

**NORTEC  
POLICY STATEMENT  
NATIONAL DISLOCATED WORKER GRANT (NDWG)  
SEPTEMBER 2020 WILDFIRES**

*Last Update: September 18, 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 September 2020 Wildfires National Dislocated Worker Grant (NDWG).

**PARTICIPANT ELIGIBILITY**

In order to be enrolled as a September 2020 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 September 2020 Wildfire (see below for a list of eligible fires);
2. Long-term unemployed individuals who meet all of the criteria in one of the following four groups<sup>1</sup>:
  - 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<sup>2</sup> 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

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<sup>1</sup> 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.

<sup>2</sup> 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.

- 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 eligibility<sup>3</sup>. 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 experience 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

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<sup>3</sup> 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.

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. Grant Code

Funding is available to provide temporary job creation services to eligible job seekers under this NDWG disaster project. The grant code for this funding source is 1212.

### B. Funding Level/Period of Performance/Average Cost Per Participant

The period of performance for this project is April 1, 2021, through December 30, 2022, and the average cost per participant is \$18,000. The funding amount and period of performance 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 shall be notated in a contract between NoRTEC and the Service Provider and may be modified, if necessary. NoRTEC's Service Providers will be contacted regarding their allocation of the funding and the minimum number of participants that must be enrolled.

### 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: If a participant's worksite is shut down because of illness, inadequate supervision by the partner agency or because a particular project has been completed and the participant is waiting for another assignment, and this shutdown lasted more than one work week, the temporary job assignment may be extended for the number of working days of the shutdown (up to a total of 90 calendar days), provided the 2,080-hour maximum has not been reached. The reason for the extension beyond 12 calendar months must be clearly documented in the case notes in the participant file, and must be approved ahead of time, by NoRTEC.

2. Allowable Activities – Participants may perform clean-up and repair work (related to fire damage from an eligible fire in September 2020). Supportive

Services may be provided if a participant's financial need is documented in accordance with NoRTEC Policy<sup>4</sup>.

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 September 2020 Wildfires Project under the same WIOA application<sup>5</sup> if the eligibility criteria for the new NDWG project were met at the time of initial application. The months/hours the participant works under September 2020 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 September 2020 Wildfires Project if a new WIOA application is filled out, and the individual meets September 2020 Wildfires Project eligibility requirements<sup>6</sup>.
6. Job Titles – Participant job titles under this grant must be preapproved. As of the most recent update of this policy, allowable job titles are<sup>7</sup>:
  - Laborer
  - Maintenance Help

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<sup>4</sup> NoRTEC's Supportive Service Policy Statement is available at:

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

<sup>5</sup> 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 September 2020 Wildfires project, the transferred participant must have met the eligibility requirements for the September 2020 Wildfires project on the date the participant was initially enrolled into the WIOA program.

<sup>6</sup> Any work under a previous NDWG contract counts as employment for purposes of eligibility under the September 2020 Wildfires project.

<sup>7</sup> Job titles in addition to those not listed here may be added throughout the grant with state and/or DOL approval.

- Clean-up Crew Member

D. Eligible Worksites

1. All worksites require prior approval from the State before any work can begin at the site. Eligible worksites include<sup>8</sup>:
  - 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).
    - 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.
    - 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);
    - Grant recipients cannot use Disaster Recovery DWG funds to cover the cost of materials to do repairs.

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.

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

- a. The type of work to be performed and what type of work is allowable and what is not.
- b. 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.
- c. Identification of who is responsible for any liability or damage that may occur including Workers Comp for participants and staff.
- d. Agreement should contain 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.

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<sup>8</sup> 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. Eligible worksites under this grant must have damage from one of the following fires:

<u>Eligible Fire</u>	<u>Fire Start Date</u>	<u>Fire End Date</u>	<u>Eligible County</u>
Slater/Devil Fire	9/7/2020	11/16/2020	Siskiyou, Del Norte
Fox Fire	9/14/2020	9/29/2020	Siskiyou
Zogg Fire	9/27/2020	10/13/2020	Shasta

3. 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.

E. MIS Data Entry

Upon completion of a WIOA application and eligibility determination, individuals served under the COVID-19 Project grant must be enrolled in CalJOBS under Grant Code 1195.

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

- Activity Code 227 – Disaster Relief Employment/Temporary Job
- Activity Codes 181, 185, 188 – Supportive Services<sup>9</sup>

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 grant. Participants who request these services after completion of the COVID-19 project work may be transferred/co-enrolled in the Adult or Dislocated Worker program or in another special project.

*Note: Enrollment into the September 2020 Wildfires 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.*

F. 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.

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<sup>9</sup> 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.

*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.

G. 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:

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%.

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.

**POLICY EXCEPTIONS**

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

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
181	Transportation Assistance
185	Other
188	Tools/Clothing