

EXECUTIVE DEPARTMENT
DELAWARE ECONOMIC DEVELOPMENT AUTHORITY
Statutory Authority: 29 Delaware Code, Section 5053(k), (29 **Del.C.** §5053(k))
1 DE Admin. Code 477

FINAL

ORDER

477 Information Technology Training Grant Program Regulation

The Delaware Economic Development Office (DEDO) conducted public hearings in Kent, New Castle and Sussex counties as part of the Governor's Executive Order 36 designed to re-assess the need for the agency's regulations. Based on the public hearings and internal agency review of its regulations, DEDO proposes that Title 1, Section 477 (Information Technology Training Grant Program), 5 **DE Reg.** 2145 (5/1/02), should be deleted from the administrative code for administrative efficiency. The Delaware Economic Development Authority (the "Authority") and DEDO are authorized to prescribe such regulations as may be necessary to carry out the purposes of the act creating the Authority, 29 **Del.C.** Ch. 50 (the "Act"). Having provided due public notice, the Authority does not adopt the attached repeal of the Regulation as published in the November 1, 2016 edition of the Delaware *Register of Regulations* for the reasons that follow.

SUMMARY OF THE EVIDENCE

1. After internal review of its regulations DEDO proposed the elimination of Title 1, Section 477 (Information Technology Training Grant Program), 5 **DE Reg.** 2145 (5/1/02) to further administrative efficiency.
2. Upon further review by the agency, it was determined that it is in the best interests of the State to maintain this regulation in that the program is still operative and the Regulation provides constructive guidance to any participants.
3. The Authority issued and duly noticed the repeal of the Regulation in accordance with the Delaware Administrative Procedures Act, 29 **Del.C.** Ch. 101.
4. The proposed repeal of the Regulation was published in the *Register of Regulations* on November 1, 2016. For a period of thirty (30) days following publication, the public had the opportunity to offer written comment.
5. No written comments were received by the Authority during the public Comment period.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. The public was given notice and an opportunity to provide the Authority with comments in writing on the proposed Regulation.
2. There were no public comments provided to the Authority during the public comment period.
3. DEDO concludes that Title 1, Section 477 (Information Technology Training Grant Program), 5 **DE Reg.** 2145 (5/1/02) should be maintained because the program is still operative and the Regulation provides constructive guidance to any participants.
4. The authority to reject repeal of this Regulation is found in 29 **Del.C.** §5005(11), 5053(k) and the Delaware Administrative Procedures Act, 29 **Del.C.** Ch. 101.

DECISION AND ORDER CONCERNING THE REGULATIONS

Having found that the proposed changes to the regulations are not necessary as outlined herein, the Authority elects not to repeal the Regulation as proposed; therefore, no changes in this Regulation will become effective ten days following publication of this order in the Delaware *Register of Regulations* in February 2017 and this Regulation will have full force and effect.

IT IS SO ORDERED this 5th day of January 2017 by the Delaware Economic Development Authority.

Bernice Whaley,
CHAIRPERSON,
DELAWARE ECONOMIC DEVELOPMENT AUTHORITY

***Please Note: Due to the decision of the Delaware Economic Development Authority to reject the proposed repeal of this regulation, it appears here as it does in the current Administrative Code available at:**

477 Information Technology Training Grant Program Regulation

1.0 Introduction

This regulation is promulgated under the authority granted to the Director of the Delaware Economic Development Office ("DEDO") by 29 **Del.C.**, §5005(11) to make regulations for the administration and operation of DEDO. One of the programs administered by DEDO through its Workforce Development Section is the Information Technology Training Grant Program established in 73 **Del.Laws**, Ch. 74, §62(i)(C) (June 28, 2001) (the "Program"). The Program is designed to provide customized information technology training to small- and medium-sized businesses through grants made by the Workforce Development Section of DEDO. This regulation sets forth the definition of certain terms used in the Program and describes (i) the eligibility requirements for persons desiring to participate in the program, and (ii) other administrative features of the Program.

2.0 Definitions

The terms defined in Section 1 hereof shall have the meanings set forth therein.

"Blue Collar Program" means the employment and pre-employment training grant program operated by DEDO under the Delaware Economic Development Training Act, 29 Del. C., Sections 5070 – 7073.

"Information technology training" means pre-employment or employment training that provides meaningful computer-related job skills to trainees.

"Small or medium-sized business" means a corporation, limited liability company, general or limited partnership, business trust, common law trust, proprietorship, unincorporated association or other form of organization conducting a for-profit or not-for-profit enterprise in the State of Delaware and having five hundred (500) or fewer employees.

"Training grant" means a grant of up to One Hundred Thousand Dollars (\$100,000) for the purpose of providing information technology training to employees of a small- or medium-sized business.

3.0 Persons Eligible for Training Grants under the Program

Only a small or medium-sized business may apply for a training grant under the Program.

4.0 Program Administration.

4.1 General Principles. DEDO intends to operate the Program as part of its employment and pre-employment training programs operated by its Workforce Development Section under the Blue Collar Program. Accordingly, DEDO intends that the statutory and regulatory provisions of the Blue Collar Program will apply to the Program, with the modifications set forth in this regulation. Persons seeking training grants under the Program should contact the Director of the Workforce Development Section of DEDO regarding possible grants and application material at 99 Kings Highway, Dover, DE 19901, phone (302) 672-6807, facsimile (302) 739-2028. Training grants will be available only if sufficient funds are available for the purpose of making such grants.

4.2 Program Variance from Blue Collar Program.

4.2.1 For purposes of the Program, an "eligible applicant," as defined in 29 **Del.C.** §5070(g) shall be a small- or medium-sized business, as defined in Section 1.0 of this regulation.

4.2.2 Employees receiving training under the Program are not limited to entry-level through first-line supervisory positions.

4.2.3 Small or medium-sized businesses are not required to pay Delaware Unemployment Insurance Tax in order to qualify for a training grant, unless other provisions of Delaware law require them to do so.

5 DE Reg. 2145 (5/1/02)

20 DE Reg. 658 (02/01/17) (Final)