

Title 20: Labor

Part 201: Mississippi Works Fund Rules & Regulations

Part 201 Chapter 1: Statutory Authority

Rule 1.1: Statutory Authority. The Mississippi Works Fund was created through Mississippi Works Funds created in Mississippi Code Annotated § 71-5-353.

The rules for the Mississippi Works Fund (MS Works Fund) are promulgated in accordance with Senate Bill 2723, Regular Legislative Session 2022, which empowers and requires the Office of Workforce Development (AccelerateMS) to create rules and implement performance metrics for the MS Works Fund to determine added value to the local and state economy.

Source: Miss. Code Ann. §71-5-353 and §37-153-7

Rule 1.2: Rules Committee. The Rules Committee shall consist of State Workforce Development Board members:

- A. The Executive Director of the Mississippi Development Authority;
- B. The Executive Director of the Mississippi Department of Employment Security;
- C. The Executive Director of the Mississippi Community College Board;
- D. The Chair of the Mississippi Association of Community and Junior Colleges;
- E. The Chair of the State Workforce Development Board;
- F. A representative from the workforce areas selected by the Mississippi Association of Workforce Areas, Inc.;
- G. A business representative currently serving on the board, selected by the Chairman of the State Workforce Development Board; and
- H. Two (2) legislators, who shall serve in a nonvoting capacity, one (1) of whom shall be appointed by the Lieutenant Governor from the membership of the Mississippi Senate and one (1) of whom shall be appointed by the Speaker of the House of Representatives from the membership of the Mississippi House of Representatives.

Source: Miss. Code Ann. §71-5-353 §37-153-7

Part 201 Chapter 2: MS Works Fund Projects

Rule 2.1: Introduction. The MS Works Fund is a legislatively authorized program administered by

AccelerateMS that is tasked with providing funding to address immediate training needs of eligible Mississippi employers and support for related economic development activities throughout the state. Funds allocated by the executive director shall only be utilized for the training of unemployed or underemployed persons, for immediate training needs for the net new jobs created by an employer, for the retention of jobs, to create a work-ready applicant pool of Mississippians with credentials and/or postsecondary education in accordance with the state's Workforce Investment and Opportunity Act plan, or for the support of local economic and community development activities related to workforce development in the state. Of the funds deposited annually, Job Creation Projects will be prioritized. Remaining funds will be used at the discretion of AccelerateMS.

MS Works funding may be utilized by AccelerateMS for three types of projects:

- A. Job Creation Projects
- B. Workforce Retention and Reskilling Projects
- C. Local Workforce Delivery Coordination and Outreach

Source: Miss. Code Ann. §71-5-353

Rule 2.2: Applications. External applications are accepted year-round, as training needs are identified or *as new initiatives are* created if funds are available. Needs are presented to AccelerateMS through a pre-application process. Once needs are deemed eligible, AccelerateMS will invite a full application. Eligible Applicants must apply through AccelerateMS by submitting an application package related to the initiative.

Requirements include, but are not limited to:

- A. Applicant Information
- B. Benefitting Business Information (if applicable)
 - 1. Consent to Release Employment Data (UI Wage Record)
- C. Project Description
- D. Project Budget
 - 1. Stipend Cost
 - 2. Course Cost
 - 3. Registration Costs
 - 4. Internship costs
- E. Detailed Training Plan
- F. Vendor Training and/or Third-Party Training Costs
- G. Detailed Job and Wage Information

Source: Miss. Code Ann. §71-5-353

Rule 2.3: MS Works Eligible Applicants. The Eligible Applicant will apply on behalf of a Benefitting Business/and or Training Provider to receive training funds, or to receive funds directly in order to provide training. Eligible Applicants will be determined at the discretion of AccelerateMS once activity driving training needs have been presented.

Eligible applicants include, but are not limited to:

- A. Community and junior colleges
- B. State institutions of higher learning
- C. The Local Planning and Development District,
- D. Non-Profits in partnership the Local Planning and Development District, community and junior college, or state institution of higher learning.
- E. Secondary schools in partnership the Local Planning and Development District, community and junior college, or state institution of higher learning.

Rule 2.4: Training Providers. AccelerateMS, in collaboration with Mississippi Public Community Colleges, Local Planning and Development Districts, and state institutions of higher learning partners shall be the primary entities to facilitate the training associated with each of the project types. Other providers are eligible to provide training services based on the training plan approved by AccelerateMS.

Source: Miss. Code Ann. §71-5-353

Rule 2.5: Project Descriptions.

- A. Job Creation Projects primarily address economic development projects, which must result in net new full-time jobs or meet retention requirements, as defined by the Mississippi Development Authority, or at the discretion of AccelerateMS. These projects must be tied to a defined training plan with an eligible benefiting business. A full-time job is defined as averaging a minimum of 35 hours per week.
- B. Workforce Retention and Reskilling Projects primarily address:
 - 1. The critical training needs of eligible Benefitting Business(es); or
 - 2. The critical skills necessary for existing employees for the retention of jobs to improve productivity, and support competitiveness; or
 - 3. Skills needed in a work-ready applicant pool of Mississippians to fill high growth, in-demand jobs, and/or aligning with AccelerateMS priority sectors and occupations.
 - 4. Local Workforce Delivery Coordination and Outreach allow AccelerateMS to utilize funding for regional coordination and outreach of workforce planning and delivery or training needs.

Source: Miss. Code Ann. §71-5-353

Rule 2.6: MS Works Eligible Projects. Eligible projects must address the critical training needs of eligible Benefitting Businesses or provide training needed to fill high growth, in-demand jobs, and/or aligned with AccelerateMS priority sectors and occupations. Funding must be used to train employees in skills necessary for the operation of the business, or to support subsidized on-the-job training for net new full-time jobs created, or reskill existing full-time employees to enhance competitiveness, or to train unemployed or underemployed individuals. MS Works grants should be used in conjunction with existing training funds through coordination with the

state's Workforce Innovation and Opportunity Act, Mississippi Workforce Enhancement Training funds, and other funding to maximize resources.

- A. Eligible Benefitting Businesses should align with high-growth target industry sectors, as identified by the Mississippi Development Authority (MDA), or AccelerateMS priority sectors and occupations. The Benefitting Business shall create or enhance at least 10 net, full-time, permanent jobs, and the strong employee retention is essential. AccelerateMS will not commit funds towards training for any job that is known to be short-term (a year or less, nor will future funds be committed toward training for a Benefitting Business that has a poor history of job retention;
- B. Eligible Training Activities:
 - Training targeting significantly underemployed individuals' or current employees in skills necessary for the operation of the business or to enhance competitiveness;
 - Training aimed at targeting unemployed individuals, to build a work-ready applicant pool that supports employer and industry demand.
 - Funding may also be used by AccelerateMS to coordinate local workforce delivery and outreach or planning to meet needs of economic development activity.
- C. Equipment purchases for private sector businesses to be purchased by or for an approved public entity and owned by the approved public entity may be approved.

Source: Miss. Code Ann. §71-5-353

Rule 2.7: MS Works Eligible Benefitting Businesses. A Benefitting Business must fall into one of the following two categories:

- A. Existing: For-profit businesses that have been in operation in Mississippi for a minimum of one year prior to the application date, are expanding the number of net new full-time employees at the Mississippi location or need to train existing full-time employees in skills necessary for the retention of jobs. Entities must be current on all federal and state tax obligations, not experienced a layoff in the previous 120 days, and are financially viable to be eligible to apply.
- B. New: For-profit businesses that have been recruited to the state by MDA or in consultation with MDA. Entities must be current on all federal and state tax obligations and are financially viable to be eligible to apply.

Source: Miss. Code Ann. §71-5-353

Rule 2.8: Allowable Use of Funds. MS Works Funds may only be utilized for the training of unemployed or underemployed persons, for immediate training needs for the net new jobs created by an employer, for the retention of jobs, to create a work-ready applicant pool of Mississippians with credentials and/or postsecondary education in accordance with the state's Workforce Investment and Opportunity Act plan, or for the support of local economic and community development activities related to workforce development in the state. Requirements

for Use of Funds:

- A. Project cycles run for a maximum of 36 months, beginning with the date of the first hire or, in the case of retention or reskilling projects, the application date. After 36 months, the project must be closed, unless an extension is granted. AccelerateMS may recommend a longer performance period for a project at the time AccelerateMS is making a commitment to a project.
- B. MS Works Funds should be used as part of an overall workforce training funding plan that maximizes the value of workforce funds available from other sources, including but not limited to local, state, or federal sources. Applicants must disclose state or federal funds sought or awarded for workforce training.
- C. MS Works Fund grants shall be available for, but not limited to, high growth industry sectors as designated by MDA, and/or AccelerateMS priority sectors and occupations;
- D. Applicants may request administrative cost recovery and AccelerateMS may approve on a case-by-case basis. Administrative costs will be capped at two percent (2%) but may be negotiated up to a maximum of five percent (5%) based on the justifiable costs associated with each project.
- E. Priority for training shall be given to improving the skills of unemployed and underemployed individuals. AccelerateMS will take wage rates into consideration when making a determination on the amount of grant funds made available to the Benefitting Business. Higher wage rates are a factor in Mississippi's recruitment of industries and as such will be a factor in the determination of how MS Works Funds are allocated.
- F. Local workforce delivery coordination and outreach may only be initiated by AccelerateMS based on specific needs of the office.
- G. Allowable training activities:
 - 1. These funds shall place a special emphasis and priority on skill enhancement and related assessments such as nationally recognized credentials and certifications.
 - 2. Non-production training wages should only make up a portion of the overall training plan. Reimbursable wages must not include benefits and may be reimbursed at a maximum of 50%.
 - 3. Personnel contracted to implement or teach courses, workshops, and/or seminars must have a contract on file with the partnering entity performing the activities.
 - 4. Costs associated with apprenticeships or internships.
 - 5. Vendor Training /Train the Trainer expenses to include tuition or registration fees, and eligible travel expenses.
 - 6. Cost associated with the development and delivery of customized training.
 - 7. Training in operational strategies to improve efficiency of business operations connected to an expansion is allowed.
 - 8. MS Works grants may be used for Lean Manufacturing training, only to match the contribution to the cost of such training made by the company or group of companies.
 - 9. Educational training including, but not limited to: workplace literacy, basic skills, soft skills, and English as a second language may be included as a portion of the training plan.

10. Registration fees of participants enrolling in training
11. Participants stipends are to be utilized for unemployed Mississippians for training programs with a documented regional need. Training programs must have documented employer partners committed to interviewing trainees for current, available jobs.
12. Similar expenses may be approved by AccelerateMS on a case-by-case basis.

Source: Miss. Code Ann. §71-5-353

Rule 2.9: MS Works Unallowable Use of Funds. The following activities are specifically prohibited for funding from MS Works Funds when applying for funds or having an active grant with AccelerateMS:

- A. Paying training costs of a company that:
 1. relocates the company's worksite from one community in Mississippi to another; or
 2. Has experienced a layoff or plant closure in Mississippi within the past 120 days.
- B. MS Works Fund grants may not be used to provide the following:
 1. Training for gaming enterprises, the cannabis industry, retail facilities similar businesses.
- C. Meals/snacks during a training for participants.

Source: Miss. Code Ann. §71-5-353

Rule 2.10: Application Process. The Eligible Applicant must submit electronic copies of the application in the format adopted by AccelerateMS. The application must be complete, with all information supplied.

- A. The application must clearly describe the training to be delivered, state the training objectives, and describe how the funds will be used to meet the objectives;
- B. The application must document that the training is needed and include other resources that are available to meet the need;
- C. A customized training plan must be submitted that, when applicable, is aligned with the state plan. This plan should be submitted in the AccelerateMS prescribed format and include, at a minimum:
 1. Training description and objectives
 2. Curriculum
 3. Instructor and/or training provider
 4. Training hours
 5. Number of individuals to be trained
 6. Budget
 7. Anticipated wage escalation for reskilled employees
- D. Other information as requested by AccelerateMS.

Source: Miss. Code Ann. §71-5-353

Rule 2.11: MS Works Subgrant Agreement. Upon approval of the application by AccelerateMS, Applicant must enter into a sub grant agreement with AccelerateMS to facilitate training related to the project activity.

Source: Miss. Code Ann. §71-5-353

Rule 2.12: MS Works Disbursement and Reimbursement of Funds. All funds deposited into the Mississippi Department of Employment Security (MDES) MS Works Fund shall be disbursed exclusively by the Executive Director of the MDES, in accordance with the rules and regulations promulgated by AccelerateMS. The MDES, upon approval by AccelerateMS, will make all disbursements to the Applicant.

Reimbursement requests must be submitted quarterly, but no more frequently than every thirty (30) days.

Source: Miss. Code Ann. §71-5-353

Rule 2.13: WRP UNALLOWABLE USE OF FUNDS. In no case shall MS Works Funds be used to supplant workforce funds available from any other source, including but not limited to local, state, or federal sources that are available for workforce training and development.

Funds approved for WRP may not be used to pay training costs for a company that relocates the company's worksite from one community in Mississippi to another.

Trainee wages are not allowable expenditures. In addition, the purchase of proprietary or production equipment is not an allowable expenditure.

MS Works Fund grants may not be used to provide the following:

- A. Proprietary management training packages such as: VitalEdu, AchieveGlobal, Plexus, Zig Ziglar, Phi Theta Kappa Leadership, Stephen Covey and similar packages;
- B. Training to a gaming enterprise; and
- C. Training for service sector businesses.

Source: Miss. Code Ann. §71-5-353

Rule 2.14: WRP APPLICATION PROCESS. The applicable Training Provider, in partnership with a Benefitting Business if applicable, must submit electronic copies of the application according to the appropriate format.

- A. The application must be complete, with all information supplied;
- B. The application must clearly describe the training to be delivered, state the training objectives, and describe how the funds will be used to meet the objectives;

C. The application must document that the training is needed and that other resources are not available to meet the need; and

D. Any additional criteria required by MDA.

Source: Miss. Code Ann. §71-5-353

Rule 2.15: WRP SUB GRANT AGREEMENT. Upon approval of the application by the MDA, Training Providers must enter into a sub grant agreement with the MDA to facilitate training related to the WRP activity.

Source: Miss. Code Ann. §71-5-353

Rule 2.16: WRP DISBURSEMENT AND REIMBURSEMENT. All funds deposited into the Mississippi Department of Employment Security (MDES) MS Works Fund shall be disbursed exclusively by the Executive Director of the Mississippi Department of Employment Security, in accordance with the rules and regulations promulgated by the State Workforce Development Board Rules Committee. The MDES upon approval by the MDA will make disbursements.

The Training Provider will be reimbursed upon completion of a participant's training. Reimbursement requests may be submitted no more frequently than on a monthly basis.

Source: Miss. Code Ann. §71-5-353

Part 201 Chapter 3: Performance Metrics

AccelerateMS has created performance metrics for the MS Works Fund to determine the added value to the local and state economy and the contribution to the future growth of the state economy.

Rule 3.1: Required Performance Metrics for MS Works Projects. The State Longitudinal Data System (SLDS) will be used to calculate performance. Performance metrics for projects will at a minimum include:

- A. Projects Awarded
- B. Jobs Created
- C. Jobs Retained
- D. Wages / Personal Income
- E. Certificates or Credentials Awarded (geo-located)
- F. Other Training Funds Leveraged
- G. Training Enrollments
- H. Training Completion
- I. Entered Employment
- J. Wages Earned

The Applicant will be required to input data associated with each MS Works activity using appropriate mechanisms to incorporate that data into SLDS.

Source: Miss. Code Ann. §71-5-353

Rule 3.2: REQUIRED PERFORMANCE METRICS FOR WORK READY PROJECTS. The State Longitudinal Data System (SLDS) will be used to calculate performance. Performance metrics for Work Ready Projects will at a minimum include:

- A. Training Enrollments
- B. Training Completion
- C. National Career Readiness Certificates and other Job Preparedness Certifications Granted (geo-located)
- D. Entered Employment
- E. Wages Earned

The Training Providers will be required to input data associated with each JCP and WRP activity using appropriate mechanisms to incorporate that data into SLDS.

Source: Miss. Code Ann. §71-5-353

Part 201 Chapter 4: Reconciliation and Reporting

Rule 4.1: Reconciliation of Performance and Financial Measures. The SLDS will be used to generate annual performance reports. Specific reporting requirements will be included in sub grant agreements between AccelerateMS and the Applicant which will describe the process for collecting, transmitting, validating, and reporting data in compliance with SLDS Governing Board rules and regulations on training expenditures and participant results.

For training delivered by training providers, AccelerateMS is responsible for the review and validation of all financial information. NSPARC, partner, supports AccelerateMS by validating all demographic data submitted by training providers. Once both demographic and financial validations are complete, AccelerateMS will submit the finalized data to SLDS. AccelerateMS rely on training providers to collect accurate data and submit all required information by the established deadlines.

Source: Miss. Code Ann. §71-5-353

Rule 4.2: Required Reports. The MDES in conjunction with AccelerateMS will generate quarterly and annual financial reports by project and in the aggregate. Financial reports will include:

- A. Collections
- B. Expenditures
- C. Obligations
- D. Plan versus Actual

A report on the performance of the fund shall be made to the Governor, Lieutenant Governor, and Speaker of the House of Representatives quarterly and annually, throughout the life of the fund.

Source: Miss. Code Ann. §71-5-353

Rule 4.3: Reporting Schedule. Quarterly financial reports will be submitted via GranTraks, which shows the allocation for the grant, expenditures, and balance of the grant for review and approval to AccelerateMS and to be available for the State Workforce Investment Board (SWIB) 45 days after the end of each quarter. Annual financial reports will be submitted to AccelerateMS and the SWIB 45 days after the end of the calendar year.

Source: Miss. Code Ann. §71-5-353