

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

Effective Date: February 1, 2022
Updated: February 15, 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 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 meet all of the criteria in one of the following four groups¹:
 - 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 barrier² to actively looking for

¹ The provided groups for determination of long-term unemployed are effective April 26, 2023, and replace the prior definition of "long-term unemployed individuals who have been unemployed for more than the 15 weeks prior to application" that was utilized when this grant began.

² 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.

- 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 for reasons other than being dismissed for misconduct, and is currently available for work; OR
 - d. An individual who is not employed at application, has no prior work history, and is currently available for work.

*Note: Additional data collection is required if the criteria under Category 2 is utilized to determine eligibility³. 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 out the monthly reporting template.*

- 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 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

³ 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.

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.

PROJECT ACTIVITIES

A. 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.

Participants enrolled under a previous NDWG Disaster Project may be transferred into the 2023 Severe Winter Storm Project under the same WIOA application⁴. The months/hours the participant works under the this NDWG 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 this project if a new WIOA application is completed and the individual meets the eligibility requirements⁵.

***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 Policy](#). 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

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 2023 Severe Winter Storm project, the transferred participant must have met the eligibility requirements for the 2023 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 2023 Severe Winter Storm project.

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. Leasing Vehicles for the 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 leased vehicles are anticipated to 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.

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. Temporary Jobs Eligible Worksites

1. All worksites require prior approval from the State before any work can begin at the site. Eligible worksites include⁶:
 1. Public lands/facilities impacted by the disaster (clean-up and repair work only).

⁶ DOL approval is no longer required for humanitarian and Private Land/Facilities worksites but must be approved by the State in the same manner that Public Lands/Facilities worksites are.

2. Humanitarian assistance sites (priority for these sites must be provided to economically disadvantaged areas).
3. 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.
3. 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.
4. 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 |

Per guidance from the State of California,⁷ 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., Caltrans⁸) is willing to state the slides were more 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.

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 are⁹:

1. Laborer
2. Cal Trans – Laborer
3. Forest Service – Laborer
4. Lead Crew Laborer
5. Supervisor – Lead Crew
6. Supervisor – Labor Crew
7. Processing Clerk
8. Aide Worker

6. 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

⁷ 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.

⁸ 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.

⁹ 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.

requires economic analysis. Supportive services are limited to those pre-approved services listed in [Attachment A](#).

7. 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.
8. *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.*

C. Per guidance from the State of California¹⁰, 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.

D. 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.

E. Supportive Services

Supportive Services may be provided if a participant’s financial need is documented in accordance with NoRTEC Policy¹¹. Supportive services are limited to the list of pre-approved services outlined in [Attachment B](#).

Participants are eligible for supportive services if there is an open career service activity code. Supportive services should follow NoRTEC’s Supportive Services Policy¹². For required services to participate in a paid work experience or job, such

¹⁰ 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.

¹¹ <https://www.ncen.org/images/documents/policies/Supportive-Services-WIOA.pdf>

¹² See <https://www.ncen.org/images/documents/policies/Supportive-Services-WIOA.pdf> for more information.

as a worksite-mandated background check or drug screen, supportive services may be provided without an economic analysis¹³. 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.

GENERAL INFORMATION

A. Period of Performance

The period of performance for these projects is February 1, 2022, through March 30, 2024. 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 three increments. Additional funds will be requested by NoRTEC from the state when the project has reached or exceeded 70%. 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 funds¹⁴.*

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.

¹³ If the employer pays for the requirements for their regular employees, the grant should pay for those requirements regardless of an individual participant's circumstances. All other supportive services provided directly to the participant and based on their economic circumstances should be provided in accordance with NoRTEC policy and require individual economic analysis.

¹⁴ The DOL approval process can take several months; Providers are encouraged to plan accordingly.

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

1. Temporary Jobs

Upon completing a WIOA application and eligibility determination, individuals served under the Temporary Jobs component must be enrolled in **CalJOBS grant code 1246**.

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 1246 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.

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.

2. Workforce Development

Upon completion of a WIOA application and eligibility determination, individuals served under 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.

D. 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 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 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 |