RHODE ISLAND HUMAN RESOURCE INVESTMENT COUNCIL

Regulations for the Application and Administration of Certification for Jobs Training Tax Credits Pursuant to RIGL 42-64.6

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I. PURPOSE

The Rhode Island Jobs Training Tax Credits Act (RIGL 42-64.6) provides certain employers tax credits for job training of employees. To qualify for such credit(s) an employer must first file an application for election with the Rhode Island Human Resource Investment Council (HRIC) evidencing that (a) the employer is a "qualified" employer, (b) the employee(s) are "qualified" employees and (c) that the training program is "qualified" and (d) that the expenses of training are "qualified" expenses, all as set forth in the Act and these regulations. Only for-profit Rhode Island businesses are eligible to apply.

The regulations herein are enacted to clearly delineate the HRIC's administration of the qualification process and to provide prospective applicants with the employer's specific standards applicable to the evaluation of the application.

II. APPLICATION PROCESS

Annually, each employer shall complete and submit on a form prepared by the Human Resource Investment Council, designated as a "Rhode Island Jobs Training Credit Act Application for Election," such information as required by RIGL 42-64.4.6-3(3) to file as a qualifying employer for up to three (3) years; provided however, the tax credit shall only be available over a two (2) year period and with a total tax credit of $5,000 per eligible employee with a maximum of $1,000 designated as employee wages.

Upon receipt of an application for election, the Council, or its designee, shall review the application and notify the applicant in writing within sixty (60) days that their application has been approved, denied, or their application requires further documentary information. The effective date of the Election (application) shall be its date of approval. Training that takes place prior to the Election approval date will not be eligible for a tax credit.

The HRIC shall require a follow-up report from all employers verifying that each of the employees trained is receiving 150% of the Rhode Island minimum wage ($10.65 per hour) and that they have been retained at this rate or a higher rate for eighteen months after the completion of training.

III. CONFIDENTIALITY OF INFORMATION

All information provided by employers to the HRIC shall remain confidential to the extent permitted by law, except that the HRIC shall communicate to the Rhode Island Division of Taxation such information as the HRIC deems necessary for the employer's tax return to be properly examined.

Further, the HRIC reserves the right to compile information provided by individual employers into statistical reports to be published as it deems necessary and/or required by law.

IV. REQUEST BY EMPLOYER TO MODIFY PREVIOUS ELECTIONS

From time to time an employer may deem it appropriate to modify an application previously approved by the HRIC. All such modification requests shall require the filing of a new application with the HRIC subject to the same criteria as the original.

V. PROCEDURE FOR APPEALING DENIAL OF APPLICATION

1. In the event an employer's Application, or any part thereof, shall not be approved, the employer shall have the right to appeal said decision in accordance herein.
2. Upon written notification of said denial or partial denial the employer shall within thirty (30) days submit in writing a request for a hearing to the Rhode Island Human Resource Investment Council or its designee.
3. Hearings shall be conducted by a hearing officer appointed by the HRIC. Said hearing officer shall have authority to examine witnesses, rule on motions, and to rule on the admissibility of evidence.
4. The Administrative Appeals Act, Rhode Island General Laws, Chapter 35, Title 42, including the rules of evidence contained therein, shall be followed in all appeals.
5. An employer may, at its option, request an informal conference with the HRIC staff in an effort to exchange information and reasoning for the denial, and to offer changes and/or modifications which would allow the HRIC or its designee to approve the application. All such requests shall be made by the employer in writing within thirty (30) days of the original notification of denial. All informal conferences shall be non-binding on both the employer and the HRIC.
6. In the event an employer requests an informal conference, said employer shall have thirty (30) days from the date of said informal conference to file a formal appeal as set forth above.