

AMENDMENTS TO LB 1081

Introduced by Revenue.

1 1. Strike the original sections and insert the following
2 new sections:

3 Section 1. Sections 1 to 11 of this act shall be known
4 and may be cited as the Teleworker Job Creation Act.

5 Sec. 2. The Legislature hereby finds and declares that:

6 (1) Current economic conditions in the state have
7 resulted in unemployment, loss of jobs, and difficulty in
8 attracting new jobs; and

9 (2) It is the policy of the state to make revisions
10 in Nebraska's job training structure to encourage businesses to
11 promote the creation of and training for new jobs which can be
12 performed in the home within the state.

13 Sec. 3. For purposes of the Teleworker Job Creation Act:

14 (1) Application filing date means the date that the
15 employer files an application for an agreement with the director
16 under the act;

17 (2) Base year means the year immediately preceding the
18 year during which the application was submitted;

19 (3) Base-year employee means any individual who was
20 employed in Nebraska and subject to the Nebraska income tax on
21 compensation received from the employer or its predecessors during
22 the base year and who is employed at the project;

23 (4) Director means the Director of Economic Development;

1 (5) Employer means a corporation, partnership, limited
2 liability company, cooperative, limited cooperative association, or
3 joint venture, together with such other entities that are, or would
4 be if incorporated, members of the same unitary group as defined in
5 section 77-2734.04, that employs the teleworkers for which the job
6 training reimbursements are applied for under the act;

7 (6) Qualifying employee means a teleworker who has
8 the following characteristics: (a) The teleworker constitutes
9 an employee of the employer under section 77-2753; (b) the
10 teleworker resides in Nebraska at the time of his or her employment
11 application according to his or her statement on his or her
12 employment application; (c) the teleworker completes a qualified
13 training program; (d) the teleworker is not a base-year employee;
14 (e) the teleworker is not required to purchase a computer from
15 the employer; (f) the teleworker has passed such job-related tests
16 required under the qualified training program; (g) the teleworker
17 has passed a criminal background check as required by the employer;
18 and (h) the teleworker has been allowed to complete the hiring
19 process paperwork from his or her residence, except for any drug
20 testing and notarized proof of identity, which can be performed at
21 such location directed by the employer;

22 (7) Qualified training program means a training program
23 which has the following features: (a) The program has at least
24 fifteen hours of instruction per trainee, all of which will occur
25 in the trainee's residence; (b) trainees are each paid at least
26 the federal minimum hourly wage per hour of training performed;
27 (c) trainees are being trained as teleworkers; and (d) the program

1 requires the trainees to pass job-related tests established by the
2 employer;

3 (8) Teleworker means a person who works for the employer
4 from his or her residence through the use of telecommunication
5 systems, such as the telephone and the Internet, for inbound only
6 service and order taking sales calls, which calls may also include
7 the upselling of related products or services; and

8 (9) Year means the taxable year of the employer.

9 Sec. 4. (1) To earn the job training reimbursements set
10 forth in the Teleworker Job Creation Act, an employer shall file an
11 application for an agreement with the director.

12 (2) The application shall contain:

13 (a) A written statement describing the expected
14 employment of qualifying employees in this state;

15 (b) Sufficient documents, plans, and specifications as
16 required by the director to support the plan and to define a
17 project;

18 (c) A copy of the approval letter for the employer's
19 qualified training program from the director; and

20 (d) An application fee of five hundred dollars. The fee
21 shall be remitted to the State Treasurer for credit to the Nebraska
22 Incentives Fund. The application and all supporting information
23 shall be confidential except for the name of the employer and the
24 amounts of increased employment.

25 (3) (a) The director shall approve the application and
26 authorize the total amount of job training reimbursements expected
27 to be earned as a result of the project if he or she is satisfied

1 that the plan in the application defines a project that (i)
2 meets the eligibility requirements established within this act
3 and (ii) such requirements will be reached within three hundred
4 sixty-five calendar days after the application filing date. The
5 director shall, in addition to such uses for the Job Training
6 Cash Fund previously authorized, use such fund to provide the
7 reimbursements allowed by the act. The director may also use the
8 subaccount created under subsection (3) of section 81-1201.21 to
9 provide reimbursements allowed by the act for the training of such
10 teleworkers who reside in rural areas of Nebraska or who reside in
11 areas of high concentration of poverty within the corporate limits
12 of a city or village consisting of one or more contiguous census
13 tracts, as determined by the most recent federal decennial census,
14 which contain a percentage of persons below the poverty line of
15 greater than thirty percent, and all census tracts contiguous to
16 such tract or tracts, as determined by the most recent federal
17 decennial census.

18 (b) The director shall not approve further applications
19 once the director has approved seven project applications
20 filed during fiscal year 2010-11 and the expected job training
21 reimbursements from the approved projects total one million and
22 fifty thousand dollars in fiscal year 2010-11. Applications for
23 reimbursements shall for purposes of this limit be approved in the
24 order in which they are received by the director. The application
25 fee shall be refunded to the applicant if the application is not
26 approved because the expected reimbursements from approved projects
27 exceed such amounts.

1 (c) An employer and the director may enter into
2 agreements for more than one project, up to a total of five
3 approved project applications filed in fiscal year 2010-11.
4 The projects may be either sequential or concurrent. No new
5 qualifying employees shall be included in more than one project
6 for meeting the project requirements or the creation of job
7 training reimbursements. When projects overlap and the plans do not
8 clearly specify, the employer shall specify to which project the
9 employment belongs. The employer has until its income or franchise
10 tax return filing date for the applicable year to designate to
11 which project a qualifying employee belongs. The employer may not
12 receive job training reimbursements for a qualifying employee until
13 the employer designates to which project that qualifying employee
14 belongs. Such designation shall be made on such form to be filed
15 with the director as the director shall direct.

16 (d) The director shall approve or deny an application
17 for reimbursements under this section within thirty days after the
18 application was filed or it shall be deemed to be approved, unless
19 the employer and director agree to extend the thirty-day period.

20 (4) After approval, the employer and the director
21 shall enter into a written agreement. The employer shall agree
22 to complete the project, and the director, on behalf of the
23 State of Nebraska, shall designate the approved plans of the
24 employer as a project and, in consideration of the employer's
25 agreement, agree to allow the employer to receive the job training
26 reimbursements contained in the act up to the total amount of
27 job training reimbursements that were authorized by the director.

1 The application and all supporting documentation, to the extent
2 approved, shall be considered a part of the agreement. The
3 agreement shall state:

4 (a) The number of qualifying employees required by the
5 act for the project;

6 (b) The time period under the act in which the required
7 level must be met;

8 (c) The documentation the employer will need to supply
9 when requesting the job training reimbursements under the act;

10 (d) The date the application was filed; and

11 (e) The maximum amount of job training reimbursements
12 authorized.

13 Sec. 5. (1) To be eligible to file an application for an
14 agreement with the director under the Teleworker Job Creation Act,
15 the employer shall submit a description of its training program to
16 the director for review.

17 (2) If the employer's training program meets the
18 requirements to constitute a qualified training program under the
19 act, the director shall approve such program and provide the
20 employer with an approval letter. A copy of this approval letter
21 shall be attached with the employer's application for an agreement
22 with the director under the act.

23 (3) The director shall approve or refuse to approve
24 a training program, and such decision shall be received by the
25 employer within thirty days after the employer submits the training
26 program for review or the training program shall be deemed to
27 be approved, unless the employer and director agree to extend

1 the thirty-day period. If the thirty-day period, or such extended
2 period, lapses without receipt of the approval or denial by the
3 director, the employer may file its application for an agreement
4 with the director under the act with a statement signed by a
5 corporate officer, partner, member, or owner of the employer,
6 stating that the director failed to issue an approval or refusal
7 to approve the employer's training program within the time period
8 established by this section. This statement shall be accepted by
9 the director in lieu of an approval letter.

10 Sec. 6. (1) Job training reimbursements shall be made
11 to any employer who has an approved application pursuant to the
12 Teleworker Job Creation Act and who:

13 (a) Trains at least four hundred qualifying employees
14 in a qualified training program within three hundred sixty-five
15 calendar days from the application filing date and offers
16 employment to those qualifying employees to work for the employer
17 as a teleworker. The employer shall, to the extent of available job
18 positions, give a hiring priority preference, over other similarly
19 qualified applicants, to those applicants who: (i) Reside in
20 Nebraska counties of less than one hundred thousand inhabitants,
21 as determined by the most recent federal decennial census, with
22 such residence as determined by the statement of the qualifying
23 employee on his or her employment application; or (ii) reside in
24 areas of high concentration of poverty within the corporate limits
25 of a city or village consisting of one or more contiguous census
26 tracts, as determined by the most recent federal decennial census,
27 which contain a percentage of persons below the poverty line of

1 greater than thirty percent, and all census tracts contiguous to
2 such tract or tracts, as determined by the most recent federal
3 decennial census; and

4 (b) Such job positions pay a wage of at least the then
5 required minimum hourly wage required by federal law.

6 (2) The amount of the job training reimbursements allowed
7 under subsection (1) of this section shall be three hundred dollars
8 for each new qualifying employee hired by the employer after the
9 application filing date, up to a total of five hundred qualifying
10 employees per project, resulting in a maximum credit per project of
11 one hundred fifty thousand dollars.

12 Sec. 7. A request for job training reimbursements may
13 be filed annually or quarterly by the employer on such form
14 required by the director. Each request shall contain verification
15 of the number of qualifying employees, designated by project, for
16 which the employer has met the requirements of the Teleworker Job
17 Creation Act, and such amounts shall be paid to the employer upon
18 approval by the director.

19 Sec. 8. The director may audit for compliance with the
20 provisions of the Teleworker Job Creation Act within the statute of
21 limitations applicable to the income or franchise tax returns filed
22 by the employer under the income or franchise tax provisions of the
23 Nebraska Revenue Act of 1967.

24 Sec. 9. The right to job training reimbursements and
25 the agreement under the Teleworker Job Creation Act shall not be
26 transferable except in the following situations:

27 (1) The job training reimbursements and the future

1 allowance of reimbursements may be transferred when a project
2 covered by an agreement is transferred by sale or lease to another
3 employer or in an acquisition of assets qualifying under section
4 381 of the Internal Revenue Code of 1986;

5 (2) The acquiring employer, as of the date of
6 notification of the director of the completed transfer, shall be
7 entitled to any unused job training reimbursements and to any
8 future job training reimbursements allowable under the act; and

9 (3) The acquiring employer shall be liable for any
10 repayment that becomes due after the date of the transfer for
11 the repayment of any benefits received either before or after the
12 transfer.

13 Sec. 10. Interest shall not be allowable on any job
14 training reimbursements earned under the Teleworker Job Creation
15 Act.

16 Sec. 11. Participation in the Teleworker Job Creation
17 Act shall not preclude an employer from receiving tax incentives
18 or other benefits under other federal, state, or local incentive
19 programs.

20 Sec. 12. Since an emergency exists, this act takes effect
21 when passed and approved according to law.