: OL CH. 528 (2019)

ADOPT: 839-012-0605

RULE SUMMARY: Definitions.

CHANGES TO RULE:

839-012-0605

Definitions

(1) "Apprenticeship Opportunities" means the availability to apply and opportunity to be selected as a Registered Apprentice.¶

(2) "Community Based Organization" means an organization that has the capacity to help certain worker populations, such as women, veterans, minorities, individuals with disabilities, and others, prepare for apprenticeships and provide supportive services to apprentices.¶

(3) "Job Fairs or Similar Recruitment Methods" means any external process that effectively informs diverse veterans about opportunities to apply for registered apprenticeship (on a timely basis, in sufficient numbers, and with appropriate qualifications) and that connects applicant veterans by supporting them to persevere through selection, orientation and onboarding as an apprentice.¶

(4) "Oregon State Apprenticeship and Training Council" means the Council established by ORS 660.110.¶

(5) "Registered Apprentice" means an Apprentice as defined in ORS 660.010.¶

(6) "Trade Associations" means any group of employers or community based organizations that participates in providing Apprenticeship Opportunities or preparing individuals to qualify for and succeed as a Registered Apprentice.¶

(7) "Trade Unions" means any labor union or union-affiliated community service agency that participates in providing Apprenticeship Opportunities or preparing individuals to qualify for and succeed as a Registered Apprentice.¶

(8) "Veteran" has the meaning given in ORS 408.225.

Statutory/Other Authority: OL CH. 528 (2019)

Statutes/Other Implemented: OL CH. 528 (2019)

ADOPT: 839-012-0610

RULE SUMMARY: Program purpose.

CHANGES TO RULE:

839-012-0610

Purpose of Trade Outreach to Veterans Grant Program

(1) The purpose of the Trade Outreach to Veterans Grant program is to inform veterans about registered apprenticeship programs that will prepare them for trade careers, to connect veterans with opportunities to pursue such careers by becoming registered apprentices, to prepare veterans to meet minimum qualifications and effectively participate in apprenticeship selection procedures, and to provide support to veterans who are registered as apprentices. "Trade Outreach Veterans Grant Program" means the program created by ORS(whatever statute is created by HB 2202).¶

(2) Trade Outreach Veterans Grants are awarded on a competitive basis pursuant to a process that is initiated when the Bureau of Labor and Industries issues a solicitation. The solicitation will request grant submissions that provide an approach to accomplishing one or more of the following objectives:¶

(a) Inform Veterans: Making information about registered apprenticeship programs broadly available to Oregonians who have served as veterans:¶

(b) Connect Veterans: Investing in Oregon's veterans by connecting them to apprenticeship opportunities to pursue meaningful careers through training as registered apprentices:¶

(c) Prepare Veterans: The preparation of veterans to meet minimum qualifications and effectively participate in apprentice selection procedures:¶

(d) Support Veterans: The strengthening of veterans as registered apprentices by providing support through such means as coaching, mentoring, information and referral services, and small financial supports designed to improve retention to journey worker status.

Statutory/Other Authority: OL CH. 528 (2019)

Statutes/Other Implemented: OL CH. 528 (2019)

ADOPT: 839-012-0615

RULE SUMMARY: Applications and Eligibility criteria.

CHANGES TO RULE:

839-012-0615

Applications and Eligibility

(1) Applications must be submitted in the form required, and by a deadline set, in the solicitation.¶

(2) Applicants for Trade Outreach Veterans Grants must be an Oregon Trade Union or Trade Association.¶

(3) Applicants shall be permitted to partner with Community Based Organizations.

Statutory/Other Authority: OL CH. 528 (2019)

Statutes/Other Implemented: OL CH. 528 (2019)

ADOPT: 839-012-0635

RULE SUMMARY: Evaluation criteria for grants and contracts.

CHANGES TO RULE:

839-012-0635

Evaluation Criteria

Trade Outreach Veterans Grant applications are evaluated according to how they address the themes described in OAR 839-011-0610(1). Additional evaluation criteria include:¶

(1) Significance of the activity or the project, including the quality of the organization(s), structures, apprenticeship and training programs, or services that will be involved;¶

(2) The potential to broaden or deepen veteran knowledge, understanding, appreciation of, and access to Apprenticeship Opportunities;¶

(3) The appropriateness of the budget, the quality and clarity of the project goals and design, the resources involved, and the qualifications of the project's personnel;¶

(4) Evidence of sound fiscal management;¶

(5) Evidence of public or private matching funds or in-kind services;¶

(6) The process by which the project will be evaluated and plans in place to sustain or maintain the activity or project, if appropriate, following the period of the grant.

Statutory/Other Authority: OL CH. 528 (2019)

Statutes/Other Implemented: OL CH. 528 (2019)

ADOPT: 839-012-0645

RULE SUMMARY: Permissible use of grant funds.

CHANGES TO RULE:

839-012-0645

Use of Grant Funds

(1) Trades Outreach Veterans Grant funds must be used to provide one or more of the following services:¶

(a) Inform veterans in Oregon about apprenticeship opportunities available to them;¶

(b) Connect veterans in Oregon with registered apprenticeship programs that will provide them with training to qualify for meaningful careers with living wages;¶

(c) Prepare veterans to apply for registered apprenticeship programs of their choice and effectively participate in the selection procedure, including any exceptions for which they may qualify; or¶

(d) Support veterans in Oregon who become registered apprentices to improve the likelihood that they will complete the requirements of a registered apprenticeship and advance to journey worker status.¶

(2) Trades Outreach Veterans Grant funds may not be used for:¶

(a) Indirect costs;¶

(b) Tuition assistance or scholarships apprenticeship costs;¶

(c) Projects that have been substantially completed by the start date of the grant period;¶

(d) Grants to offset previous project deficits; and¶

(e) Events whose primary focus is to raise funds for a purpose outside the scope of OAR 839-011-0610.

Statutory/Other Authority: OL CH. 528 (2019)

Statutes/Other Implemented: OL CH. 528 (2019)

ADOPT: 839-012-0655

RULE SUMMARY: Process for awarding grants and grant administration.

CHANGES TO RULE:

839-012-0655

Grant Awards Process: Administration of Grants

(1) Applications submitted to the Bureau of Labor and Industries pursuant to its solicitation will be reviewed by staff to determine whether the applicant is eligible to receive a Trades Outreach Veterans Grant. Ineligible applications will be returned to applicants with an explanation.¶

(2) Applications from applicants eligible to receive a Trades Outreach Veterans Grant will be reviewed by a panel of workforce professionals designated by the Apprenticeship and Training Division who will make funding recommendations to the Apprenticeship and Training Division.¶

(3) The Apprenticeship and Training Division evaluates qualified proposals and determines final grant awards. Announcement of grants are made as provided in the solicitation.¶

(4) Grants are administered by the Apprenticeship and Training Division of the Bureau of Labor and Industries.

Statutory/Other Authority: OL CH. 528 (2019)

Statutes/Other Implemented: OL CH. 528 (2019)

ADOPT: 839-012-0675

RULE SUMMARY: Contract and final reports.

CHANGES TO RULE:

839-012-0675

Grant Contract; Final Reports

Grant recipients are required to enter into a contract with the Apprenticeship and Training Division of the Bureau of Labor and Industries. Pursuant to that contract, each grant recipient must complete a final expense and narrative report. Final financial reports must reflect the application budget as originally submitted unless the budget is revised with the approval of the Apprenticeship and Training Division or its designee. Grant reports must be submitted within thirty (30) days of the end date of the grant period.

Statutory/Other Authority: OL CH. 528 (2019)

Statutes/Other Implemented: OL CH. 528 (2019)