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Title 22@ Social Security

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Division 1@ Employment Development Department

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Subdivision 1@ Director of Employment Development

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Division 3@ Employment Services Programs

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Part 1@ Employment and Employability Services

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Chapter 1.5@ Employment Training Panel

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Article 2@ Proposal Process

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Section 4409.1@ Participating Employer Contributions

4409.1 Participating Employer Contributions

(a) A Multiple Employer Contractor may charge a participating employer(s) for training-related costs that are not reimbursed by ETP if the charge is compliant with the procedures set forth herein.

(b)

A Multiple Employer Contractor may charge any of the following: (1) A refundable deposit designed to ensure trainee participation or retention, which may not be included as in-kind contributions under the ETP Agreement. (See Section 4401.1(e).) (2) A nonrefundable deposit as needed to conduct training needs assessments or provide other training-related services that go beyond the scope of funding under the ETP Agreement; (3) A nonrefundable deposit to reimburse the Multiple Employer Contractor for out-of-pocket training costs incurred when a trainee does not satisfy the requirements for funding under the ETP Agreement, which may be billed to the participating employer(s) only after ETP has determined that payment cannot be earned for the trainee. (See Section 4400(r).)

(1)

A refundable deposit designed to ensure trainee participation or retention, which may not be included as in-kind contributions under the ETP Agreement. (See Section 4401.1(e).)

(2)

A nonrefundable deposit as needed to conduct training needs assessments or provide other training-related services that go beyond the scope of funding under the ETP Agreement;

(3)

A nonrefundable deposit to reimburse the Multiple Employer Contractor for out-of-pocket training costs incurred when a trainee does not satisfy the requirements for funding under the ETP Agreement, which may be billed to the participating employer(s) only after ETP has determined that payment cannot be earned for the trainee. (See Section 4400(r).)

(c)

The charge must be consensual between the Multiple Employer Contractor and participating employer(s) as memorialized in a writing signed by both parties. The Panel is not a party to this agreement although it runs collateral to the ETP Agreement.

(d)

The Multiple Employer Contractor must receive the Panel's prior review and written approval for this "collateral agreement" and any other writing conveyed by the Multiple Employer Contractor to a participating employer(s) that references the ETP program or uses the ETP name or logo.

(e)

Panel approval of a collateral agreement regarding a charge will only be granted if the nature of the charge is clearly identified consistent with subsection (b) above. Also, if the Multiple Employer Contractor intends to refer any unpaid charge to a collection agency, a notice to that effect must be clearly set forth in the collateral agreement as a condition of approval.

(f)

In no event may charges to a participating employer(s) duplicate ETP funding. In no event may a trainee(s) be assessed any portion of direct or related costs for training funded under an ETP Agreement.