

POLICY ISSUANCE 2020-07

COVID-19 National Dislocated Worker Grant Policy | **December 4, 2020**

TO: Maryland Department of Labor (MD Labor) Division of Workforce

Development and Adult Learning (DWDAL) staff; Local Workforce

Development Area Directors

FROM: DWDAL, MD Labor

SUBJECT: COVID-19 National Dislocated Worker Grant Policy

PURPOSE: To provide policy guidance for Maryland's COVID-19 National Dislocated

Worker Grant

ACTION: Local Workforce Development Area Directors, American Job Center Labor

Exchange Administrators, and central office managers will ensure all

employees are aware of and receive copies of this policy. DWDAL policies

are available on the MD Labor website.

EXPIRATION: Until Cancelled.

QUESTIONS:

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GENERAL INFORMATION

WORKFORCE INNOVATION & OPPORTUNITY ACT (WIOA)

The Workforce Innovation and Opportunity Act (WIOA) was signed into law on July 22, 2014, and went into effect July 1, 2015. WIOA supersedes the Workforce Investment Act of 1998 and amends the Adult Education and Family Literacy Act, the Wagner-Peyser Act, and the Rehabilitation Act of 1973. To help both businesses and job seekers meet their needs, the workforce system established under WIOA is integrated by design. WIOA envisions connecting businesses with job seekers through meaningful partnerships among workforce, education, human services, and economic development entities to ensure optimum results and leveraging of resources. The law addresses the needs of job seekers by establishing a workforce system that helps them access employment, education, training, and support services to succeed in the labor market. Through the American Job Centers (AJCs), WIOA works to address employer needs by matching them to the skilled workers they need to compete in the global economy. The *COVID-19 National Dislocated Worker Grant* policy fits within WIOA's framework by connecting workers dislocated by the pandemic to a robust and efficient workforce system.

COVID-19 AND MARYLAND'S RESPONSE

In 2020, the United States experienced a national outbreak of a novel coronavirus, or COVID-19. Governor Larry Hogan acted early and aggressively to address the COVID-19 pandemic as it gained a footprint in Maryland, declaring a State of Emergency on March 5, 2020. As the crisis evolved, the Governor issued a series of Executive Orders aimed at encouraging social distancing to further slow the spread of disease. An Executive Order¹ issued March 23, 2020 closed all non-essential businesses in the State, and a "Stay-at-Home" directive followed on March 30, 2020. The pandemic has had a substantial impact upon Maryland's economy, with over one million new Unemployment Insurance claims since the beginning of the pandemic.²

In order to outline the State's reopening guidelines, Governor Hogan released the *Maryland Strong: Roadmap to Recovery*³ on April 24, 2020. The plan includes a comprehensive three-phase strategy for reopening the State's economy hinged on improvements in public health metrics, coupled with the ability to establish the following four "building blocks:"

- 1. Procure sufficient personal protective equipment (PPE)⁴ for frontline healthcare workers;
- 2. Generate hospital surge capacity;
- 3. Ensure adequate testing capacity; and,
- 4. Conduct a robust contact tracing program.

Success in establishing each of these four building blocks is predicated on the State's access to a qualified workforce. Maryland's economic recovery relies on addressing workforce demand and connecting unemployed Marylanders with family-sustaining careers.

¹ Executive Orders related to Maryland's COVID-19 response are available at: https://governor.maryland.gov/covid-19-pandemic-orders-and-guidance/

² A week-by-week account of Unemployment Insurance claims in Maryland is available at: http://labor.maryland.gov/employment/uicounty.shtml

³ Maryland Strong: Roadmap to Recovery: https://governor.maryland.gov/wp-content/uploads/2020/04/MD_Strong.pdf

⁴ PPE includes N95 and KN95 surgical masks, gloves, gowns, and face shields used by hospitals, first responders, long-term care facilities, and other frontline personnel to protect them from exposure to the virus.

DISASTER RECOVERY DISLOCATED WORKER GRANTS

Recognizing the immense impact of COVID-19, on March 13, 2020 the White House declared the pandemic to be a national emergency,⁵ allowing the U.S. Department of Labor (USDOL) to make Dislocated Worker Grants (DWG) available to fund disaster relief efforts and support workers dislocated by the pandemic.

DWGs are discretionary grants awarded by the Secretary of USDOL under Section 170 of WIOA to provide employment-related services for dislocated workers. Specifically, Disaster Recovery DWGs provide disaster-relief and humanitarian assistance employment, as well as employment and training services, as appropriate, to minimize the employment and economic impact of declared disasters and emergency situations.

Qualifying events for a Disaster Recovery DWG are:

- 1. Emergencies and major disasters, as defined under Section 102 of the Stafford Act (42 U.S.C. 5122)⁶, declared by Federal Emergency Management Agency as eligible for Public Assistance;
- 2. Emergencies or disaster situations of national significance, natural or man-made, that could result in a potentially large loss of employment, as declared or otherwise recognized and issued in writing by the chief official of a Federal agency with jurisdiction over the Federal response to the disaster or emergency; and
- 3. Relocation of a substantial number of individuals from a state, tribal area, or outlying area affected by a disaster or emergency to other states, tribal areas, or outlying areas outside the disaster or emergency area.⁷

More specifically, this COVID-19 grant funding may:

- 1. Provide eligible individuals disaster-relief employment to address the coronavirus' impacts in their regions;
- 2. Create temporary jobs for eligible individuals to assist in clean-up and mitigation associated with the virus, recovery, and humanitarian efforts; and,
- 3. Provide job training and career services to industries hiring during the health emergency and prepare eligible individuals for employment as Maryland's economy reopens.

Utilizing Disaster Recovery DWG funding, Maryland's COVID-19 National Dislocated Worker Grant (NDWG) is a 24-month project, with the period of performance ending December 31, 2021⁸, that supports Local Workforce Development Areas (Local Areas) in their pandemic recovery efforts. Participating Local Areas include Anne Arundel County, Baltimore City, Baltimore County, Mid-Maryland (Carroll and Howard Counties), Montgomery County, Prince George's County, Southern Maryland (Calvert, Charles, and St. Mary's Counties), Susquehanna (Cecil and Harford Counties), Upper Shore (Caroline, Dorchester, Kent, Queen Anne's, and Talbot, Counties), and Western Maryland (Allegany, Garrett, and Washington Counties)⁹.

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⁵ Proclamation on Declaring a National Emergency Concerning the COVID-19 Outbreak: https://www.whitehouse.gov/presidential-actions/proclamation-declaring-national-emergency-concerning-novel-coronavirus-disease-covid-19-outbreak/

⁶ Full Stafford Act text can be found here: https://www.fema.gov/media-library-data/1582133514823-be4368438bd042e3b60f5cec6b377d17/Stafford June 2019 508.pdf

⁷ Information in table can be found in TEGL 12-19, Attachment 1, "<u>National Dislocated Worker Grant Program Guidance</u>," March 18, 2020.

⁸ The federal grant end date is March 31, 2021.

⁹ As designated under WIOA section 106.

MARYLAND COVID-19 NATIONAL DISLOCATED WORKER GRANT

Disaster Recovery DWGs enable areas impacted by a disaster to employ workers in jobs assisting in recovery and humanitarian efforts, as well as to provide training opportunities that support customers in accessing employment. To minimize the economic impact of COVID-19, MD Labor sub-awarded Disaster Recovery NDWG funds to support Local Areas recovering from the pandemic.

ELIGIBLE PARTICIPANTS

In order to meet the needs of a disaster area, participation in Disaster Recovery projects is more flexible than what is traditionally permitted under WIOA Title I Dislocated Worker or in the other type of DWGs. Individuals who meet at least one of the following criteria are eligible to be enrolled in Disaster Recovery projects:

- 1. Temporarily or permanently laid off as a consequence of the disaster;
- 2. A dislocated worker as defined at 29 U.S.C. 3102(15);
- 3. A long-term unemployed worker;¹⁰ or,
- 4. A self-employed individual who became unemployed or significantly underemployed as a result of the disaster or emergency.

GENERAL PRACTICES

Humanitarian Assistance

Humanitarian assistance generally includes actions designed to save lives, alleviate suffering, and maintain human dignity in the immediate aftermath of disasters. The humanitarian assistance provided by disaster-relief workers must relate directly to the COVID-19 pandemic and it may include, but is not limited to, contact tracing, grocery or food aid workers, healthcare professionals, etc.¹¹

Worksites

Worksite Selection

Disaster-relief worksites must be located within a participating Local Area's jurisdiction. Projects may perform work on private property only under these circumstances:

1. 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 clean-up work needed for disaster-affected employers to resume operation;

¹⁰ Defined in TEGL 19-16, Attachment III, "Guidance on Services provided through the Adult and Dislocated Worker Programs under the Workforce Innovation and Opportunity Act (WIOA) and the Wagner-Peyser Act Employment Service (ES), as amended by title III of WIOA, and for Implementation of the WIOA Finals Rules," dated March 1, 2017. as a person who has been unemployed for 27 or more consecutive weeks.

¹¹ The provision of general humanitarian assistance that solely focuses on prevention and planning of *future* disaster events is not an allowable activity under Disaster Recovery. Generally, disaster-relief employment under Disaster Recovery DWGs will not be authorized for activities that are designed to mitigate future disasters. NDWG activities may help mitigate the ongoing effects of COVID-19 and prevent future pandemic outbreaks only where such activities are necessarily part of temporary employment to provide humanitarian assistance to victims of the current pandemic. NDWG funds may support mitigation work only within the requirements of WIOA Section 170(d)(1) for disaster-relief employment.

- 2. The activities necessary to remove health and safety hazards on private lands or around homes or other structures may only return the land or structure(s) to a safe and habitable level, and not improve the original land or structure(s);
- 3. The project prioritizes service to older individuals and individuals with disabilities; and,
- 4. Grantees must not use Disaster Recovery NDWG funds to cover the cost of materials to do repairs.

Local Areas must complete and submit $Attachment A - Worksite Approval Form^{12}$ before placing participants at any worksite. (USDOL is required to approve any disaster-relief employment work on private property. MD Labor will submit such requests to USDOL on behalf of the Local Area). Local Areas must submit forms to MD Labor, via e-mail, to:

Lloyd Day, Director
Office of Workforce Development
Division of Workforce Development and Adult Learning
lloyd.day@maryland.gov

MD Labor will process worksite approval forms within 14 calendar days.

Participant Wages

The worksite employer that provides participants temporary disaster-relief employment under a Disaster Recovery NDWG is required to pay the higher of the Federal, State, or local minimum wage, or the comparable rates of pay for other individuals employed in similar occupations by the same employer. Where applicable, fringe benefits should be paid in accordance with the policies of the worksite employer.

Wages paid by a worksite employer may only be used for disaster relief work done at the worksite specified in Attachment A - Worksite Approval Form.

Local Areas may implement their own methods for paying disaster relief workers, pending MD Labor approval.

Supervision

All participating Local Areas must assign a dedicated program manager to oversee participants placed at worksites and to develop clear work plans and employment expectations. Program managers must conduct periodic site visits, maintain regular communication with the placed employee and supervisor, and document progress and challenges.

Limit on Disaster Relief Employment Duration

Participants in disaster-relief positions must not be employed for over 12 months or 2,080 hours, whichever is longer.

Health and Safety Standards

Participating Local Areas must ensure that project participants follow the same health and safety standards established under Federal and State law applicable to working conditions of permanent employees. Additionally, Local Areas must ensure that project participants adhere to all COVID-19 related health guidelines, including social distancing and use of PPE.

To the extent that State workers' compensation law applies, workers' compensation shall be provided to project participants on the same basis as individuals in similar employment, as required by WIOA Section 181(b)(4). In

¹² The worksite approval form is only related to worksites for disaster relief employment. Projects placing participants into trainings do not need to submit a form.

cases in which a project participant is not covered under a State workers' compensation law, the project participant must be provided with adequate on-site medical and accident insurance for work-related activities. The grantee must also ensure that project participants receive appropriate safety training in accordance with the Occupational Safety and Health Act (OSHA) of 1970¹³ and assure safe working conditions.

Coordination with Emergency Management

Local Areas must coordinate the activities funded under a Disaster Recovery NDWG with the appropriate organizations, including local health agencies, to avoid duplication of efforts and to ensure that its activities appropriately respond to the affected community's needs.

Career Training

Both disaster relief employment and employment and training services are allowable under Disaster Recovery DWGs. While MD Labor encourages Local Areas to utilize training services to prepare individuals for disaster relief employment, participants are eligible to receive employment and training services that lead to non-disaster related work. More details on the specific employment and training services allowed can be found in the "Allowable Activities" section, found on pages 10-11 of this policy.

¹³ Full OSHA text can be found here: https://www.osha.gov/laws-regs/oshact/toc

CO-ENROLLMENT

MD Labor allows and encourages co-enrollment (when appropriate and eligible) in Disaster Recovery NDWG activities with other programs, such as WIOA Title I services, Supplemental Nutrition Assistance Program, Temporary Assistance for Needy Families, and Trade Adjustment Assistance (TAA) services. Partners must communicate effectively to ensure that trainings align with NDWG goals. Enrollment in programming can occur concurrently or one after the other.¹⁴

TRADE ADJUSTMENT ASSISTANCE

Trade-affected workers, ¹⁵ defined as workers who lose their jobs or whose hours of work and wages are reduced as a result of increased imports or production transfers abroad, may be served under Disaster Recovery DWGs as applicable. MD Labor strongly encourages co-enrollment with appropriate programs for eligible individuals, including those who are trade-affected.

Local Areas may provide NDWG participants who are trade-affected with allowable services not otherwise provided by the TAA Program. Trade-affected workers may receive NDWG-funded training if their required training is not covered by the TAA Program. The examples below also describe how NDWG funds can be used to assist trade-affected workers:

- 1. If trade-affected workers are unable to begin a training program immediately, the NDWG may fund training for a limited time period. Local Areas must have systems in place to accommodate a change in the funding of training. In this instance, any training proposed with NDWG funds to trade-affected workers must be delivered through a training provider eligible under both the TAA and the WIOA program requirement and the training must be approvable under the TAA Program;
- 2. When a TAA petition has been filed by or on behalf of a group of workers but group eligibility has not yet been determined, NDWG funding may be used for training in the short-term until a certification is rendered after a completed TAA investigation, and MD Labor determines the worker's individual eligibility. Local Areas must have systems in place to accommodate a change in the funding of training after TAA Program approval is obtained. Such a participant should remain co-enrolled in the NDWG and the TAA Program, as the individual may need continued career and supportive services provided through the NDWG; and,
- 3. In the event that sufficient State TAA funds and WIOA Dislocated Worker formula funds are not available to provide training to the affected workers, a Local Area may use NDWG funds to provide training.

¹⁴ A Local Area with its own NDWG may also chose to co-enroll participants in both the State's and Local Area's projects.

¹⁵ DWDAL policy on TAA program can be found on DWDAL Policy Issuances Page: http://www.labor.maryland.gov/employment/mpi/

OUTREACH

Participating Local Areas should identify potential participants for Disaster Recovery NDWG activities primarily by building upon existing customer relationships. Participating Local Areas must determine participant eligibility by conducting an individual needs assessment or reviewing the individual's existing employment plan and determining that the jobseeker meets eligibility.

Local Areas should leverage partnerships within Maryland's workforce system to identify participants. Partner programs to consider include, but are not limited to:

- 1. Dislocated worker programs that support unemployment insurance (UI) claimants, including Reemployment Services and Eligibility Assessment (RESEA) and Reemployment Opportunity Workshop (ROW) programs;
- 2. Maryland Department of Human Services (DHS) and the Local Departments of Social Services (LDSS);
- 3. Maryland State Department of Education's Division of Rehabilitation Services (DORS);
- 4. Department of Housing and Community Development (DHCD), Continuum's of Care (CoC), and local Community Action Agencies (CAAs); and,
- 5. Maryland Department of Health (MDH) and local health departments.

ALLOWABLE ACTIVITIES

DISASTER RELIEF EMPLOYMENT

Disaster Recovery DWGs provide funding for the creation of disaster-relief employment ¹⁶. Projects that include disaster relief employment must align with one of the following categories:

- 1. Clean-up and recovery efforts including demolition, repair, renovation, and reconstruction of damaged and destroyed structures, facilities, and lands located within the disaster area and in offshore areas related to the emergency or disaster; and,
- 2. Employment related to the delivery of appropriate humanitarian assistance in the immediate aftermath of the disaster or emergency.

CAREER SERVICES

Career services include services and activities to help support dislocated workers in making informed decisions based on local and regional economic demand for the purpose of achieving reemployment and education goals. These include, but are not limited to:

- 1. Outreach;
- 2. Intake:
- 3. Labor exchange services;
- 4. Initial and comprehensive assessments;
- 5. Development of an individual employment plan;
- 6. Referral:
- 7. Provision of labor market information:
- 8. Provision of information on eligible training providers; and,
- 9. Provision of information on the availability of supportive services.

TRAINING SERVICES¹⁷

Examples of possible training services include, but are not limited to:

- 1. Occupational skills training;
- 2. On-the-job training (OJT);¹⁸
- 3. Registered Apprenticeships and pre-apprenticeships;
- 4. Career pathways; and,
- 5. Customized training.

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¹⁶ Employment here is defined as temporary employment of eligible individuals for the purposes described in WIOA Section 170(b)(1)(B) and (d), as well as 20 CFR 687.180 (b) and (c), "What are the allowable activities under National Dislocated Worker Grants"

 $[\]overline{}^{17}$ More details on training services can be found in WIOA Section 134(c)(3)(D).

¹⁸ Also known as "on the job learning" (OJL).

NDWG funds may be used to reimburse up to 50 percent of the wage rate for OJT or up to the reimbursement percentage the Governor or Local Workforce Development Board has approved for OJT for WIOA formula programs according to the criteria outlined in WIOA Section 134(c)(3)(H) and 20 CFR 680.730.¹⁹

In order to be responsive to the evolving nature of the COVID-19 pandemic, MD Labor strongly encourages, but does not require, Local Areas to use training providers on the Eligible Training Provider List (ETPL).²⁰

SUPPORTIVE SERVICES

Supportive services are allowable when they are needed to enable individuals to participate in disaster-relief employment and employment and training services, and when supportive services cannot be obtained through other programs. Examples of supportive services include, but are not limited to:

Assistance Obtaining a Driver's License

Local Areas provide participants assistance with obtaining a driver's license, except for paying legal fees and/or fines. Examples of assistance may include payment for driver's education or the cost of getting the driver's license card.

Transportation Assistance

Transportation allowances are available to participants. The transportation allowance must be related to program participation and can cover the cost of traveling to and from training, job interviews, job fairs, or as support during the first two weeks of starting a new job. Transportation allowances require:

- 1. Documentation to verify the actual distance traveled and/or a receipt for the cost of the transportation service (public transit); and,
- 2. Confirmation of the participant's attendance for the program(s) that required travel.

Payment Guidelines: Transportation allowance can be used for public transit users or for drivers.²¹ Local Areas must collect and maintain appropriate documentation to verify the participant's covered transportation allowance. For public transit users, Local Areas may cover the expenses for bus, light rail, metro subway, MARC train, Washington Transit, or Commuter Choice Maryland. For drivers, Local Areas may approve a travel allowance at a rate not higher than the official Internal Revenue Service (IRS) mileage rate. The maximum allowable payment is \$20 per day, with a maximum cap of \$100 per week. Google Maps or MapQuest must be used to determine daily mileage. Mileage is calculated from the participant's home address to the training, interview, job fair, or job site.

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¹⁹ The use of NDWG funds for training is subject to the limitations or requirements as applicable to the WIOA Dislocated Worker formula program delineated in 20 CFR 680, "<u>Adult and Dislocated Worker Activities Under Title I of the Workforce Innovation and Opportunity Act</u>" and TEGL 19-16, "<u>Guidance on Services provided through the Adult and Dislocated Worker Programs under the Workforce Innovation and Opportunity Act (WIOA) and the Wagner-Peyser Act Employment Service (ES) as amended by title III of WIOA, and for Implementation of the WIOA Final Rules"</u>

²⁰ DWDAL policy on the ETPL can be found on DWDAL Policy Issuances Page: http://www.labor.maryland.gov/employment/mpi/

²¹ In approved circumstances, transportation allowances may also be used for taxi or ride-sharing purposes (i.e., Uber, Lyft, and Zipcar). If a Local Area wishes to offer this type of transportation allowance, they must notify MD Labor staff and provide a written proposal to explain and justify the allowance. MD Labor staff will review the proposal and make a determination as to whether the allowance would be appropriate for inclusion as a supportive service.

Uniforms, Tools, and Related Equipment

Local Areas may assist eligible participants with the costs of uniforms, tools, and/or equipment required for participation in approved training programs or new jobs. Examples of covered items include but are not limited to: steel toe boots and worker tools of the trade.

Payment Guidelines: Local Areas must base payments on the curriculum requirements of the training program or on the requirements of the participant's new job. Payments must be made based on the market value for uniforms, tools, and/or related equipment. Local Areas must collect and maintain appropriate documentation to verify the participant's covered allowance.

Child or Dependent Care

When daycare costs for a child or dependent exceed the amount subsidized by the LDSS, Local Areas may assist participants with the additional costs. To receive this payment, the dependent needing daycare must be:

- 1. Under the age of 13;
- 2. Under the age of 18 and physically or mentally incapable of self-care;
- 3. A spouse who is physically or mentally incapable of self-care and has the same principal address of the program participant; or,
- 4. A parent who is physically or mentally incapable of self-care.

Payment Guidelines: Local Areas may provide this supportive service payment to actively engaged program participants or to those who are in the first two weeks of new employment. Payments must be made based on the average cost of child or dependent care in the jurisdiction for which the participant is accessing care. Payments may cover some or all of the costs of care. Local Areas must only approve child or dependent costs for days that the participant is in training or at work.

To receive child care payments, the participant must complete ALL of the following steps:

- 1. Apply for a Purchase of Care Subsidy through the LDSS;
- 2. Provide application results to Local Area staff;
- 3. Provide proof that participant has contracted with a State-approved child care provider;
- 4. Demonstrate evidence of need; and,
- 5. Document relationship to person in care.

To receive dependent care payments, the participant must complete ALL of the following steps:

- 1. Provide legal proof of adult dependent's condition that causes the need for care;
- 2. Provide proof that participant has contracted with a State-approved daycare provider;
- 3. Demonstrate evidence of need; and,
- 4. Document relationship to person in care.

Union Initiation Fees

Local Areas may assist participants with union initiation fees²², which are the costs associated with joining a union, to obtain employment.

²² Union initiation fees are different than regular, recurring union fees. Regular, recurring union fees are not an allowable cost.

Payment Guidelines: Local Areas should make payments based on the costs of union initiation fees. The maximum allowable payment is \$200. Local Areas must collect and maintain appropriate documentation (receipts or invoices) to verify the participant's covered union fee allowance.

Clothing for Interviews and Job Fairs

Local Areas may assist participants with the costs associated with clothing for job interviews and/or job fairs. Examples of items that this supportive service covers include: dress shirts, ties, business suits or suit coats, dresses, khaki pants, or dress shoes. Local Areas must collect and maintain appropriate documentation (receipts or invoices) to verify the participant's covered clothing allowance.

Payment Guidelines: Local Areas must base the supportive service payment on documentation of an upcoming interview or job fair. The payment must be made on the market value of the item. The maximum allowable payment is \$100 per participant.

Other Supportive Services

Other supportive services may be funded through Disaster Recovery NDWGs with MD Labor approval. If a Local Area has a substantiated reason to believe that a supportive service payment, outside of what has already been identified in this policy issuance, would be appropriate and necessary to a program participant's successful completion, then the Local Area has the option to notify MD Labor and provide a written proposal to justify the prospective supportive service. MD Labor staff will review the proposal and determine whether the cost is appropriate for inclusion as a supportive service.

Payment Guidelines: Local Areas must follow the payment guidelines identified by the Local Area in its MD Labor-approved proposal.²³

²³ Supportive Services must fall within definition under 20 CFR 651, "General Provisions Governing the Wagner-Peyser Act Employment Service"

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PERFORMANCE AND THE MARYLAND WORKFORCE EXCHANGE

PERFORMANCE INDICATORS²⁴

MD Labor will assess performance based on negotiated Title I Dislocated Worker performance outcomes. The performance indicators are as follows:

- 1. Employment Rate Second Quarter after exit;
- 2. Employment Rate Fourth Quarter after exit;
- 3. Median Earnings;
- 4. Credential rate:
- 5. Measurable Skill Gains; and,
- 6. Effectiveness in Serving Employers²⁵.

MARYLAND WORKFORCE EXCHANGE

MD Labor requires Local Areas to record participants' information into the Maryland Workforce Exchange (MWE) in a timely manner. To comply with regulatory reporting requirements and to determine the success of the NDWGs, Local Areas must ensure that the following data is reported into the MWE System:

- 1. Participant characteristics²⁶;
- 2. Participant services received; and,
- 3. Participant outcomes²⁷.

Local Area Directors, or their designee, must ensure that data is entered into the MWE within 14 calendar days of activity and that all participants are fully enrolled in the MWE System. Details on reporting for *COVID-19 NDWG* in MWE can be found in *Attachment B – COVID-19 NDWG MWE Reporting*.

²⁴ More details can be found in TEGL 14-18, "<u>Aligning Performance Accountability Reporting, Definitions, and Policies Across Workforce Employment and Training Programs Administered by the U.S. Department of Labor (DOL)," Attachment Six, "<u>National Dislocated Worker Grants</u>," dated March 25, 2019, as well as TEGL 10-16, "<u>Performance Accountability Guidance for Workforce Innovation and Opportunity Act (WIOA) Title I, Title III, and Title IV Core Programs</u>," dated August 23, 2017.</u>

²⁵ MD Labor will only be using the employment rate indicator to determine Effectiveness in Serving Employers. Projects do not need to report on Effectiveness in Serving Employers as it is determined by MD Labor.

²⁶ Per in TEGL 14-18, "<u>Aligning Performance Accountability Reporting, Definitions, and Policies Across Workforce Employment and Training Programs Administered by the U.S. Department of Labor (DOL)," individuals who receive only self-services or information only services or activities are considered reportable individuals, not participants, in the DWG program. Only participants count for performance.</u>

²⁷ Information for entering outcomes in MWE can be found in the standard MWE manual.

REPORTING, MONITORING, AND RECORD RENTENTION

REPORTING

Participating programs must submit timely fiscal and administrative reports to MD Labor. If reporting requirements are not met, MD Labor may not approve subsequent NDWG applications for that organization.

NDWG grant recipients must submit monthly reports on administrative and program costs to MD Labor no later than the 10th of the month following the month of reported activity. See *Attachment C-Sample Template for NDWG Monthly Fiscal Report* and *Attachment D - Sample Template for NDWG Monthly Administrative Report* for examples of the required reports. Grant recipients must provide all signed reports by email to the following:

Lloyd Day, Director Office of Workforce Development DWDAL lloyd.day@maryland.gov

Specific data collection requirements are dependent on the services participants receive. These categories are:

- 1. Disaster relief employment only;
- 2. Employment and training services only; or,
- 3. Both disaster relief employment AND employment and training services.

MD Labor may change reporting requirements as necessary to comply with updated federal guidelines. All data collection and reporting must adhere to MD Labor's policy on privacy and security.²⁸

MONITORING

In order to comply with federal requirements and grant terms, DWDAL will provide general fiscal oversight. DWDAL's Fiscal Unit will collect and analyze financial reports and documentation from Local Areas to monitor expenditures. The Division's Monitoring and Compliance Unit may conduct on-site (as allowable under MD COVID-19 social distancing guidelines) and desk review activities to ensure adherence to Federal and State requirements.

RECORD RETENTION

In accordance with the Code of Federal Regulations, Maryland requires participating programs to retain NDWG records for at least three years following the date on which the final cost report charged to a program year's allotment is submitted, or until all audit and litigation issues are resolved, whichever is later. If any litigation, claim, or audit is started before the expiration of the three-year period, the records then must be retained until all litigation, claims, or audit findings involving the records have been resolved and final action has been taken. MD Labor encourages Local Areas keep records electronically.

²⁸ DWDAL's Policy Issuance on privacy and data security can be found here: http://www.labor.maryland.gov/employment/mpi/

FAIR PRACTICES AND ACCESSIBILITY

It is the policy of MD Labor that all persons have equal opportunity and access to services and facilities without regard to race, religion, color, sex, age, national origin or ancestry, marital status, parental status, sexual orientation, disability or veteran status. Local Areas working with participants in need of accommodations are responsible for securing the necessary support. Providers may refer to MD Labor's Nondiscrimination Plan²⁹ and Language Access Plan³⁰ for more information on accommodations and services.

²⁹ MD Labor's Nondiscrimination Plan is available at the following link: http://www.labor.maryland.gov/employment/ndp/.

³⁰ The DWDAL and Division of Unemployment Insurance Language Access Plan is available at the following link: http://www.labor.maryland.gov/employment/wioa-access.pdf.

REFERNCES

LAW

- Declaration of State of Emergency and Existence of Catastrophic Health Emergency COVID-19, dated March 5, 2020;
- Executive Orders and Interpretive Guidance related to COVID-19, Governor Larry Hogan, State of Maryland;
- Stafford Act, FEMA P-592, May 2019; and,
- Workforce Innovation and Opportunity Act (WIOA), 29 U.S.C. § 3101 et. seq (2015).

REGULATIONS

- 20 CFR 651, "General Provisions Governing the Wagner-Peyser Act Employment Service;"
- 20 CFR 680, "Adult and Dislocated Worker Activities Under Title I of the Workforce Innovation and Opportunity Act;"
- 20 CFR 680.730, "<u>Under what conditions may a Governor or Local Workforce Development Board raise</u> the on-the-job training reimbursement rate up to 75 percent of the wage rate?;"
- 20 CFR 687.110 (a), "What are the major economic dislocations or other events which may qualify for a National Dislocated Worker Grant?;" and,
- 20 CFR 687.180 (b) and (c), "What are the allowable activities under National Dislocated Worker Grants."

FEDERAL GUIDANCE

- Training and Employment Guidance Letter (TEGL) 16-16, "One-Stop Operations Guidance for the American Job Center (AJC) Network," dated January 18, 2017;
- TEGL 19-16, "Guidance on Services provided through the Adult and Dislocated Worker Programs under the Workforce Innovation and Opportunity Act (WIOA) and the Wagner-Peyser Act Employment Service (ES), as amended by title III of WIOA, and for Implementation of the WIOA Finals Rules," dated March 1, 2017;
- TEGL 19-16, Attachment III, "Guidance on Services provided through the Adult and Dislocated Worker Programs under the Workforce Innovation and Opportunity Act (WIOA) and the Wagner-Peyser Act Employment Service (ES), as amended by title III of WIOA, and for Implementation of the WIOA Finals Rules," dated March 1, 2017;
- TEGL 10-16, Change 1, "Performance Accountability Guidance for Workforce Innovation and Opportunity Act (WIOA) Title II, Title III, and Title IV Core Programs," dated August 23, 2017;
- TEGL 14-18, "Aligning Performance Accountability Reporting, Definitions, and Policies Across Workforce Employment and Training Programs Administered by the U.S. Department of Labor (DOL), March 25, 2019;
- TEGL 14-18, Attachment 6, "National Dislocated Worker Grants," March 25, 2019;
- TEGL 12-19, "National Dislocated Worker Grant Program Guidance," dated March 18, 2020; and,
- TEGL 12-19, Attachment 1, "National Dislocated Worker Grant Program Guidance," March 18, 2020.

OTHER RESOURCES

- DWDAL Policy Issuances;
- MD Roadmap to Recovery;
- MWE manual; and,
- OSHA.

ATTACHMENTS

- Attachment A Worksite Approval Form;
- Attachment B COVID-19 NDWG and MWE Reporting;
- Attachment C Sample Template for NDWG Monthly Fiscal Report; and,
- Attachment D Sample Template for NDWG Monthly Administrative Report.



Worksite Approval Form

Per requirements of the *COVID-19 National Dislocated Worker Policy*, all Local Areas placing disaster relief workers onto worksites must submit the Worksite Approval Form to MD Labor prior to beginning work at their worksite.

Please answer the following questions:

Name of Employer:			
Address of Employer:			
Type of Work (Industry):			
Number of Anticipated Physical Worksites:			
Name (if applicable) and Address of Physical Worksites:			
Number of Anticipated Employees:			
Job Titles of Anticipated Employees:			
Date Range of Work:			
Is Work Temporary?	Yes: □	No: □	
Is Work a Necessary Result of COVID-19?	Yes: □	No: □	
Is Physical Worksite Public or Private?	Public: □	Private: □	
If Private, Please Provide Justification for Project on Private Worksite:			
Other Information:			
I attest that the proposed project meets MD Labor guidelines and requirements:			
Print Name of Local Area Staff:			
Signature:	Date:		
Print Name of MD Labor Staff:			
Signature:	Date:		



Department of Labor

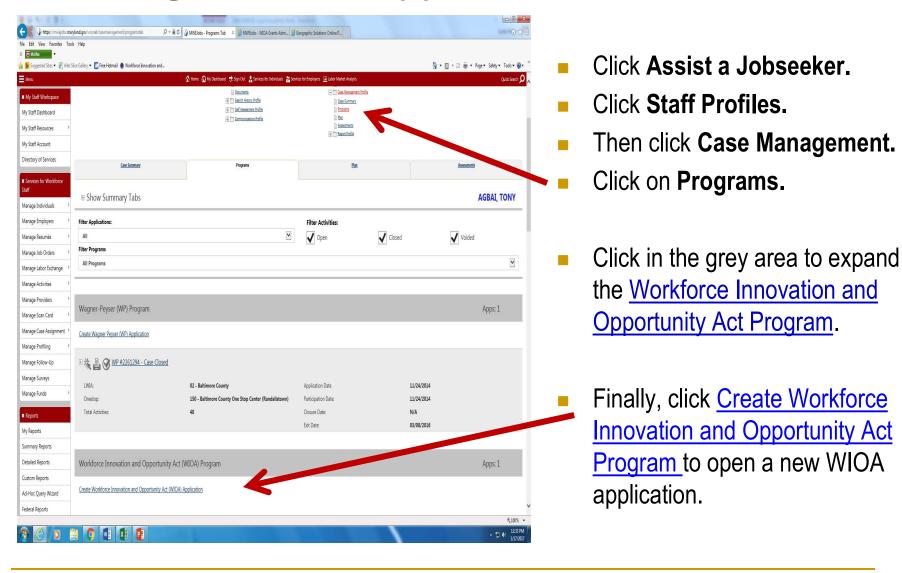
Division of Workforce Development and Adult Learning





How to enter the COVID NDWG Grant into the Maryland Workforce Exchange

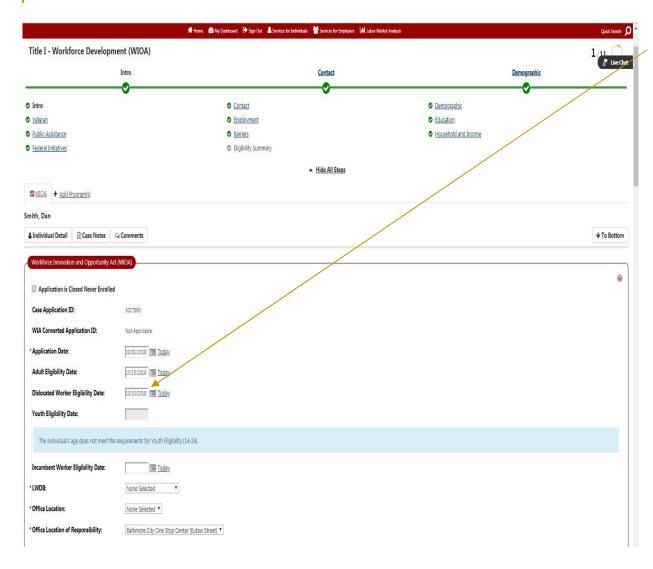
Creating a WIOA Application



WIOA Application: The Wizard

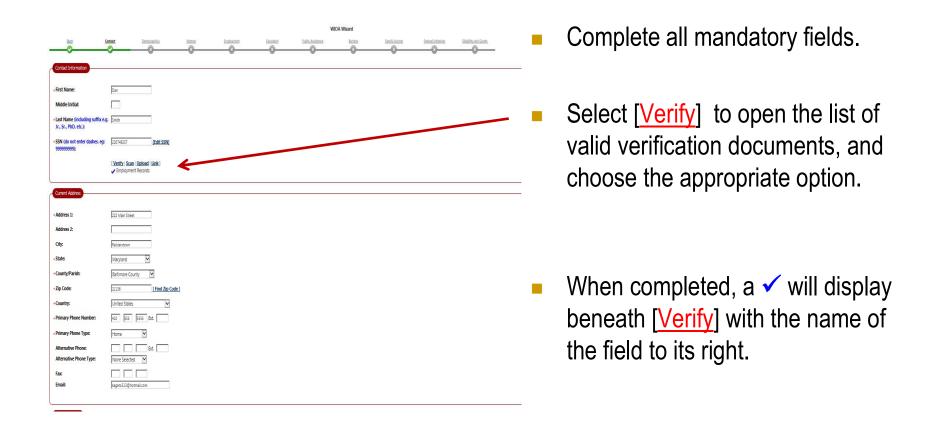
- The Wizard will take you through the application. It is lengthy and time consuming.
- * A red asterisk indicates mandatory fields such as Application Dates, Local Workforce Development Area (Local Area), and Office Location.
- When Next is selected, the system saves and applies the program rules.
- To quit the application, click on <u>Exit Wizard</u>.

WIOA Application: Start (Eligibility)

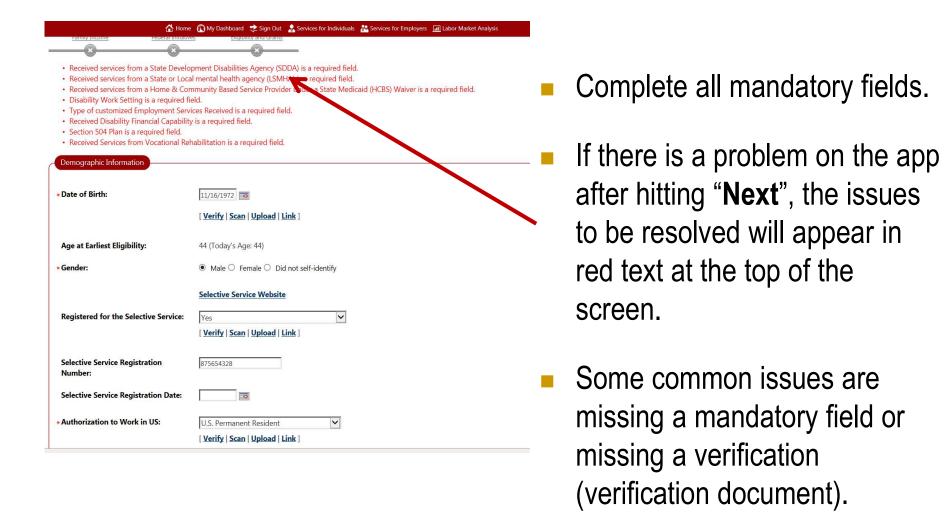


- Dislocated Worker
 Eligibility must be
 checked, and you
 must add a date.
 This is needed to
 add the grant later
 on in the application.
- Other programs may also be selected for eligibility.

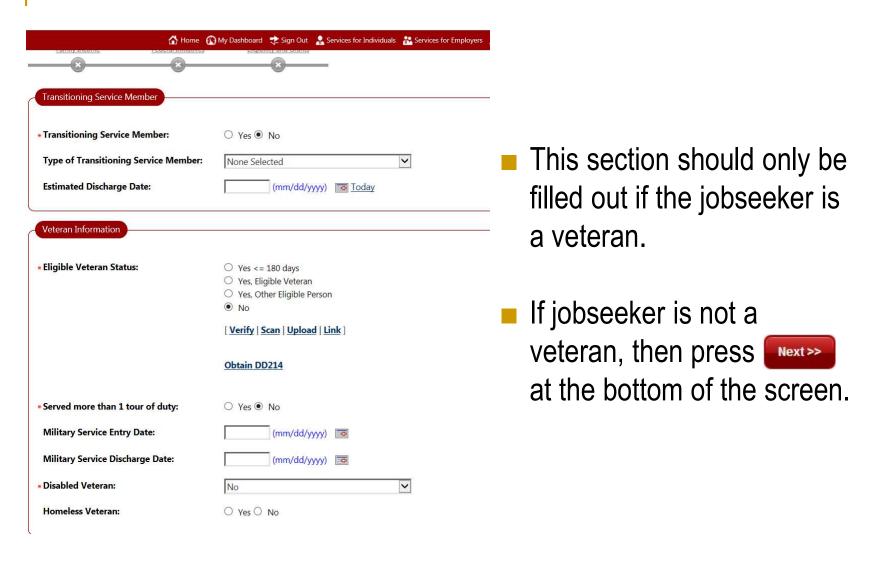
WIOA Application: Contact Information



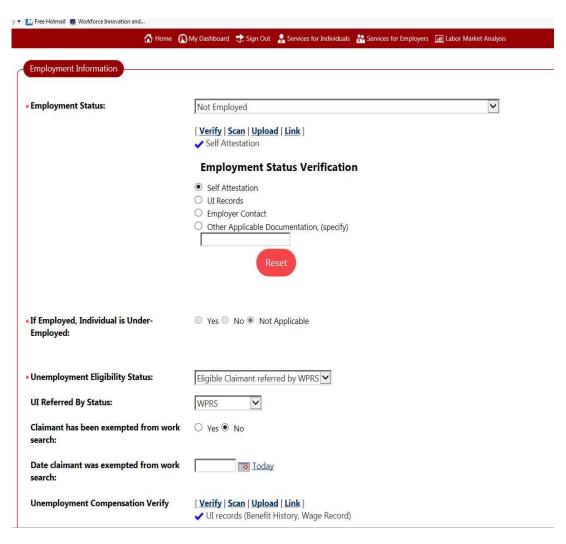
WIOA Application: Demographics



WIOA Application: Veteran

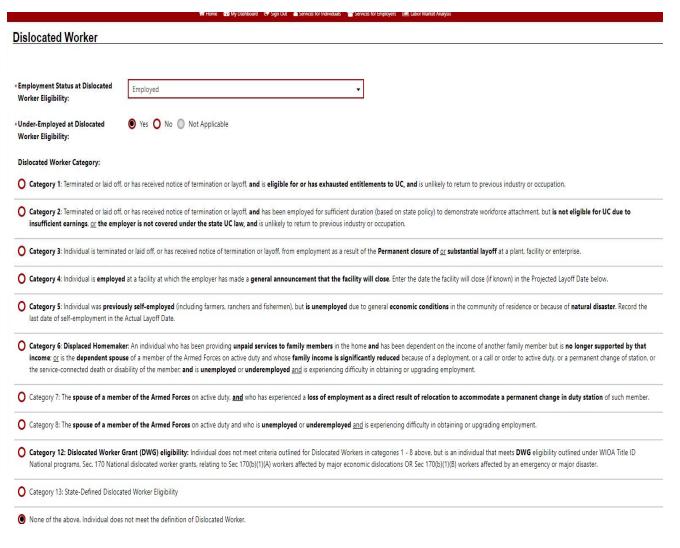


WIOA Application: Employment Information



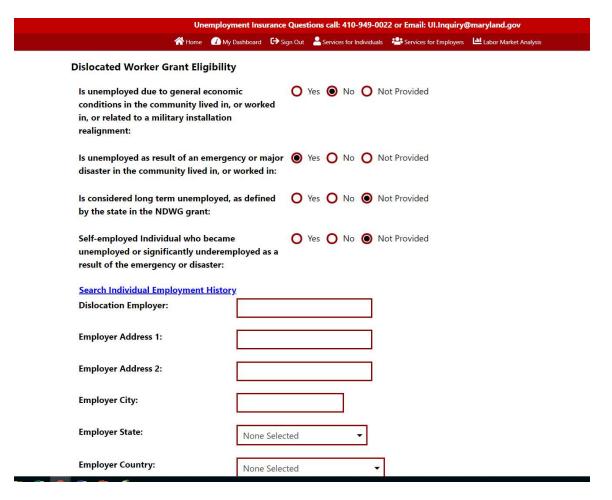
Complete all fields that are required (*) or that are applicable.

WIOA Application: Employment Information



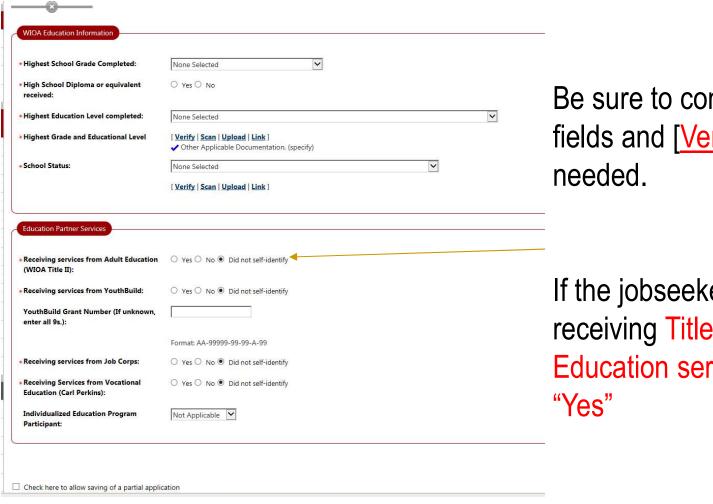
- Under
 Dislocated
 Worker, select
 the category
 that fits the
 participant's
 situation.
- Category 12 should be used if the participant is only in this grant.

WIOA Application: Employment Information



- Make sure to answer all of the questions.
- "Is unemployed as a result of an emergency or disaster" should be YES for this grant.
- "Long term unemployed" for this grant is defined as unemployed for 27 or more consecutive weeks.

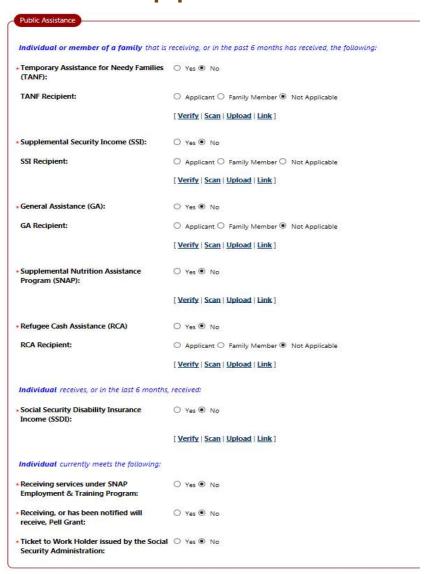
WIOA Application: Education



Be sure to complete all fields and [Verify] if

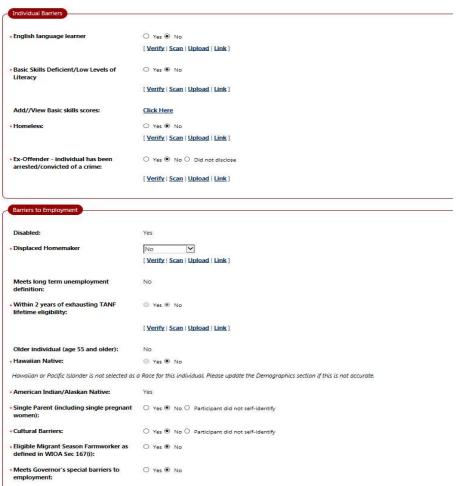
If the jobseeker is currently receiving Title II Adult Education services, select

WIOA Application: Public Assistance



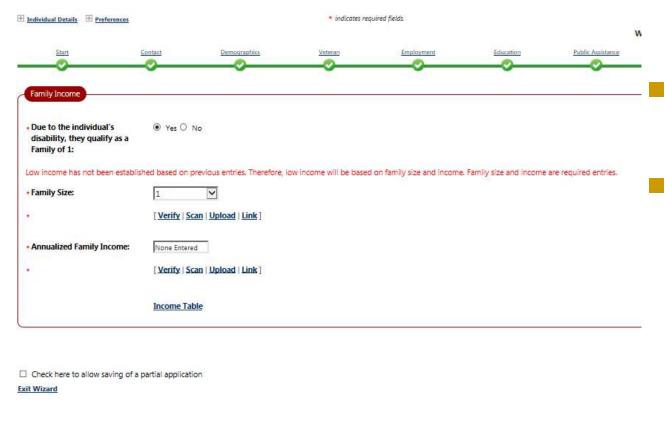
Complete all fields that have an *, for these are required.

WIOA Application: Barriers



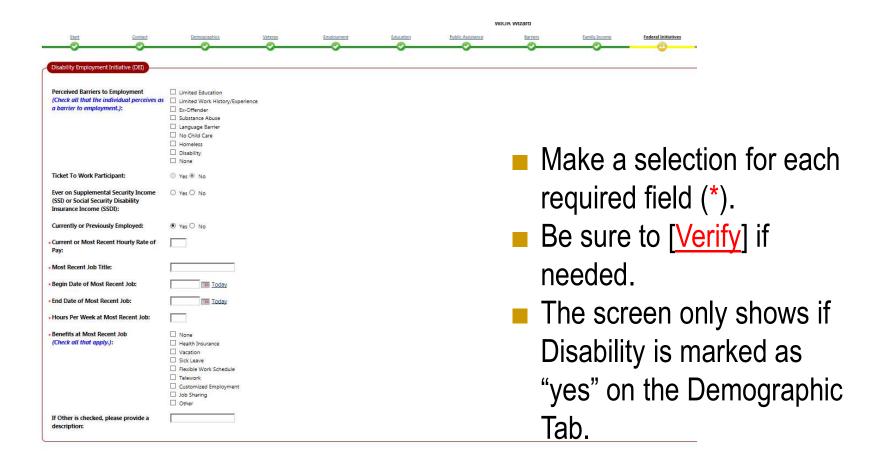
- Make a selection for each required field (*).
- Be sure to [Verify] if needed.

WIOA Application: Family Income

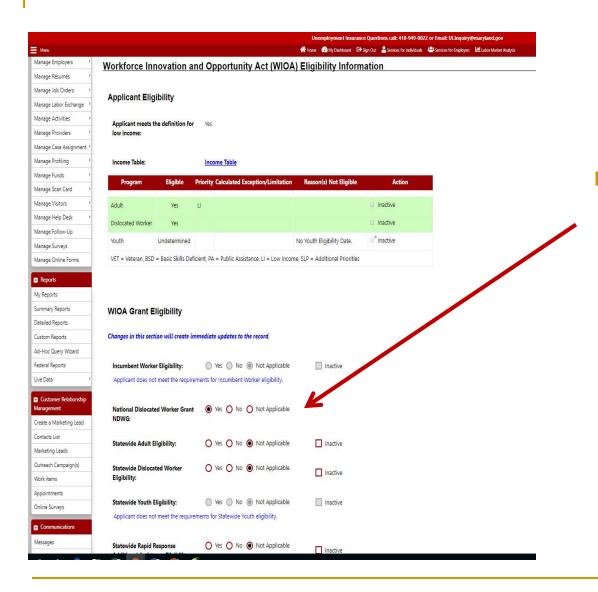


- Complete all of the required fields.
- If you select "yes" for any questions in the public assistance section, family size and income will not be required.

WIOA Application: Federal Initiative

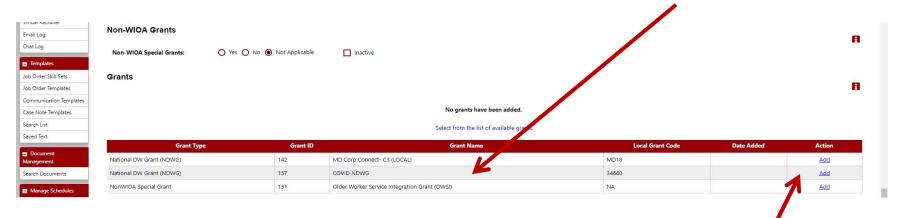


WIOA Application: Eligibility and Grants



"National Dislocated Worker Grant NDWG" must be "YES".

WIOA Application: Grant

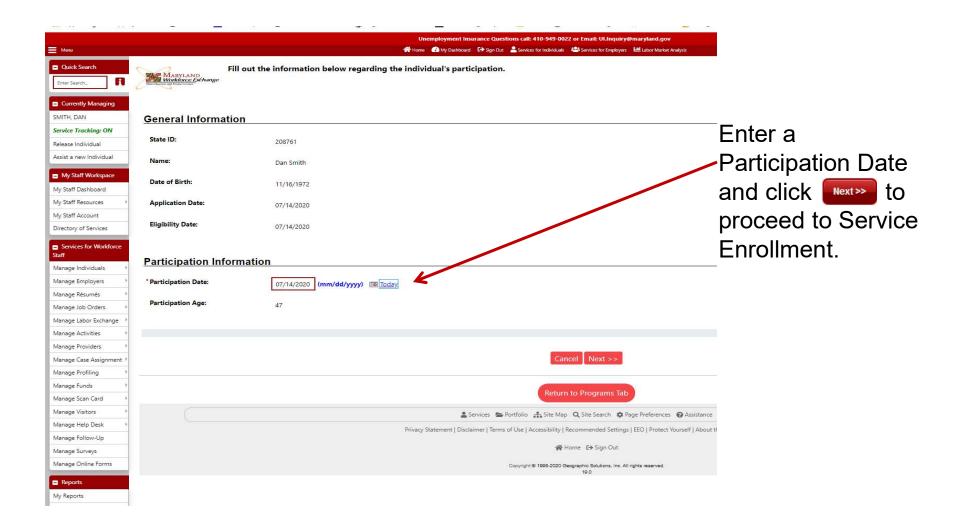


Next to the COVID NDWG, press Add.

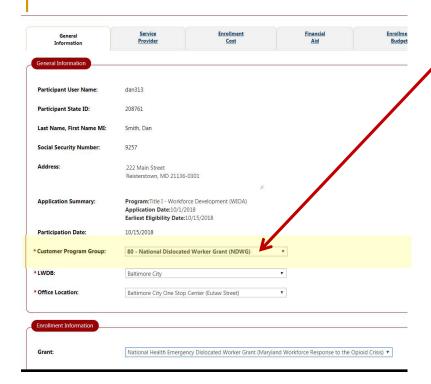


 Click FINISH to proceed to Participation.

WIOA Application: Participation



Activity Enrollment: General Information



Select an Activity Code by clicking on the link.

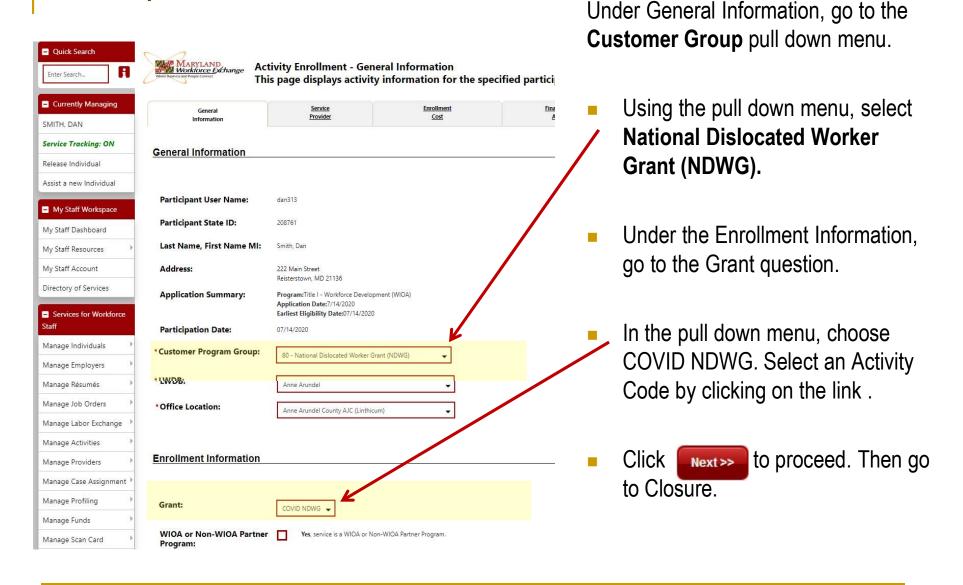
Click Next >> to proceed.

Under General Information, go to the **Customer Group** pull down menu and pick National
Dislocated Worker Grant (NDWG).

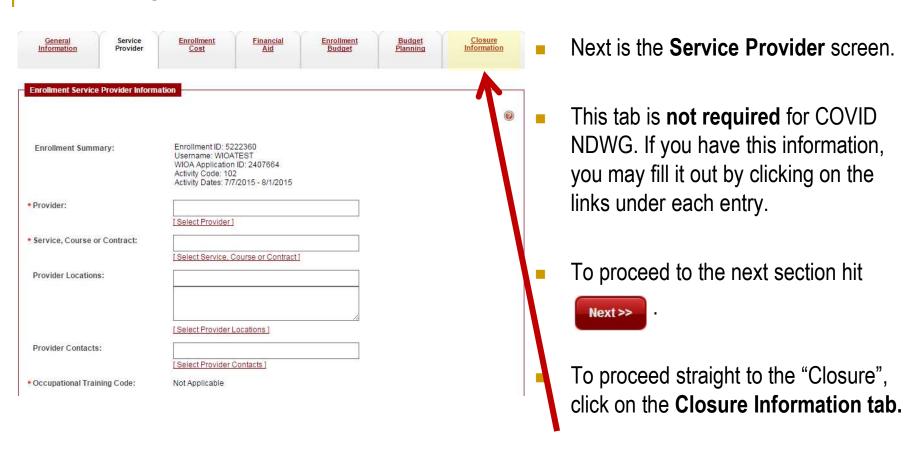
Under **Grant**, select COVID NDWG.

Enrollment Information	
	✓
Grant:	COVID NDWG 🕶
WIOA or Non-WIOA Partner Program:	Yes, service is a WIOA or Non-WIOA Partner Program.
* Activity Code:	
7	[Select Activity Code]
Projected Begin Date	IRB Ioday
Actual Begin Date:	07/14/2020
	Actual begin date may not be modified on the first activity.
Projected End Date:	Today.
Any classes attended through <u>Distance Learning</u> :	Yes No
Occupational Training Code:	
	[Occupational Training Code.]
Participant has been issued an ITA and the ITA will pay for this service:	None Selected ▼

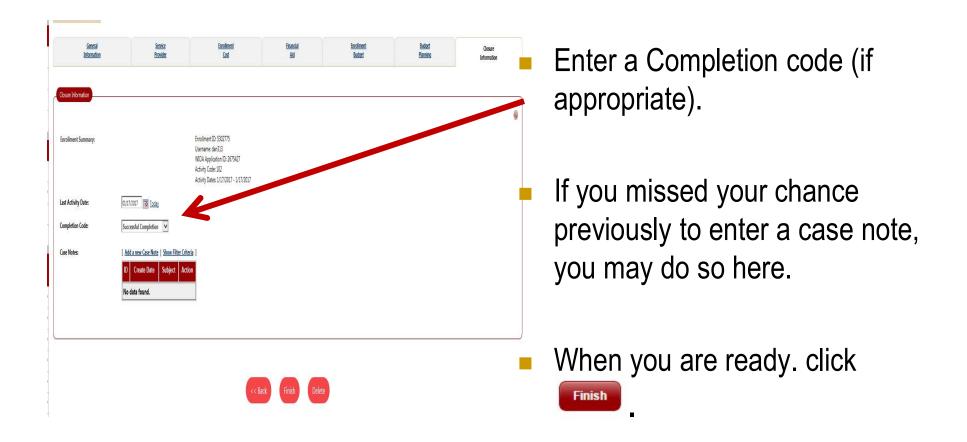
Activity Creation



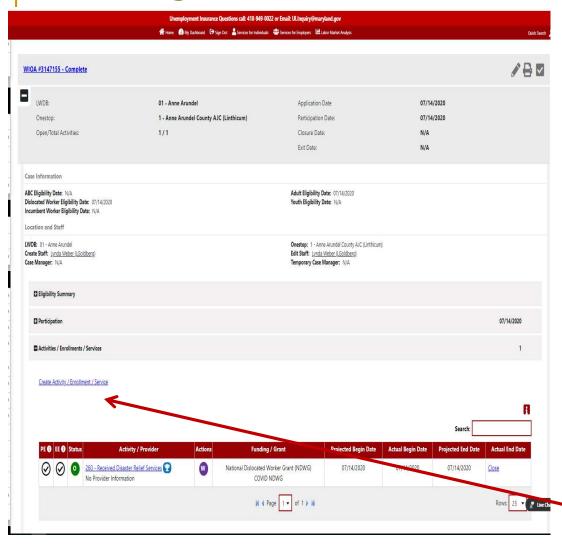
Activity Enrollment: Service Provider



Activity Closure Information

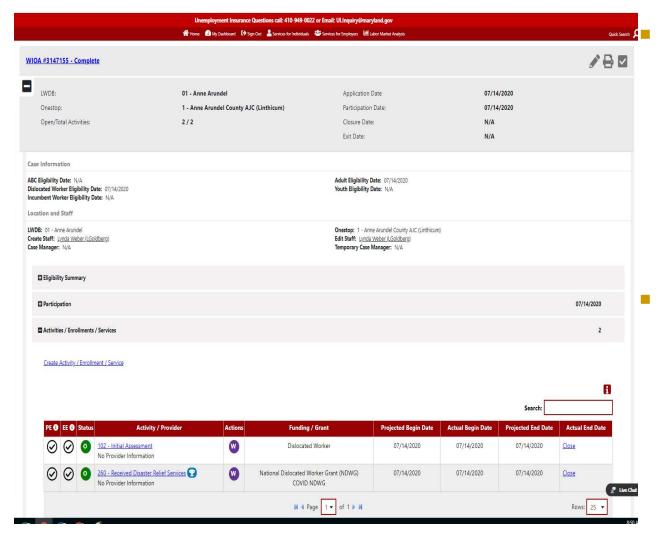


Creating Additional Activities:



- Head back in the **Programs** under Case Management.
- Expand your newly created WIOA app and Activities/ Enrollment/ Services.
- The activities you created now display in the activities list.
- Click "Create Activity" to add additional services.

Back to the WIOA App



Notice the difference in the funding/grant for each service. Ensure each service has the correct funding attached when assigning services.

Add any other services that you provided.

Reporting Information

- All participants of this grant will be automatically subjected to the federal reporting measures under WIOA Title I.
- The 122 service code, "Employment During Participation", will be used to establish "Placed in Unsubsidized Employment" after training completion and during the participation period. Enter the employer name and employer wage into the comment section of the 122 service assignment.
- Service 260 "Disaster Relief Service" is mapped as Disaster Relief Employment Only.
 - When an individual receives this new "NDWG disaster related employment only" service funded by the NDWG Grant that is flagged as NEG Disaster and no other Basic, individualized or Training services provided, then it will be reported as 2004 = 1, Disaster Relief Employment Only.
 - When an individual receives any Basic, individualized or Training services funded by NDWG Grant that is flagged as NEG Disaster AND no "NDWG disaster related employment only" service is the application, then it will be reported as 2004 = 3, Employment and Training Only.
 - When an individual receives both: "NDWG disaster related employment only" service AND at least one Basic, individualized or Training service funded by NDWG Grant that are flagged as NEG Disaster, then it will be reported as 2004 = 2, Disaster Relief Employment and Training Services.

Service 260 will only be used if the grant is Disaster Relief Employment Only or Disaster Relief Employment and Training Services.

Tips:

- Remember that case notes can be added directly from the application and during service assignment.
- Your area may wish to set up a Case Management Group for COVID NDWG.
- Here is one example of a tracking report:

Go to **Detailed Reports.** Then pick **Enrolled Individual.** Choose **List** and **Filter by Program WIOA**, **and Available Grant** COVID NDWG.

For the Future...

- Remember to list the Actual Start Date for your customer's activity(s) after you verify they have started.
- Remember to update and/or close your activities. Do not let the system close an activity for you. Good case managers keep track of when services actually end!
- List any Credential received, if available, after closing a training activity. The credential will be entered under Create Credential.

Thank you for your time!

Here are some important emails to remember

Contact the PM help desk with any performance related questions at pmhelp@maryland.gov.

If you have technical issues or question about creating the WIOA application please contact the Help Desk at

wehelp@maryland.gov.

MARYLAND DEPARTMENT OF LABOR DIVISION OF WORKFORCE DEVELOPMENT AND ADULT LEARNING MONTHLY FINANCIAL STATUS REPORT

Revised 7/30/2020

		(If Applicable)	
SECTION I GRANT AWARD	INFORMATION	REVENUE SOURCE	
GRANT TITLE/YEAR (FY or PY)	COVID-19 National Dislocated Worker Grant	CFDA#	
GRANTEE NAME		FEDERAL CONTRACT #	
GRANTEE ADDRESS		STATE GRANT #	
CITY/STATE/ZIP		LOCAL GRANT #	
REPORT PERIOD From	То	TOTAL AWARD	\$ -
		_	

SECTION II. - SUMMARY OF EXPENDITURES

ADMINISTRATIVE EXPENDITURES	TOTAL ADMINISTRATIVE BUDGET/ ADJUSTMENTS	TOTAL ADMIN ACCRUED EXPENDITURES
Staff Salary/Wages	-	-
Staff Fringes	-	-
Staff Travel/Training	-	-
Equipment	-	-
Supplies and Materials	-	-
Contractual	-	-
Other*	-	-
Totals	\$ -	\$ -

VARIANCE UNDER (OVER)
\$ -

(Itemize "Other" in "Remarks" Section Below)

Admin Unliquidated	-	% OF TOTAL GRANT	
TOTAL ADMIN	\$ -	#DIV/0!	\$

VARIANCE UNDER
(OVER)
\$ -
\$ -
\$ -
\$ \$ \$

PROGRAM EXPENDITURES	TOTAL PROGRAM BUDGET/ ADJUSTMENTS	TOTAL PROGRAM ACCRUED EXPENDITURES
Staff Salary/Wages	-	-
Staff Fringes	-	-
Staff Travel/Training	-	-
Participant Training	-	-
Participant Wages & Fringes	-	-
Supportive Services	-	-
Equipment	-	-
Supplies and Materials	-	-
Contractual	-	-
Other*	-	-
Totals	\$ -	-

VARIANCE UNDER (OVER)
\$ -
\$ =
\$ -

(Itemize "Other" in "Remarks" Section Below)

Program Unliquidated	-
TOTAL PROGRAM	\$ -

	Budget	Accrued Exp.	Unliquidated	Total Obligations	Variance
TOTALS	\$ -	\$ -	\$ -	\$ -	\$ -
OTHER INCOME	1	PROGRAM INCOME	1		
Program Income Earned	\$ -	BALANCE			
Program Income Expense	\$ -	\$ -	-		
Leveraged Funds	\$ -	Source			
Leveraged Funds	\$ -	Source			
Leveraged Funds	\$ -	Source			
Local Stand-In Costs	\$ -				-
SECTION III SUMMARY OF	RECEIPTS				
TOTAL FUNDS		TOTAL CASH			
AVAILABLE	TOTAL CASH RECEIVED	DISBURSEMENTS	CASH ON HAND	Note/Explanation for Cash or	n Hand
\$ -	\$ -	\$ -	\$ -	Note/Explanation for Cash of	Trand
Ψ	Ψ	Ψ	Ψ		
REMARKS:					
*Explanation for 'Other' categories					
CERTIFICATION: By signing this report, I cer document. I am aware that any false, fictitious				h receipts are for the purposes and intent s	set forth in the award
• •	, ,		, , , , , , , , , , , , , , , , , , , ,		
Authorized Signature:			_	Date	_
Print Name and Title:				Telephone #	
FIIII INAIIIC AIIU TILIC:				i cicpnone #	

^{****}Closeout packages are due 90 days after fully expended or 60 days after expiration date, whichever comes first****

Attachment D



COVID-19 National Dislocated Worker Grant

MONTHLY PROGRAM REPORT

Grantee:

V	Please note your Local Area's progress in meeting the goals for your grant below. Note "not applicable" when field is irrelevant to your specific Local Area's project. DISASTER RECOVERY NDWG OUTCOMES				
	Participant/Activity	New Activity	Cumulative Activity to Date	Comments	
	Total Participants				
	# of participants employed in disaster-relief employment				
	# of participants enrolled in career services				
	# of participants enrolled in occupational skills training				
	# of participants enrolled in on-the-job training				
	# of participants enrolled in Registered Apprenticeship/pre-				

apprenticeship

customized training
of participants receiving
certification/credential
of participants receiving
supportive services

of participants enrolled in

Month Ending:

Grant Narrative:

SECTION A. ADMINISTRATIVE REPORT

Briefly describe your grant and the activities being performed:

The belov	v fields are mandatory and a narrative must be supplied.		
I.	Summary of "Best Practices" or "What's Working" –		
II.	Summary of Issues, Challenges, & Concerns –		
III.	Summary of Grant Activities: (Ex. Engaged employers, supportive services provided, coenrollment, etc.)		
IV.	Narrative Describing Program or Participant Success Stories –		
V.	Technical Assistance Needs (If Any) –		
PLEASE E-MAIL THE COMPLETED AND SIGNED MONTHLY REPORT TO: <u>Lloyd.day@maryland.gov</u> <u>The report is due no later than the 10th day of the month following the month of reported activity.</u>			