Jobs That Build Employer Fund │ October 14, 2022

TO: Maryland Department of Labor (MD Labor) Division of Workforce Development and Adult Learning (DWDAL) staff, and Local Workforce Development Area (Local Area) directors

FROM: MD Labor, DWDAL

SUBJECT: The Jobs That Build Employer Fund

PURPOSE: To provide guidance on the Jobs That Build Employer Fund.

ACTION: Local Area directors, American Job Center (AJC) Labor Exchange Administrators, and central office managers must ensure all employees are aware of and receive copies of this policy. DWDAL policies are available on the MD Labor website.

EXPIRATION: Until canceled or replaced.

QUESTIONS:

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MARYLAND'S JOBS THAT BUILD EMPLOYER FUND

GENERAL INFORMATION

JOBS THAT BUILD EMPLOYER FUND

The American Rescue Plan Act (ARPA), signed into law on March 11, 2021, provided relief funds from the federal government to support economic recovery effects from the COVID-19 pandemic. Maryland is allocating ARPA funding to launch the Jobs That Build Employer Fund, which will help make historic improvements to both Maryland's 20th century transportation & utility infrastructure, as well as its 21st century information technology infrastructure.

In the current employment climate, MD Labor recognizes that competitive wages alone may not be enough to attract and retain employees. The Jobs That Build Employer Fund will support businesses who have creative solutions to address barriers that are significantly hindering workforce participation and retention. The Fund is designed with the flexibility to address a wide array of present-day challenges that are prohibiting entry into, or increasing departure from, the workforce.

Governor Hogan invested $15 million into the initiative, which is managed by MD Labor's Division of Workforce Development and Adult Learning (DWDAL), to support employers working on infrastructure projects throughout the State to attract and retain workers for these important roles.

This project is being supported, in whole or in part, by a federal award, awarded to the State of Maryland by the U.S. Department of the Treasury.

PROGRAM PARAMETERS

ELIGIBLE ENTITIES

The following entities are eligible to apply for funds under the Maryland Jobs That Build Initiative:

1. A Maryland-based employer that has been negatively impacted by COVID-19 and is either:
   a. Actively engaged in the construction or maintenance of an infrastructure project within Maryland; or,
   b. Has a contract to perform construction or maintenance of an infrastructure project within Maryland on or before January 1, 2024, but has not yet started the work.

For the purposes of this project, MD Labor defines infrastructure as roads, bridges, tunnels, transit, walking/biking facilities, rail, ports, airports, broadband, energy grids, and drinking water/wastewater facilities.[1]

All applicants must attest to having difficulty in hiring and/or retaining employees for construction and maintenance work performed on these projects.

FUNDING AMOUNTS

Grant amounts are capped based on the applicant's total number of full time employees. The maximum grant amounts are provided below:

1. $500,000 for employers with 750 employees;
2. $400,000 for employers with 500-749 employees;
3. $300,000 for employers with fewer than 500 employees.

The maximum benefit per employee is $10,000.

Once awarded, grant recipients will receive the full award amount upfront and must deposit it in a non-interest bearing account. MD Labor may recapture funds from organizations that:

1. Fail to produce evidence of permissible expenses (receipts, payroll records etc.);
2. Spend dollars on prohibited costs (outlined in the following section); or
3. Fail to use all awarded funds during the term of the program.

USE OF FUNDS

Funds must only be used to support Maryland-based employees, defined as employees for which the employer is required to withhold Maryland State income taxes.

The Fund prioritizes two sets of initiatives that employers can consider implementing in their workplace:

1. Employee Support Programs; and,
2. Payroll Incentives.

Applicants seeking grant funding must propose a program that includes elements of one or both of these initiatives. Employees are permitted to receive benefits from both Incentives or Support Programs, so long as the total value disbursed does not exceed $10,000 per employee.

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[1] If an applicant believes that they are working on an infrastructure project that does not fit within these categories, they may apply and explain their project in the application.

All grant funds, whether for Payroll Incentives or Employee Support Programs, must be fully spent by December 1, 2024. Any awarded funds that have not been spent must be returned to MD Labor at that time.

Employers are strongly encouraged to design their program with input from their human resources, payroll, and accounting staff and make considerations for how the proposed benefits may impact employees' tax obligations.

Employee Support Programs

The Jobs that Build Initiative empowers employers to look at the needs of their employees and develop in-house supports to alleviate some of the chronic barriers in their workforce. Employers have the flexibility to design an Employee Support Program for their workplace by choosing from a list of allowable expenses and requesting grant funds to establish custom benefits that best suit their employees' needs.

When submitting an application, employers should identify which allowable expenses they intend to cover through an Employee Support Program. When designing the Program, employers may choose one or more of the pre-approved allowable expenses below. All choices and funds requested must be justified by the current workforce challenges faced by active or prospective employees.

Employee Support payments may be provided directly to the employee or to an entity providing services to the employee, such as a child care facility or transportation agency.[2]

Transportation

Employers can leverage grant funds to help their employees pay for maintenance on their own vehicles, purchase or lease vehicles, earn a driver's license,[3] and/or pay for the costs of public transportation or rideshare, such as Uber, Lyft, or Zipcar. Employers could also use funds to purchase a company vehicle[4] that picks workers up and takes them to/from work sites to alleviate transportation hurdles.

Housing

Employers may offer rental assistance or security deposit assistance for their employees. Additionally, housing support could include offering relocation assistance to employees who want to move closer to work.

Child and Dependent Care

Employers may cover some, or all, of an employee's costs associated with child or dependent care.

Other

Other supportive services may be funded with MD Labor approval. Employers must provide a written proposal within their application justifying the need for the prospective employee support and MD Labor will determine whether the cost is appropriate under this program.

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[2] MD Labor encourages employers to consider tax implications for employees when determining how to best disburse payments.

[3] Examples of driver's license assistance include payment for driver's education, payment for "behind the wheel hours," or the cost of getting the driver's license card, among others.

[4] The purchase of equipment is subject to the Property Standards at 2 CFR Part 200 Subpart D.

Payroll Incentives

Wages and compensation are the most direct ways an employer can attract and retain qualified staff. In a competitive labor market, many employers now leverage bonuses and other wage incentives to bolster their workforce and stand out from the competition. The Jobs that Build Initiative allows employers to seek grant funding that can be used to offer certain wage and payroll incentives to qualifying employees.[5]

Signing Bonus

Employers can leverage grant funds to offer cash signing bonuses for new employees or employees who renew their contracts.

New employees are defined as employees that are new to the industry or an employee that was considered unemployed or under-employed.

Retention Bonus

Employers can leverage grant funds to offer retention bonuses for employees who stay employed for a defined period of time. Retention bonuses may be used in conjunction with a sign-on bonus for new employees or could be offered to incumbent employees for continuing their employment satisfactorily. Employers must only utilize ongoing retention bonuses. For example, incremental bonuses at six, nine, and 12 months of employment.

Wages During Training

Employers can leverage grant funds to compensate employees for time spent in training or professional development activities that may otherwise not be paid, and are related to the job. Examples include, but are not limited to: paying an employee their hourly wage to attend an occupational skills training outside of work hours, or paying an employee their hourly wage to take English language classes outside of traditional work hours.

Prohibited Use of Funds

MD Labor **prohibits** use of Jobs that Build funds to support:

1. Executive-level staff or positions such as superintendent, foreman, site supervisor, or controller;
2. Previous employees who are no longer employed by the employer; or,
3. The practice of willingly and intentionally recruiting employees away from other employers in the same industry sector.

Additionally, the project must adhere to the following prohibited uses of funds mandated by ARPA or other federal law:

1. Funds must not be used towards contributions to a pension fund for the purpose of reducing an accrued, unfunded liability;
2. Funds must not be used as payments for debt service and replenishment of rainy day funds;
3. Funds must not be used for the satisfaction of settlements and judgments. Satisfaction of any obligation arising under or pursuant to a settlement agreement, judgment, consent decree, or judicially confirmed debt restructuring in a judicial, administrative, or regulatory proceeding is not an eligible use;
4. Funds may not be awarded to any entity debarred, suspended, or otherwise excluded from or ineligible for

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[5] If an employee owes taxes to the State of Maryland, payment will first be automatically applied towards that expense by the Comptroller of Maryland.

participation in Federal assistance programs or activities,[6] and,

5. No uses that contravene or violate ARPA[7], ARPA's corresponding regulations,[8] Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards[9] conflict of interest requirements, and other federal, state, and local laws and regulations.

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[6] https://www.law.cornell.edu/cfr/text/2/200.214
[7] https://www.congress.gov/bill/117th-congress/house-bill/1319/text
[8] https://www.govinfo.gov/content/pkg/FR-2022-01-27/pdf/2022-00292.pdf
[9] https://www.ecfr.gov/current/title-2/subtitle-A/chapter-II/part-200?toc=1

APPLICATION PROCESS

APPLICATION SUBMISSION

To apply for funding through the Jobs That Build Employer Fund, employers must submit an application electronically to labor.jobsthatbuild@maryland.gov. Applications will be accepted and reviewed on a rolling, first-come, first-served basis until program funds are exhausted.

The application consists of 2 documents, both of which can be found on MD Labor's website[10] or in *Attachment A - Jobs That Build Application - Budget Component* and *Attachment B - Jobs That Build Application - Program Component*.

In addition to the two applications, employers must also submit a certificate of good standing from the State Department of Assessments and Taxation,[11] an attestation that they are in good standing with the State Comptroller's Office,[12] and a signed W-9 form.

APPLICATION REVIEW

A dedicated Jobs That Build review team at MD Labor will review all applications within 14 calendar days. The review team must ensure that approved applications meet program requirements.

APPLICATION APPROVAL AND DENIAL

MD Labor must inform applicants via email of approvals or denials at the conclusion of the internal review process.

If approved, MD Labor shall provide the applicant with a Grant Award Notification to be signed by the applicant.

Approved applicants must submit completed award agreements by email to MD Labor within 14 calendar days of notification to labor.jobsthatbuild@maryland.gov. If grant award documents are not returned in the time specified, funds may be provided to another applicant.

After an award agreement has been formally executed, MD Labor shall provide the full award up front to the employer. In accordance with federal law, funds must be kept in a non-interest bearing account.

If a project is denied, MD Labor will provide the applicant with a Grant Denial Notification. Denied applicants may re-apply by submitting a new application. If re-applying, applicants are strongly encouraged to consult with MD Labor for technical assistance on how to improve their application.

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[10] Information for the Jobs That Build Employer Fund can be found at: http://labor.maryland.gov/JobsThatBuild.

[11] A screenshot of the certificate online is sufficient.

[12] If an approved applicant owes taxes to the State of Maryland, payment will first be automatically applied towards that expense by the Comptroller of Maryland.

REPORTING, MONITORING, AND RECORD RETENTION

REPORTING

Reporting Required for MD Labor

MD Labor must submit reports detailing the progress of the Jobs That Build Initiative to the Maryland Department of Budget and Management (DBM) as requested by DBM.

Reporting Required for Grantee

MD Labor requires grantees to submit quarterly program and fiscal reports by the 10th of the month following the end of the reporting period. More frequent reporting may be required on an as needed basis.

Examples of the reports can be found in *Attachment C - Sample Program Report* and *Attachment D - Sample Fiscal Report*.

MONITORING

During each reporting period, MD Labor will select a random sample of grantees for fiscal monitoring. However, failure of MD Labor to supervise, evaluate, or provide guidance and direction shall not relieve the grantee of any liability for failure to comply with the terms of the grant award.

If selected for monitoring, employers may be required to produce proof that funds were used on eligible employees as documented in the application. Documentation may include expense receipts, invoices, proof of payment, or payroll records, among others. From the time that employers receive a notice of monitoring, they will have 30 days to produce documents to MD Labor's Monitoring and Compliance Unit.

Additionally, MD Labor may use Unemployment Insurance wage data to verify employment status and residency for the purposes of this program. Applicants must retain records related to this program in accordance with all standards put forth in the following section.

RECORD RETENTION

MD Labor requires documentation of processes for record retention and requires folders and documentation be maintained for a period of at least four years following the exit date for all Maryland Jobs That Build Initiative subrecipients. If any litigation, claim, or audit is started before the expiration of the four-year period, the records must be retained until three years after all litigation, claims, or audit findings involving the records have been resolved and final action has been taken.

All records, both electronic and physical, must be maintained in accordance with DWDAL's policy concerning security, to maintain confidentiality and protect Personally Identifiable Information (PII).[14] PII is participant-level and employee data that either by itself or combined with other data can link to a specific individual or identity.

When emailing documents containing PII, all Grantees and MD Labor staff must use password-protection, encryption-preferred, strong authentication procedures, and/or other security controls to make the information inaccessible to unauthorized individuals. Physical records must be kept in locked offices or file rooms. If the file room is shared with other programs, and/or staff other than staff authorized for this program have access to that room, then the files must be maintained in locked cabinets.

FAIR PRACTICES AND ACCESSIBILITY

It is the policy of MD Labor that all persons have equal opportunity and access to services and facilities without regard to race, religion, color, sex, age, national origin or ancestry, sexual orientation, disability or veteran status.

REFERENCES

LAW

- [American Rescue Plan Act](#)

REGULATION

- 2 CFR §[200](#), Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards

- 31 CFR Subtitle A, Part 35, [Coronavirus State and Local Recovery Funds](#)

OTHER RESOURCES

- [Jobs That Build Website](#)

ATTACHMENTS

- Attachment A - Jobs That Build Application - Budget Component
- Attachment B - Jobs That Build Application - Program Component
- Attachment C - Sample Program Report
- Attachment D - Sample Fiscal Report

Maryland
DEPARTMENT OF LABOR

Jobs that Build Application - Budget Component

NAME OF EMPLOYER / BUSINESS:

The Jobs that Build Employer Fund prioritizes two sets of initiatives to help employers improve hiring and retention: **Employee Support Programs** and **Payroll Incentives**. In this document, indicate any support or incentive item the employer plans to implement in their workplace and identify how many employees they intend to serve (Column B) and the maximum benefit an employee can receive for each item (Column A). **Any item that an applicant requests in this budget should be justified in the Jobs That Build Employer Fund Application.** The total maximum benefit per employee for both support and incentives is $10,000.

EMPLOYEE SUPPORT PROGRAM *Preapproved items are provided, specify other*		**A** Amount Offered per Employee	**B** Number of Employees Served	**C** Total Amount *(Column A x Column B)*
1	Transportation Assistance			$ -
2	Housing Assistance			$ -
3	Child and Dependent Care Assistance			$ -
4	Other			$ -
5	Other			$ -
6	Other			$ -
EMPLOYEE SUPPORT PROGRAM TOTAL				$ -

PAYROLL INCENTIVES *Preapproved items are provided, specify other*		**A** Amount Offered per Employee	**B** Number of Employees Served	**C** Total Amount *(Column A x Column B)*
1	Employee Signing Bonuses			$ -
2	Employee Retention Bonuses			$ -
3	Wages During Training			$ -
4	Other			$ -
5	Other			$ -
6	Other			$ -
PAYROLL INCENTIVES TOTAL				$ -

TOTAL				$ -

Once complete, this form should be saved as an Excel file and emailed to labor.jobsthatbuild@maryland.gov, along with the completed application document and **all other attachments required**. Review Section 5 of the Jobs that Build Application for more details on the items that must be submitted with this application.

Jobs that Build
Application - Program Component

SECTION 1: APPLICANT INFORMATION

BUSINESS NAME

Federal Tax ID Number (EIN)

BUSINESS CONTACT NAME

CONTACT EMAIL

CONTACT TITLE

CONTACT PHONE NUMBER

BUSINESS ADDRESS   street, city, county, state, ZIP code

INDUSTRY REQUESTED

TOTAL GRANT AMOUNT

$

SECTION 2: STAFF INFORMATION*

DOES THE APPLICANT HAVE EMPLOYEES CURRENTLY BEGIN WORK WORKING ON AN INFRASTRUCTURE CONTRACT? BEFORE 01/01/2024?

IF NO, WILL THE APPLICANT   CONTRACT ON OR

YES ☐   NO ☐

YES ☐   NO ☐

HAS THE APPLICANT BUSINESS BEEN NEGATIVELY SIGNIFICANT IMPACTED BY THE COVID-19 PANDEMIC? RETAINING STAFF?

HAS THE APPLICANT EXPERIENCED

DIFFICULTY HIRING AND/OR

YES ☐   NO ☐

YES ☐   NO ☐

TOTAL # OF FULL TIME EMPLOYEES   # ELIGIBLE EMPLOYEES   # OF EMPLOYEES TO BENEFIT

"Eligible Employees" are full time employees, based in Maryland, who are working on infrastructure projects. Executive-level staff or positions such as superintendent, foreman, site supervisor, or controller are considered **ineligible** for this program. Review the program policy for more information.

Jobs that Build
Application - Program Component

*Applicants should review the policy definition of eligible employees and infrastructure projects when responding to this section.

SECTION 3: EMPLOYEE INCENTIVE & SUPPORT PLAN

1. **BUSINESS BACKGROUND** - Briefly provide a business overview including history with infrastructure work.

2. **WORKFORCE ISSUES** - Identify challenges with hiring and retention and any barriers that may be impacting employees. This response should explain the choices of budget items in the attached budget application.

3. **ELIGIBILITY** - Explain how employee eligibility for incentives and support will be determined.

4. **IMPLEMENTATION** - Explain how incentives and support will be paid out and any key staff or departments that will manage the program.

5. **TIMELINE** - Describe the general timeline for the program, including how long it will take to fully expend funds.

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Jobs that Build
Application - Program Component

SECTION 4: INFRASTRUCTURE PROJECT INFORMATION

To qualify for funding, applicants must have employees working on the construction or maintenance of an infrastructure project in Maryland. This includes future projects for which a contract has been awarded, provided that employees will begin work on the project by 01/01/2024.

Complete this section and provide information on any qualifying infrastructure project. Submit additional copies of this page for each additional project if applicable.

PROJECT/CONTRACT NAME   **AWARDED BY**   **PROJECT LOCATION** *city, county*

PROJECT START DATE   **END DATE**   **PROJECT TYPE** *(Check all that apply. If not listed, explain below.)*

Road/Bike ☐   Bridge/Tunnel ☐   Rail ☐   Port ☐   Airport ☐   Broadband ☐   Power Grid ☐   Utility ☐

OTHER:

NUMBER OF ELIGIBLE STAFF ON THE PROJECT

3

Jobs that Build

Application - Program Component

SECTION 5: SUBMISSION CHECKLIST AND SIGNATURE

Before signing this page applicants should review the following submission checklist. All attachments in the below checklist should be submitted in a **single** email to labor.jobsthatbuild@maryland.gov.

1. Complete all portions of this application,
2. Complete and attach the program budget as an Excel file (.xls),
3. Attach a copy or screenshot of the applicant's Certificate of Good Standing from the State Department of Assessments and Taxation (SDAT) with this application,
4. Attach a signed W9,
5. Review the Jobs that Build Employer Fund Policy to ensure this application complies with all program requirements.

AFFIRMED

The undersigned affirms that the applicant business is in good standing with the MD Comptroller and does not owe outstanding Unemployment or Other Taxes*.
*Applicants found to be not in good standing will have all funds recaptured.

The undersigned affirms that the contents of this application are true, verifiable, and in compliance with all requirements put forth in the program policy.

APPLICANT SIGNATURE

DATE

APPLICANT FULL NAME

APPLICANT EMAIL

APPLICANT TITLE

APPLICANT PHONE NUMBER

— FOR OFFICE USE ONLY —

DATE SUBMITTED

DATE APPROVED

GRANT NUMBER

NAME AND TITLE OF MD LABOR REPRESENTATIVE

EMAIL ADDRESS

Jobs that Build

Sample Program Report

Maryland
DEPARTMENT OF LABOR

SECTION 1: PROJECT INFORMATION

BUSINESS NAME

GRANT #

BUSINESS CONTACT NAME

CONTACT EMAIL

CONTACT TITLE

CONTACT PHONE NUMBER

BUSINESS ADDRESS   street, city, state, ZIP code

INDUSTRY

SECTION 2A: EMPLOYEES SERVED

Please describe below based on data from the current reporting period.

REPORTING PERIOD   QUARTER 1   QUARTER 2   QUARTER 3   QUARTER 4

YEAR:

TOTAL AMOUNT OF FUNDS AWARDED   **TOTAL # OF EMPLOYEES RECEIVING BENEFITS**

$

NEW HIRES   **SEPARATIONS** *(if any)*   **NUMBER OF VACANT POSITIONS**

In addition to the information provided above, complete *Section 2B* and provide information for **all employees served by the project for all reporting periods**. Provide the employees name, position, date of hire and date of separation (if applicable). Provide the total amount of benefits received by the employee. Indicate whether the employee received Employee Support assistance or Payroll Incentives or both.

Check 'SUPPORT' if an employee received benefits from an Employee Support Program established with Jobs that Build funding. Check 'INCENTIVE' if the employee received a Payroll Incentive funded by Jobs that Build. Refer to the program policy or original application for more information on supports and incentives.
Copy the following page and attach additional sheets if necessary.

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DEPARTMENT OF LABOR

Jobs that Build
Sample Program Report

SECTION 2B: EMPLOYEES SERVED ROSTER

EMPLOYEE FULL NAME INCENTIVE	POSITION	HIRE DATE	SEPARATION DATE	TOTAL AMOUNT AWARDED	SUPPORT	
					☐	☐
					☐	☐
					☐	☐
					☐	☐
					☐	☐
					☐	☐
					☐	☐
					☐	☐
					☐	☐
					☐	☐
					☐	☐
					☐	☐
					☐	☐
					☐	☐
					☐	☐
					☐	☐
					☐	☐
					☐	☐

Maryland
DEPARTMENT OF LABOR

Jobs that Build
Sample Program Report

SECTION 3: PROGRAM NARRATIVE

1. PROGRAM IMPACT - What effect has the program had on employee hiring, training, and retention since implementation. Provide examples of how employees have benefited from the program. Please include any available quantitative data which supports the impact the program has had on employee hiring and retention.

2. IMPLEMENTATION CHALLENGES - Identify any issues implementing the program in the workplace. Note any steps taken to address these challenges.

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Jobs that Build
Sample Program Report

I hereby certify that the information set forth in this document and in any attachment in support thereof, is true, is correct, is complete, and is in compliance with the terms of the Award Agreement to the best of my knowledge and belief.

APPLICANT SIGNATURE

DATE

APPLICANT FULL NAME

4

MARYLAND DEPARTMENT OF LABOR
DIVISION OF WORKFORCE DEVELOPMENT AND ADULT LEARNING
SAMPLE QUARTERLY FINANCIAL STATUS REPORT
Updated 10/12/2022

SECTION I. - GRANT AWARD INFORMATION				REVENUE SOURCE	Federal Funds	
GRANT TITLE/YEAR (FY or PY)	**JOBS THAT BUILD**			CFDA#	21.027	
GRANTEE NAME				FEDERAL CONTRACT #		
GRANTEE ADDRESS				STATE GRANT #		
CITY/STATE/ZIP				LOCAL GRANT #		
REPORT PERIOD From	11/1/22	To	6/30/2024	TOTAL AWARD	$	-

SECTION II. - SUMMARY OF EMPLOYEE SUPPORT PROGRAM

EXPENDITURES	Budget	Total Accrued Expenditures		Variance (over/under)	
Transportation Assistance		-		$	-
Housing Assistance		-		$	-
Child & Dependent Care Assistance		-		$	-
Other		-		$	-
Totals		$	-	$	-

Unliquidated Obligations		-			
Total Obligation (expenditures and unliquidated)		$	-	$	-

SECTION III. - SUMMARY OF PAYROLL INCENTIVES

EXPENDITURES	Budget	Total Accrued Expenditures		Variance (over/under)	
Employee Signing Bonuses		-		$	-
Employee Retention Bonuses		-		$	-
Wages During Training		-		$	-
Other		-		$	-
Totals		$	-	$	-

Unliquidated Obligations		-			
Total Obligation (expenditures and unliquidated)		$	-	$	-

CERTIFICATION: By signing this report, I certify to the best of my knowledge and belief that the report is true, complete and accurate and the expenditures, disbursements and cash receipts are for the purposes and intent set forth in the award document. I am aware that any false, fictitious or fraudulent information may subject me to criminal, civil or administrative penalties. (U.S. Code, Title 18, Section 1001)

Authorized Signature:	Date

Print Name and Title:	Telephone #