NORTEC

POLICY STATEMENT

NATIONAL DISLOCATED WORKER GRANT (NDWG)

2024 SEVERE WINTER STORM

Effective Date: September 1, 2024

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 2023 Severe Winter Storm National Dislocated Worker Grant (NDWG).

PARTICIPANT ELIGIBILITY

To be enrolled as a 2024 Severe Winter Storm NDWG participant, each individual must:

- Be at least 18 on the date of participation and provide documentation of their 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 the disaster;
2. Long-term unemployed individuals who meet all the criteria in one of the following four groups:
    a. An individual who is not employed at application, has not been employed for the four weeks prior to application, has actively looked for work during the four weeks prior to application, and is currently available for work; OR
    b. An individual who is not employed at application, has not been employed for the four weeks prior to application, has or had a barrier[1] to actively looking for work during the previous four weeks, and is currently available for work or will be available for work once the barrier is addressed; OR
    c. An individual is not employed at application, was unemployed for at least 15 of the previous 26 weeks prior to application, was employed for at least one day in the four weeks prior to application, exited the last employment

[1] The barrier must be identified and explained, and this identification/explanation must be included in the participant file in the section containing eligibility documentation. Examples of barriers include incarceration, illness, temporary or permanent disability, homelessness, or discouragement from workforce participation from family or friends. Other barriers are allowable, but if they are not included in this initial list, prior NoRTEC written approval is required.

for reasons other than being dismissed for misconduct, and is currently available for work; OR

d. An individual who is not employed at the application, has no prior work history and is currently available for work.

*<u>Note</u>: Additional data collection is required if the criteria under Category 2 is utilized to determine eligibility[2]. Service Provider staff must report monthly on how many individuals were determined eligible under categories **a-d**. In addition, if category **a** is utilized, the Service Provider must report monthly on how many **category a** participants were unemployed for 4-14 months prior to application and how many were unemployed for 15 or more weeks prior to application. Additional information will be provided to Service Provider staff when NoRTEC sends the monthly reporting template.*

3. Self-employed individuals who become unemployed or significantly underemployed as a result of the emergency or disaster, defined as an individual who meets one of the following criteria:
    a. Is highly skilled but is working in a low-paying job; OR
    b. Is highly skilled but is working in a low-skill job; OR
    c. Is working part-time but would prefer to work full-time and whose under-employment represents the loss of at least 25% of their pre-disaster income.
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 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 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;

[2] This additional request for data collection is temporary and requested by the State to provide data to DOL to show this definition will result in more participants being eligible to be enrolled in these grants in the future. NoRTEC will notify Service Provider staff when this additional data collection is no longer required on monthly reports.

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 the 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[3].

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

PROJECT ACTIVITIES

A. Temporary Jobs Requirements

1. Maximum Hours/Time

   A temporary job assignment's maximum time/hour is 2,080 hours or 12 months, whichever comes first.

   Participants enrolled under a previous NDWG Disaster Project may be transferred into the 2024 Severe Winter Storm Project under the same WIOA application[4]. The months/hours the participant works under the 2023 Severe Winter Storm 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, they may only participate in the 2024 Severe Winter Storm Project if a new WIOA application is completed and the individual meets the 2024 Severe Winter Storm Project eligibility requirements[5].

   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 eligible storm damage (see eligible worksites below). Supportive Services may be provided if a participant's financial need is documented in accordance with

[3] https://www.ncen.org/images/documents/policies/Adult-DW-Policy-WIOA.pdf

[4] Note that eligibility requirements under previous NDWG disaster projects may differ from those stated in this policy. To transfer from a previous NDWG disaster project to the 2024 Severe Winter Storm project, the transferred participant must have met the eligibility requirements for the 2024 Severe Winter Storm project on the date the participant was initially enrolled in the WIOA program.

[5] Any work under a previous NDWG contract counts as employment for purposes of eligibility under the 2024 Severe Winter Storm project.

NoRTEC Policy[6]. See Attachment A for a list of approved supportive services for this grant.

Note: A case note must accompany all supportive services on the date the service was provided. It includes justification for the supportive service and how it relates to the employment, career, or training activities the participant is engaged in through the grant.

3. Safety Training

   Safety training for participants is mandatory under this project. A case note must document the provision of this training 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 have similar training, experience, and skills. Such rates shall be by 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.

   Fringe benefits should be paid according to the benefits the worksite employer offers its employees working a similar length of time and doing the same type of work.

   a. Participants working in a temporary job in this grant are entitled to, at a minimum, FICA taxes, Medicare taxes, and worker's compensation insurance premium payments.

   b. Participants employed in a temporary job in this grant are not eligible for unemployment insurance (UI), employment training tax (ETT) and state disability insurance (SDI).

   Timesheets documenting hours worked by each participant shall be collected, retained and made available upon NoRTEC or EDD request. Corrections to timesheets must be initialed by the participant and Project Operator representative. Whiteout should never be used for corrections.

[6] NoRTEC's Supportive Service Policy Statement is available at: http://ncen.org/images/documents/policies/Supportive-Services-WIOA.pdf

5. Leasing Vehicles for the Transport of Participants

   Leasing vehicles for participant transport to and from worksites is allowable. Copies of the procurement documents must be kept and maintained following NoRTEC's procurement policy.

6. Equipment for Worksites

   Equipment, less than $5,000 per item, can be purchased for worksites for participant use. Items such as shovels, rakes, clippers, and chainsaws may be purchased for the worksite for participant use during the grant period; if any items remain in use after the grant period, items may be retained by the service provider or donated to the worksite.

   Items specified for use by a specific participant, such as PPE gear, should be purchased as a supportive service for the participant in need.

B. Eligible Worksites for Temporary Jobs

1. All worksites require prior approval from the State before any work can begin at the site. Eligible worksites include[7]:
   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) to execute the following:
      i. The work must be intended to remove health and safety hazards to the larger community, or to address or alleviate specific economic or employment-related impacts of the disaster, such as cleanup work needed for disaster-affected employers to resume or continue operations.
      ii. The activities are necessary to remove health and safety hazards on private lands or around homes or other structures and may only return the land or structure(s) to a safe and habitable level, or operational status, and will not improve the original land or structure(s);
      iii. Grant recipients cannot use Disaster Recovery DWG funds to cover the cost of materials to do repairs.
2. For work on private property, documentation with pictures explaining the reason for why the work is allowable under this policy and how many jobs if any the assistance will bring back.

[7] 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, which can take several weeks/months to obtain.

A Rights of Entry and Access Agreement/Worksite Agreement must be executed with the property owner(s) to include:

i. The type of work to be performed and what type of work is allowable and what is not.

ii. A time frame that includes the time it takes for the initial assessment of the potential site, how long it will take to perform the work, including the time needed for the final evaluation of the site to ensure the deliverables were met.

iii. Identification of who is responsible for any liability or damage that may occur, including Workers Comp for participants and staff.

iv. Verbiage that makes the property owner aware that any loss/waste of materials or additional damage to property cannot be covered by the grant, even if caused by the participant.

3. All worksites must fall under the following criteria:
    a. FEMA Declaration DR-4683-CA applies to storms from December 27, 2022, through January 31, 2023, in the counties of Butte, Del Norte, Nevada, Siskiyou, Tehama, and Trinity.
    b. FEMA Declaration DR-4699-CA applies to storms from February 21, 2023, through July 10, 2023, in the counties of Butte, Del Norte, Modoc, Nevada, Plumas, Shasta, Sierra, and Trinity.
4. For work to begin at a site, “before photos” detailing the damage must be submitted with the corresponding monthly report. “After photos” must be submitted with the related monthly report when work at a site is completed. “In progress” photos are encouraged and may be submitted as applicable.

C. Job Titles

Participant job titles under the Temporary Jobs program must be preapproved. Allowable job titles under this grant are[8]:

1. Crew Laborer
2. Work Crew Laborer
3. Lead Crew Laborer
4. Site Coordinator
5. Maintenance Worker

[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.

Per guidance from the State of California[9], clerical work may be allowable to help eligible worksites return to pre-disaster conditions. An example of permissible work would be printing/filing paperwork destroyed in the disaster or setting up a new office if the previous one was damaged 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 normal pre-approval process applies to these activities and worksites.

D. Supportive Services

Participants are eligible for supportive services if there is an open 227 activity code. All supportive services should follow NoRTEC's Supportive Services Policy. For required services to participate in the temporary job, such as a worksite-mandated background check or drug screen, supportive services may be provided without an economic analysis. All other supportive services provided to the participant based on their individual needs and circumstances to participate in the grant should be provided in accordance with WIOA policy that requires economic analysis. Supportive services are limited to those pre-approved services listed in Attachment A.

Enhanced Career Services and Training Services are not allowed under this funding source. After completing the NDWG project work, participants who request these services may be transferred/co-enrolled in the Adult or Dislocated Worker program or 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. A new application date must be entered to update the application, and all documentation used to establish eligibility must be relevant as of the "updated" date.

GENERAL INFORMATION

A. Period of Performance

The performance period for these projects is September 1, 2024 through August 31, 2026. The funding amount and period of performance may change at a future date.

Only one 12-month extension may be requested from the DOL and is not guaranteed. In the event of a project extension, all eligibility and program terms outlined in this policy shall remain in effect unless otherwise stated.

Funding will be awarded in two increments. Additional funds will be requested by NoRTEC from the state when the project has reached or exceeded 70%.

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

Additional increments will be requested from DOL by the state once the state-level expenditures have reached 70%.

Note: Funding is not guaranteed past the first increment. Additional funding can only be requested when NoRTEC spent funds have met or exceeded 70%. Providers are encouraged to spend funds as quickly as possible to reach the 70% mark early within the period of performance in order to receive additional funds[10].

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

B. Reporting

1. Fiscal Reporting Requirements

   Fiscal reporting should follow standard WIOA reporting procedures.

   Note: Program Operations & Management (PMO) costs are limited to 37% of the grant allocation. For more information, contact NoRTEC.

2. Monthly Reporting Requirements

   Monthly narrative and worksite reports are due on the tenth (10th) day of each month, reporting cumulative information through the end of the previous month.

3. Quarterly Reporting Requirements

   The monthly report should be submitted AND include participant, worksite, and partner success stories. At least one success story must be submitted each quarter. Photos should be included as applicable.

   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.

C. MIS Data Entry

Upon completing a WIOA application and eligibility determination, individuals served under the Temporary Jobs component must be enrolled in CalJOBS grant code 1296.

Participants shall be enrolled in Activity Code 227 when said individual has accepted a conditional offer of employment. At the time of acceptance, participants must be enrolled in CalJOBS grant code 1296 and activity code 227 entered on the day of acceptance. Individuals are considered “enrolled” when a 227 code has been entered into CalJOBS.

Enhanced Career Services and Training Services are not allowed under this funding source. After completing the NDWG project work, participants who request these services may be transferred/co-enrolled in the Adult or Dislocated Worker program or another special project.

[10] The DOL approval process can take several months; Providers are encouraged to plan accordingly.

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. A new application date must be entered to update the application, and all documentation used to establish eligibility must be relevant as of the "updated" date.

D. Stevens Amendment Requirements

The Stevens Amendment requires that specific language is utilized in all public communications regarding federally funded programs. The amendment states: "When issuing statements, press releases, requests for proposals, bid solicitations and other documents describing projects or programs funded in whole or in part with Federal money, all non-Federal entities receiving Federal funds shall clearly state:

i. The percentage of the total costs of the program or project which will be financed with Federal money;

ii. The dollar amount of Federal funds for the project or program; and

iii. The percentage and dollar amount of the total costs of the project or program that non-governmental sources will finance."

Public communications include outreach materials, recruiting advertisements, and any other advertisement related to the project, along with the examples provided in the required language. The description can be a prominent part of the communication or 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 relate to more than just 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%.

E. Monitoring

NoRTEC will monitor all subcontractors in this grant on an annual basis. NoRTEC's regular WIOA program monitoring processes and procedures will apply; for more information, see NoRTEC's Policy Statement for WIOA Program Monitoring.

POLICY EXCEPTIONS

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

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

Attachment A

Approved Activities for Temporary Job Creation

Supportive Services

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

CalJOBS Activity Code	Description of Supportive Services
180	Child/Dependent Care
181	Transportation Assistance
182	Medical
184	Temporary Shelter
185	Other
186	Seminar/Workshop Allowance
188	Tools/Clothing