

**NORTEC
POLICY STATEMENT
NATIONAL DISLOCATED WORKER GRANT (NDWG)
2021 WILDFIRES**

Effective Date: February 1, 2022

Last Update: January 20, 2023

PURPOSE

The purpose of this policy is to provide guidelines to the Service Providers (NoRTEC Subcontractors) in the provision of services to dislocated workers and other individuals who are eligible for, and enrolled in, the 2021 Wildfires National Dislocated Worker Grant (NDWG).

PARTICIPANT ELIGIBILITY

In order to be enrolled as a 2021 Wildfires NDWG participant, each individual must:

- Be at least 18 on the date of participation and provide documentation of his/her age;
- Provide evidence of the individual's right to work in the United States; and
- Provide evidence of selective service registration if the individual is a male and was born on or after January 1, 1960.

In addition to providing documentation for the three eligibility indicators noted above, the individual must also fall under one of the categories listed below:

1. Individuals who are temporarily or permanently laid off as a consequence of an eligible 2021 Wildfire (see Section E.2. under the GENERAL INFORMATION section below for a list of eligible wildfires);
2. Long-term unemployed individuals who have been unemployed for at least the 15 weeks¹ prior to application;
3. Self-employed individuals who become unemployed or significantly underemployed as a result of the emergency or disaster;
4. Individuals who (1) have been terminated or laid-off, or who have received a notice of termination or layoff from employment, and (2) are eligible for or have exhausted entitlement to unemployment compensation, or have been employed for a duration sufficient to demonstrate attachment to the workforce, but are not eligible for unemployment compensation due to insufficient earnings or having performed services for an employer that were not covered under a State unemployment compensation law, and (3) are unlikely to return to a previous industry or occupation;
5. Individuals who (1) have been terminated or laid off, or have received a notice of termination or layoff, from employment as a result of any permanent closure of, or any substantial layoff at, a plant, facility or enterprise, or (2) are employed at a facility at

¹ "at least the 15 weeks" means, at a minimum, 15 weeks plus at least one day.

which the employer has made a general announcement that such facility will close in 180 days;

6. Individuals who were self-employed (including employment as a farmer, rancher or a fisherman) but are unemployed as a result of general economic conditions in the community in which the individual resides or because of natural disasters;
7. Individuals who are displaced homemakers;
8. Individuals who (1) are the spouse of a member of the Armed Forces on active duty, and who have experienced a loss of employment as a direct result of relocation to accommodate a permanent change in duty station of such member, or (2) are the spouse of a member of the Armed Forces on active duty and who meets the criteria of a displaced homemaker.

See NoRTEC's Adult and Dislocated Worker Programs Policy Statement for definitions of acceptable documentation of eligibility indicators:

<https://www.ncen.org/images/documents/policies/Adult-DW-Policy-WIOA.pdf>

Copies of documentation utilized to establish eligibility shall be collected and maintained in the participant file.

GENERAL INFORMATION

A. Funding Levels/Grant Code

Two separate funding sources are available to provide services to eligible job seekers under this NDWG project. Grant codes for the two funding sources are:

- Temporary Job Creation (TJC) Funding - grant code 1246
- Workforce Development (WD) Funding - grant code 1247

Each of these funding sources have their own rules and limitations for the provision of services to job seekers, which are outlined in sections C and D below. Eligibility criteria is the same for both projects.

Funding will be awarded in three increments. Each subsequent increment will be requested from DOL once State-level expenditures in the grant reach a minimum of 70% of funding in the applicable increment.

B. Period of Performance/Average Cost Per Participant

The period of performance for these projects is February 1, 2022, through March 30, 2024. The funding amount and period of performance for either or both of these projects may change at a future date. In the event of a project extension, all eligibility and program terms outlined in this policy shall remain in effect unless otherwise stated.

The actual amount awarded to each Service Provider and the minimum number of participants to be served shall be notated in a contract between NoRTEC and the Service Provider.

C. Temporary Jobs Requirements

1. Maximum Hours/Time – The maximum time/hours for a temporary job assignment is 2,080 hours or 12 months, whichever comes first.

Note: Overtime is not precluded, but it MUST be reasonable and necessary. Any planned or regular overtime should be discussed with NoRTEC before authorization is given to the worksite.

2. Allowable Activities – Participants may perform clean-up and repair work (related to fire damage from an eligible fire in 2021). Supportive Services may be provided if a participant’s financial need is documented in accordance with NoRTEC Policy². See **Attachment A** for a list of approved supportive services for this grant.
3. Safety Training – Safety training for participants is mandatory under this project. The provision of this training must be documented by a case note entered into CalJOBS and either a copy of a certificate of completion or a sign-in sheet that must be maintained in the participant’s file.
4. Participant Compensation and Working Conditions – Participants shall be compensated at the same rates, including periodic increases, as trainees or employees who are similarly situated in similar occupations by the same employer and who have similar training, experience, and skills. Such rates shall be in accordance with applicable law, but may not be less than the higher of the rate specified in section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 USC 206(a)(1)) or the applicable State or local minimum wage law. Participants shall also be provided working conditions at the same level and to the same extent as other employees working a similar length of time and doing the same type of work. These working conditions shall meet health and safety standards established under Federal, State, and local law.
5. NDWG Disaster Participants – Participants enrolled under a previous NDWG Disaster Project may be transferred into the 2021 Wildfires Project under the same WIOA application³. The months/hours the participant works under 2021 Wildfires Project funding will be reset at 12 months or 2,080 hours, whichever comes first.

If an individual was a previous NDWG disaster employment participant and has exited the program, he/she may only participate in the 2021 Wildfires Project if a new WIOA application is filled out, and the individual meets 2021 Wildfires Project eligibility requirements⁴.

² NoRTEC’s Supportive Service Policy Statement is available at:

<http://ncen.org/images/documents/policies/Supportive-Services-WIOA.pdf>

³ Note that eligibility requirements under previous NDWG disaster projects may differ from those stated in this policy. In order to transfer from a previous NDWG disaster project to the 2021 Wildfires project, the transferred participant must have met the eligibility requirements for the 2021 Wildfires project on the date the participant was initially enrolled into the WIOA program.

⁴ Any work under a previous NDWG contract counts as employment for purposes of eligibility under the 2021 Wildfires project.

6. Leasing Vehicles for Transport of Participants – Leasing vehicles for participant transport to and from worksites is allowable, but must be preapproved by the Special Projects Unit at the State. If it is anticipated that leased vehicles will be needed, the request should be included in the initial exhibit package submitted to the State by NoRTEC.

Note: If the request was not included with the initial exhibit package, NoRTEC must subsequently request permission from the Special Projects Unit at the State. The State must then submit a formal project modification to the Department of Labor to obtain approval. This process takes months, so if a need is anticipated, it should be included with the initial project exhibits.

D. Eligible Worksites for Temporary Jobs

1. All worksites require prior approval from the State before any work can begin at the site. Eligible worksites include⁵:
 - a. Public lands/facilities impacted by the disaster (clean-up and repair work only).
 - b. Humanitarian assistance sites (priority for these sites must be provided to economically disadvantaged areas).
 - c. Private lands/facilities impacted by the disaster (this includes private non-profit lands/facilities).
2. All worksites must fall under the criteria outlined in FEMA declaration 4610: sites that were damaged or destroyed by wildfires between July 14, 2021, and October 25, 2021, in the counties of Lassen, Plumas, Sierra, Tehama and Trinity are eligible. The following fires have been identified under this criterion:

<u>Eligible Fire</u>	<u>Eligible County</u>
Beckwourth Complex	Plumas, Lassen
Dixie Fire	Lassen, Plumas, Tehama
McFarland Fire	Tehama, Trinity
Monument Fire	Trinity
River Complex	Trinity

3. Per guidance from the State of California,⁶ clean-up of sites damaged due to slides (debris/rock/mud) that occurred after the fire was contained may be conducted, provided the supervising entity (e.g., Caltrans⁷) is willing to state the slides were more

⁵ It is recommended that Service Providers work on developing sites that fall under category a. as these can be approved by State personnel. Sites that fall under categories b. and c. require DOL approval for each worksite requested that can take several weeks/months to obtain.

⁶ Per a June 20, 2022, email from Martha Lake (EDD) to Stephanie Bruce (NoRTEC), guidance is provided from the Special Projects Unit of the State allowing the incorporation of worksites with the purpose of cleaning up debris/rock/mud slides that the supervising entity (e.g., Caltrans) states are a result of wildfire damage.

⁷ It is likely that other entities such as the USFS or other governmental entities could also declare slides resulted as a consequence of the disaster.

severe or would not have happened at all, but for the wildfire disaster. Note, however, that the slide must be within the boundaries of the declared disaster’s burn scar.

4. In order for work to begin at a site, “before photos” detailing the damage at the site must be submitted with the corresponding monthly report. “After photos” must be submitted with the corresponding monthly report when work at a site is completed.
5. Job Titles – Participant job titles under the Temporary Jobs program must be preapproved. Allowable job titles under this grant are⁸:

- Laborer
- Cal Trans – Laborer
- Lead Crew Laborer
- Aide Worker
- Supervisor – Lead Crew
- Forest Service – Laborer
- Processing Clerk
- Supervisor – Labor Crew

Per guidance from the State of California⁹, clerical work may be allowable to help eligible worksites return to pre-disaster conditions. An example of allowable work would be printing/filing paperwork destroyed in the disaster or setting up a new office if the previous one was destroyed in the disaster. Participants may also perform clerical duties relating to the support of other TJC participants in the field (performing physical clean-up and repair work). Participants are not allowed, however, to assist with new/ongoing/regular activities post-disaster. The regular pre-approval process applies to these activities and worksites.

E. Workforce Development Requirements

Allowable activities for the Workforce Development component are similar to those that are allowable for ongoing WIOA Dislocated Worker projects. The activities must, however, be pre-approved by the State before being utilized. See **Attachment B** for a list of currently approved WIOA activities for the Workforce Development Program under this grant.

There is no requirement that an individual be enrolled in the Temporary Jobs component before being enrolled in the Workforce Development component. Concurrent or subsequent enrollment in the Temporary Jobs component is allowable and encouraged.

F. MIS Data Entry

1. Temporary Jobs – Upon completion of a WIOA application and eligibility determination, individuals served under this NDWG project must be enrolled in CalJOBS under Grant Code 1246.

The allowable activities that apply to participants under this grant are:

- Activity Code 227 – Disaster Relief Employment/Temporary Job

⁸ Job Titles may be approved and added throughout the grant, but will require State and/or DOL approval. A timeline for approval is not guaranteed and should be considered when applying for approval of new job titles.

⁹ Per an August 23, 2022 email from Martha Lake (EDD) to Stephanie Bruce (NoRTEC), guidance is provided from the Special Projects Unit of the State allowing clerical work that will allow eligible worksites to return the worksite to pre-disaster conditions.

- Activity Codes 181-182, 184-186, 188-190 – Supportive Service¹⁰

Participants shall not be enrolled in Activity Code 227 until he/she actually begins the work assignment.

Enhanced Career Services and Training Services are not allowable activities under this funding source. Participants who request these services after completion of the NDWG project work may be transferred/co-enrolled in the Adult or Dislocated Worker program or in another special project.

Note: Enrollment into the NDWG project must occur within 30 days of the date on the WIOA application. If there is more than a 30-day lapse before the individual is to be enrolled, the application must be updated. To update the application, a new application date must be entered, and all documentation used to establish eligibility must be relevant as of the “updated” date.

2. Workforce Development - Upon completion of a WIOA application and eligibility determination, individuals served under the 2021 Wildfires NDWG project in the Workforce Development component must be enrolled in CalJOBS under Grant Code 1247. Activities allowable under this project are similar to those under regular Dislocated Worker programs, but there are some codes that may not be used. See Attachment B of this policy statement for the career and training activities allowed under this project.

G. Reporting

1. Monthly Reporting Requirements – Monthly narrative and worksite reports are due on the fifteenth (15th) day of each month, reporting cumulative information through the end of the previous month.

Note: If the due date for a report falls on a weekend or holiday, the report is due by 5:00 pm on the previous business day.

2. Data Entry in CalJOBS – To the extent practicable, data entered in CalJOBS must match what is reported on the monthly report submissions outlined in Number 1 above.

H. Stevens Amendment Requirements

The Stevens Amendment requires that certain language is utilized on all public communications regarding federally-funded programs. The amendment states: “When issuing statements, press releases, requests for proposals, bid solicitations and other

¹⁰ When paying for supportive services on behalf of participants, Service Providers may only make these payments if the participant has a *financial need* that can be documented through a *financial needs analysis* (a copy of which must be included in the participant file). This *financial needs analysis* must be updated each month a request for supportive services is made (such as transportation assistance, temporary shelter, tools/clothing, or “Other” supportive services). Once the participant has received his/her first paycheck, these types of supportive service payments are not likely allowable as a financial need can no longer be documented. Note: Activities such as safety training, employment drug screens, or physicals that are required by the worksite/program do not require a financial needs analysis.

documents describing projects or programs funded in whole or in part with Federal money, all non-Federal entities receiving Federal funds shall clearly state:

1. The percentage of the total costs of the program or project which will be financed with Federal money;
2. The dollar amount of Federal funds for the project or program; and
3. The percentage and dollar amount of the total costs of the project or program that will be financed by non-governmental sources.”

Public communications include outreach materials, recruiting advertisements, and any other advertisement related to the project, along with the examples provided in the requirement language itself. The description can be a prominent part of the communication or can be in the form of a disclaimer at the bottom of a flyer, whatever works best for the specific communication is acceptable, so long as the required language is present.

For entities relying on co-enrollment to support grants, the requirements do not relate only to specific grant funds, but all federal funds. This means that individuals co-enrolled into WIOA formula funds will still count as receiving Federal funds, so the percentage funded by federal funds remains 100%.

POLICY EXCEPTIONS

Service Providers (NoRTEC Subcontractors) may make exceptions to this policy only with prior written authorization from the NoRTEC Administrative Entity.

Note: If a Workforce Services Directive is released by EDD, this policy statement may be revised to incorporate any additional requirements as stated by EDD.

Approved Activities for Temporary Job Creation**Supportive Services**

(for definitions of activities listed below, click on "Supportive Services" text above)

CalJOBS Activity Code	Description of Supportive Services
181	Transportation Assistance
182	Medical
184	Temporary Shelter
185	Other
186	Seminar/Workshop Allowance
188	Tools/Clothing
189	Housing Assistance
190	Utilities

Approved Activities for Workforce Development Program

Basic Career Services

(for definitions of activities listed below, click on "Basic Career Services" text above)

CalJOBS Activity Code	Description of Basic Career Services
101	Orientation
102	Initial Assessment
103	Provision of Information on Training Providers/Performance Outcomes
105	Job Finding Club
106	Follow-up Services after Employment (prior to exit)
107	Provision of Labor Market Research
109	Referred to Community Resource
112	Job Fair
114	Job Referral: Federal Contractor Job Listing
115	Resume Preparation Assistance
118	UI Claims Assistance
119	Financial Aid Assistance
120	Use of AJCC Resource Room
121	Job Referral: Jobs Outside CalJOBS (non-Federal)
122	Job Referral: Federal
123	Job Development Contacts
124	Received Bonding Assistance
125	Job Search and Placement Assistance
126	Tax Credit Eligibility Determination
130	Proficiency Testing
131	Testing as Requested by Employer
132	Resume Writing Workshop
133	Job Search Workshop
134	Workshop
179	Job Referral: Outside Web-Link
206	Referred to Registered Apprenticeship Program

Individual Career Services

(for definitions of activities listed below, click on "Individual Career Services" text above)

CalJOBS Activity Code	Description of Individual Career Services
200	Individual Counseling
201	Group Counseling
202	Career Guidance/Planning
203	Objective Assessment
204	Interest and Aptitude Testing
205	Development of IEP/ISS/EDP
213	Mentorship
214	Adult Literacy, Basic Skills or GED Preparation
215	Short Term Pre-Vocational Services
216	Out-of-Area Job Search Assistance
217	Relocation Assistance
219	Work Experience
221	Financial Literacy Education
222	English as a Second Language (ESL) Services
226	Reading and/or Math Testing

Training Services

(for definitions of activities listed below, click on "Training Services" text above)

CalJOBS Activity Code	Description of Training Services
300	Occupational Skills Training (Approved ETPL Provider)
301	On-the-Job Training
305	Skills Upgrading and Retraining
307	Pre-Apprenticeship Program with Occupational Skills Training (ITA)
328	Occupational Skills Training (non-ETPL provider, non-formula)

Supportive Services

(for definitions of activities listed below, click on "Supportive Services" text above)

CalJOBS Activity Code	Description of Training Services
180	Child/Dependent Care
181	Transportation Assistance
182	Medical
184	Temporary Shelter
185	Other
186	Seminar/Workshop Allowance
188	Tools/Clothing
189	Housing Assistance
190	Utilities
191	Educational Testing
192	Post-Secondary Academic Materials