



SPONSOR: Rep. Osienski & Sen. Walsh & Sen. Brown
Reps. Lambert, Lynn, Mitchell, Morrison, Smyk,
K. Williams; Sens. Ennis, Hansen, Lockman,
Mantzavinos, S. McBride, Paradee, Pettyjohn, Sokola,
Sturgeon, Townsend, Wilson

HOUSE OF REPRESENTATIVES
151st GENERAL ASSEMBLY

HOUSE SUBSTITUTE NO. 1
FOR
HOUSE BILL NO. 166

AN ACT TO AMEND TITLE 19 OF THE DELAWARE CODE RELATING TO THE ELEVATE DELAWARE PROGRAM.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

1 Section 1. Amend Chapter 34, Title 19 of the Delaware Code by making deletions as shown by strike through and
2 insertions as shown by underline as follows:

3 § 3404. Elevate Delaware.

4 (a) For purposes of this section:

5 (1) “Auxiliary expenses” means basic living expenses or supplies necessary for the eligible program or
6 employment upon completion of the eligible program.

7 (2) “Eligible employer” means a person who has under 51 employees and a physical location in Delaware.

8 (3) “Eligible program” means a non-credit certificate program approved under subsection (d) of this section
9 for Elevate Delaware.

10 (b)(1) This section establishes Elevate Delaware within the Division of Employment and Training. Elevate
11 Delaware provides tuition for an eligible individual to attend an approved non-credit certificate program that provides
12 industry-accepted skill training and certification.

13 (2) Elevate Delaware is intended to do all of the following:

14 a. Preserve jobs for Delaware residents and small businesses.

15 b. Assist Delaware residents who need skills for promotion or to obtain higher paid employment.

16 c. Assist small businesses in Delaware who need employees that have obtained certification for specific
17 skills.

18 (3) The Department of Labor may recoup the amount of Elevate Delaware payments made on behalf of an
19 individual if an individual or employer acts in bad faith when providing the proof for eligibility under subsection (c) of
20 this section.

21 (c) An individual must provide proof of all of the following to be eligible for Elevate Delaware:

22 (1) The individual is employed by a person who employs under 51 employees.

23 (2) The individual has been accepted for enrollment in an eligible program.

24 (3)a. At the time of enrollment, the individual is subject to Delaware income tax, either as a resident of
25 Delaware or an employee of an eligible employer.

26 b. If an individual is not a Delaware resident and is eligible as an employee of an eligible employer, both
27 of the following:

28 1. A statement from the individual's employer that the employer intends to retain the individual as an
29 employee for at least 1 year following the individual's completion of the eligible program.

30 2. A statement from the individual that the individual intends to work in Delaware for at least 1 year
31 following the individual's completion of the eligible program.

32 (4) A statement that provides the amount of financial assistance, if any, the individual will receive towards
33 attending the eligible program, from all of the following:

34 a. The individual's employer.

35 b. The eligible program.

36 (d)(1) The Workforce Development Board, or its successor, shall maintain a list of non-credit certificate programs
37 approved as eligible programs for Elevate Delaware.

38 a. The Workforce Development Board may utilize the Eligible Training Provider List for all, or part, of
39 the certificate programs approved as eligible programs.

40 b. The list of eligible programs must be updated annually.

41 (2) The Workforce Development Board must consider all of the following when deciding which non-credit
42 certificate programs are eligible or priorities for Elevate Delaware:

43 a. The skill requirements of employers in the State, including the skill needs of an in-demand industry
44 sector or occupation in the State,

45 b. That Elevate Delaware supports individuals and employers throughout the State, based upon the
46 population of each county.

47 (e)(1) Elevate Delaware may make a tuition payment to an eligible program, on behalf of an eligible individual, of
48 not more than \$10,000.

49 (2) The Elevate Delaware tuition payment cannot exceed the difference between the full amount of tuition
50 charged by the eligible program and any financial assistance the individual received.

51 (f)(1) The Department of Labor may provide Elevate Delaware payments to individuals for whom an Elevate
52 Delaware tuition payment is made, to assist with auxiliary expenses while the individual attends the eligible program and
53 for no more than 90 days following completion of the eligible program.

54 (2) The amount that an individual receives for auxiliary expenses may not exceed the difference between the
55 amount of the tuition payment that the individual receives and the maximum reimbursement amount under paragraph
56 (e)(1) of this section.

57 (g)(1) Elevate Delaware payments must be paid on a first-come, first-served basis to eligible individuals based
58 upon the priorities established by the Workforce Development Board.

59 (2) Elevate Delaware is subject to the availability of funds appropriated for this specific purpose.

60 (3) This section does not create a right or entitlement in an individual to receive a payment under this section.

61 (h) The Department of Labor may adopt policies and procedures to implement this section.

62 Section 2. This Act is effective upon enactment and is to be implemented for eligible programs that begin after
63 December 31, 2021.

64 Section 3. The money appropriated to implement this Act, not to exceed \$1.5 million, shall be paid by the State
65 Treasurer out of funds in the General Fund of the State of Delaware not otherwise appropriated.

SYNOPSIS

Like House Bill No. 166, House Substitute No. 1 for House Bill No. 166 establishes the Elevate Delaware program. Elevate Delaware will provide payments for tuition and auxiliary expenses, up to \$10,000, for individuals to attend an approved non-credit certificate program. The Workforce Development Board will create a list of non-credit certificate programs eligible for the Elevate Delaware program and establish priorities based upon the skill requirements of employers in Delaware. It also allows the Department of Labor to provide payments to participants in Elevate Delaware to cover auxiliary expenses necessary to meet basic living expenses or purchase supplies necessary for the non-certificate program or employment upon completion of the program.

House Substitute No. 1 for House Bill No. 166 differs from House Bill No. 166 as follows:

1. Instead of basing eligibility upon graduation from a Delaware high school, individuals are eligible for Elevate Delaware if they are employed by an employer with under 51 employees and are subject to Delaware income tax. This change helps small employers expand by investing in workforce development and helps Delaware residents increase their earning capacity. Currently, over 83% of Delaware employers have under 51 employees.

2. States that the intent of Elevate Delaware is to preserve jobs in Delaware and for Delaware residents and that the Department of Labor may recoup payments made on behalf of individuals if either the individual or an employer acts in bad faith under the requirements of Elevate Delaware.

3. Requires that if an individual is not a resident of Delaware, the individual's employer must intend to retain the individual as an employee for at least 1 year following completion of the eligible program and the individual must intend to work in Delaware for at least 1 year following completion of the eligible program.

4. Tuition payments are made directly to an eligible program.
5. Allows Elevate Delaware payments to be made for supplies an individual needs for the training program or employment upon completion of the program.
6. Requires the Workforce Development Board to approve non-credit certificate programs throughout the State, based upon the population of each county.
7. Takes effect for program that begin after December 31, 2021 instead of within 1 year from enactment of this Act.
8. Removes the requirement that the Joint Legislative Oversight and Sunset Committee review this Act because this review can occur without a specific requirement in this Act.