



POLICY

SECTION: WIOA	POLICY# 020-C0077	PAGE: 1 of 9
TITLE: CSTB National Dislocated Worker Grant- Disaster Recovery		EFFECTIVE DATE: 7.16.20
REPLACES:		DATED: Rev. 11.21.20

DISTRIBUTION: CAREERSOURCE TAMPA BAY STAFF

PURPOSE: To provide guidance to CSTB WIOA staff on administering National Dislocated Worker Grant- Disaster Recovery program services.

BACKGROUND: Dislocated Worker Grant's (DWGs) are discretionary grants awarded by the Secretary of Labor under Section 170 of WIOA to provide employment-related services for dislocated workers. The Department funds two types of DWG: Disaster Recovery and Employment Recovery. Disaster Recovery DWGs provide funding to create temporary employment opportunities to assist with clean-up and recovery efforts when an area impacted by an emergency or major disaster is declared eligible for public assistance by the Federal Emergency Management Agency (FEMA), or is declared, or otherwise recognized, as an emergency or disaster of national significance by a Federal agency with authority or jurisdiction over Federal response to the disaster or emergency. Employment Recovery DWGs temporarily expand capacity to serve dislocated workers and to meet the increased demand for employment and training services following a qualifying event.

DWGs are time-limited funding assistance in response to major economic dislocations or other events that cause significant impact on states and local areas that exceed the capacity of existing formula funds and other relevant resources to address. Disaster Recovery DWGs provide funding for the creation of disaster-relief employment, which is 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).

POLICY:

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, in disaster-declared areas defined in 20 CFR 687.110(b).

Disaster-relief employment created under a Disaster Recovery DWG aligns with 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; or,
2. Employment related to the delivery of appropriate humanitarian assistance in the immediate aftermath of the disaster or emergency; more information on humanitarian assistance is provided is provided in TEGL 12-19.

Eligible Participants

An individual eligible to receive services through a Disaster Recovery DWG must be one of the following, per 20CFR 687.170(b):

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

Documentation to substantiate NDWG eligibility is similar to the regular formula funded WIOA Dislocated Worker program.

The state has the authority to provide exceptions to its policies regarding the acceptable documentation local areas must collect to document participant eligibility, such as during a disaster. Such exceptions may rely on self-attestation. States eventually must collect all documentation necessary to demonstrate that each participant is eligible under 20 CFR 687.170(b).

Limit on Disaster Relief Employment Duration

Participants in disaster-relief positions may be employed for a maximum of 12 months or 2,080 hours, whichever is longer. A modification request may be submitted to extend the period of employment for existing participants for up to an additional 12 months. The modification request must justify the reason for extending participants' disaster-relief employment, as required by 20 C.F.R 687.180(b)(1).

While each disaster is different, ETA expects that most humanitarian assistance needs will resolve within 12 months of the disaster event, as disaster-affected communities rebuild, and their populations obtain permanent housing and no longer need assistance in obtaining food and clothing.

CareerSource Tampa Bay has established the local NDWG program for disaster-relief positions to be a maximum of four (4) months.

Temporary Employment

Disaster Relief Employment (Disaster Recovery DWGs only): Temporary employment on projects that provide food, clothing, shelter, and other humanitarian assistance for emergency and disaster victims.

Humanitarian assistance generally includes actions designed to save lives, alleviate suffering, and maintain human dignity in the immediate aftermath of disasters. This assistance includes activities such as the provision of food, clothing, and shelter.

The humanitarian assistance provided by disaster-relief workers must relate directly to an immediate response to the disaster situation named in the DWG application and the Federal declaration.
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Worksite Selection

CSTB is responsible for providing interested employers with eligible and suitable interns and/or work experience prospects. The employer is responsible for interviewing and making the final selection of the trainee they would like to select for their worksite.

Businesses that meet the following criteria are considered eligible and may, subject to available funding, enter into a NDWG agreement:

1. Physical company is located in Hillsborough County;
2. Business must legally have operated at current location for at least 120 days.
3. Hold a valid business tax receipt (formally an occupational license) and/or zoning permit; (google search and printout included)
4. Active business as verified by Florida Department of State Division of Corporations (www.sunbiz.org) and provide W-9.
5. Hasn't experienced any layoffs in the past six months verified by DEO WARN site.
6. Must develop a detailed NDWG Training Plan Outline that identifies the specific occupation, educational, job specific skills that will be learned and estimated time required for each skill.
7. Agrees to routine monitoring and communication with the CSTB NDWG Program Staff regarding the progress of the program participant relating to the temporary disaster-relief employment NDWG Training Plan, progress reports, midpoint in training and completion of the NDWG to capture measurable skills gained during participation.

Disaster-relief worksites must be located in the geographic disaster area covered by the declaration of NDWG under the Stafford Act or other Federal agency's declaration of a disaster or emergency of national significance.

Occupation Eligibility

All NDWGs must be for occupations that meet the established humanitarian efforts as outlined in TEGL 12-19. The following occupations are not suitable for NDWG:

- Less than part-time
- Principle source of income is tips, commissions or piecework;
- Intermittent or seasonal in nature;

NDWG funded disaster-relief workers must only provide humanitarian assistance appropriate under NDWG, focusing specifically on responding to the immediate impacts of a disaster. Positions cannot be established that focus on prevention and planning of future disaster events, which are not allowed under NDWG.

Prohibitions

1. Participants shall not be employed to carry out the construction, operation, or maintenance of any part of any facility that is used or to be used for sectarian instruction or as a place for religious worship (except with respect to the maintenance of a facility that is not primarily or

- inherently devoted to sectarian instruction or religious worship, in a case in which the organization operating the facility is part of a program or activity providing services to participants).
2. A participant in a program or activity authorized under NDWG must not displace (including a partial displacement, such as a reduction in the hours of non-overtime work, wages, or employment benefits) any currently employed employee (as of the date of the participation).
 3. A NDWG funded agreement must not impair existing contracts for services or collective bargaining agreements. When a program or activity authorized under NDWG would be inconsistent with a collective bargaining agreement, the appropriate labor organization and employer must provide written concurrence before the agreement is initiated.
 4. A NDWG participant may not be employed in or assigned to a job if: (a). Any other individual is on layoff from the same or any substantially equivalent job; (b). The employer has terminated the employment of any regular, unsubsidized employee or otherwise caused an involuntary reduction in its workforce with the intention of filling the vacancy so created with the PWE participant; (c). The job is created in a promotional line that infringes in any way on the promotional opportunities of currently employed workers; (d). Job opening that is vacant because the former occupant is on strike or involved in a labor dispute that may lead to a strike.
 5. NDWG participants shall not be placed in a home-based business.

Perspective Trainee Suitability

CSTB will conduct standard CSTB intake practice of reviewing Hillsborough County Sheriff's Office (<http://webapps.hcso.tampa.fl.us/ArrestInquiry>) for each perspective trainee and any information that is discovered must be placed in the perspective trainee's intake electronic file. If a prior background is discovered, or if the perspective trainee identified as to having a prior background, then CSTB must counsel/ coach the individual on how to discuss and address their prior record with any potential NDWG employer/host worksite.

If the NDWG employer/ host worksite wants to conduct a formal background screening, then they can do so at their own cost.

Engaging the Community and Employers

Employers and the general public throughout Hillsborough County will be made aware of the CSTB NDWG program through a variety of methods. Primary outreach will be conducted by the Business Services and Program Department staff. The CareerSource Tampa Bay website will be used to engage the community and employers with specific information about the program and the opportunities offered.

Eligibility and Intake System

CSTB Career Counselors will be responsible for completing WIOA NDWG eligibility on all participants. Enrollment will be scheduled after the NDWG Program Coordinator has reviewed all documents.

MIS Department shall be responsible for inputting data into the state's EmployFlorida (EF) Management Information System (MIS) within applicable timeframes to meet CSTB standard of acceptance.

Conflict of Interest

1. The CSTB will not favor a referral from or to a member of the CSTB Board over another business in the community. NDWG placements shall be made based upon what will be most beneficial to the participant.
2. The CSTB CEO/COO shall be notified whenever the NDWG Agreement is connected to a CSTB Board member or employee.
3. CSTB are prohibited from recommending an agreement or making NDWG referrals to businesses who are members of their immediate family or members of families of other CSTB staff.
4. The contracted NDWG business shall not hire a participant who is a relative (member of the family) of the business. Relative is defined as: father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, or half-sister. (Section 112.3135, Florida Statutes).

Individual Employment Plan (IEP)

CSTB must develop an individual service strategy for each participant. A service strategy is a document created jointly by the participant and case manager, and is based on career planning and the results of the objective assessment. The service strategy includes a summary of the jobseeker's strengths, barriers, services needed, education and employment goals, and services provided. The IEP will be updated during a one-on-one appointment between the trainee and a CSTB Career Specialist. This process will also define the short and long term goals of the work experience opportunity as well as future employment plans of the trainee. The trainee's IEP must identify their internship/work experience field of training while outlining goals and objectives with defined timelines and projected completion dates.

When selecting work-based training for a participant, the WIOA Career Specialist must include the following in the service strategy:

1. A determination that a work-based training activity is appropriate to meet the participant's needs;
2. The specific work-based training most appropriate for the participant based on an assessment of the participant's needs, skill set, and other characteristics necessary to determine the best activity for the participant;
3. The specific short and long-term goals for the work-based training activity, by identifying the purpose of the activity and outcomes expected;
4. The employer with whom the activity will be done and other information relevant to the work-based training activities;
5. Responsibilities of the CSTB, employer and participant; and
6. Other activities necessary to support the work-based training activity.

Participant Wages

The wages paid to temporary disaster-relief workers must be consistent with the wages of the supervising entity's other employees-permanent or temporary-performing the same or similar work. In accordance with WIOA Section 181(a)(1)(A), participants must be compensated at the same rates, including periodic increases, as employees who are similarly situated in similar occupations by the same employer and who have similar training, experience, and skills. In addition, such rates must be

in accordance with applicable law, but in no event less than the higher of the rate specified in Section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) or the applicable state or local minimum wage law. Where applicable, fringe benefits should be paid in accordance with the policies of the worksite employer.

NDWG temporary disaster-relief employment will be limited to a maximum of 25 hours per week and a four-month duration per participant. NDWG participants in temporary disaster-relief employment activities will earn a wage rate of \$15.50 per hour. Wages may be issued using direct deposit or check and will be issued on a bi-weekly basis by the contracted staffing agency if CSTB exercises this option, or internally by CSTB's agreed upon practices/policies.

Worksite Agreement

NDWG activities require a Worksite Agreement in the customer file. The Worksite Agreement will establish the parameters wherein a customer will gain the job-readiness skills necessary to obtain unsubsidized employment, and must be secured prior to the participant beginning their temporary disaster-relief assignment.

Each employer participating in work-based training must develop a CSTB NDWG Agreement. The worksite agreement must include:

1. A job description and/or training outline
2. Contact information for the supervisor
3. Record-keeping and payroll information,
4. Process to monitor the participant's worksite activities and ensure adherence to the records retention requirements, as applicable.
5. Worksite agreements for work-based training. For agreements with a staffing agency, the worksite agreements must include signatures of both the worksite employer and the staffing agency.

CSTB will maintain information on each job placement in the form of an agreement signed by all parties. Each employer partner will receive a copy of the fully executed NDWG agreement.

Employer of Record

CSTB is the employer of record and participants will be paid a wage of \$15.50 per hour, and payroll taxes will be deducted. The employer of record will be responsible for paying all taxes.

Workers Compensation

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 accordance with Section 445.009, Florida Statutes (F.S.), a participant in an adult or youth work experience activity administered under this section will be deemed an employee of the state for purposes of workers' compensation coverage. In determining the average weekly wage, all remuneration received from the employer shall be considered a gratuity, and the participant shall not be entitled to any benefits otherwise payable under s. 440.15, F.S., regardless of whether the

participant may be receiving wages and remuneration from other employment with another employer and regardless of his or her future wage-earning capacity.

AmeriSys is the state's Workers' Compensation Provider and should be contacted using the toll free #1-800-455-2079, in case of a work-related injury.

CSTB will be the employer of record for the NDWG program, based on this the state workers compensation.

Supportive Services

Supportive Services provide a safety net to trainees as they enter or re-enter the labor market. Limited support services may be made available to trainees on an individualized case-by-case basis. The trainee must verify that a need exists and cannot be met by other community resources. The provision of such support services must be documented in the individual service strategy. Support service needs are identified through the assessment process and outlined in the service strategy. Support services may be provided pursuant to CSTB Supportive Service and Incentive Policy - #018-C0012b.

Incident Reports

CSTB will provide employers with an Incident Report Form to document all injuries or other incidents which need to be reported, such as loss of property, etc. CSTB will maintain Incident Reporting Forms and notify the CEO and/or their designee immediately of any incident. CSTB will notify the HR Director immediately of any incident or accident involving NDWG participants.

Recording of Worksite, Provider and O*Net Code Information

When a participant is enrolled into a NDWG training activity, staff must record in Employ Florida, the address and location of the worksite where the participant will work.

- For other work-based training activities, such as work experiences, temporary jobs (including temporary disaster-relief jobs), registered apprenticeships, and pre- apprenticeships (when applicable), the actual location where the participant will report for work (worksite) must be recorded as part of the enrollment process.

When a participant is enrolled in a temporary disaster-relief training activity, the provider and O*Net Code for the occupation in which the participant will engage or receive training must be entered into Employ Florida as part of the enrollment process.

Participant Evaluations

In order to ensure that participants gain the required skills for their assigned work experience activity, formal evaluations must be conducted using the NDWG Training Plan. These evaluations are used to assess the participant's skill level at the beginning of the training period and also to evaluate the participant's skill progression at the mid-point of the training period and upon completion of the training period. The evaluation should be reviewed by the supervisor with the participant by the designated due dates. Feedback will also be collected from the participant regarding their experience.

Work Site Supervisory Evaluations of Youth Participants

The worksite supervisor will complete an evaluation which assesses critical work readiness topics. The employer, or the employer's designee, will discuss the result of the evaluation with the participant. CSTB Career Counselors will distribute evaluation forms to the employers. Evaluations can be included as part of the time records or separately with the most efficient method to be determined by the provider. CSTB will collect the evaluation forms and include them in the participant hard copy case record. All Employer NDWG evaluations will be documented in EmployFlorida case notes.

Monitoring

Monitoring and evaluation of the program plays a critical role in ensuring that the goals of the NDWG are achieved. The on-site monitoring is essential and must include documenting information received directly from the NDWG trainee and should capture the trainee's supervisor's perspective about how the training is progressing. In addition to this, the monitoring should examine the process of compliance with the NDWG Agreement, training plan, the regulations, payment of wages, and the maintenance of records and working conditions in keeping with Federal requirements.

Any Agreement deviations noted should be dealt with promptly, either with a corrective action plan or by suspension or termination of the agreement if serious violations have occurred. All visits to the business should be documented in the business EF account file and electronic file. The entry should identify when the visit was made, what was observed, who was interviewed, a synopsis of the content of the conversation, and any items of concern that need to be addressed.

Additional programmatic monitoring will be conducted throughout the program year by our internal Program Monitors under the direction of our Director of MIS & Data Services. Financial monitoring will be conducted by our Director of Fiscal Compliance.

Terminations

The occasion may occur when a trainee is not satisfied with an employer location or an employer may be dissatisfied by a trainee's progress or ability. Terminations may result in suspension of trainees and participating employers from the receipt of internship/work experience services for a period of time or indefinitely based on the situation.

The duration of suspension is at the discretion of CSTB management. Each case will be reviewed before a determination is made. The CSTB Representative along with the Work-Based Learning Coordinator should make all efforts to salvage a work experience assignment and location when possible. Suspension may be caused by several factors as listed below:

Trainee suspension may occur due to factors such as:

- An established pattern of tardiness or absenteeism
- Termination from a worksite due to negligent, malicious or unethical behavior
- Failure to comply with an employer's rules and regulations
- Substandard performance
- Failure to comply with CSTB rules and regulations
- Any action that could jeopardize the employer worksite or CSTB in any manner

Employer Suspension may occur due to factors such as:

- Failure to adhere to the developed training plan
- Termination of a trainee without good cause
- Failure to comply with applicable labor laws
- Failure to comply with contracted staffing agency's employment practices, if CSTB utilizes this option; or CSTB employment practices and/or other traditional employment practices
- Any action that could jeopardize the trainee or CSTB in any manner

Modifications

Modifications to the NDWG contract and NDW Training Plan Outline may be needed. The NDWG Program staff would be required to submit a CSTB Agreement Modification NDWG Agreement and specify the purpose of the modification, total training hours and maximum reimbursement. This requires the CSTB CEO or designee signature of approval before any agreement modifications can be fully executed.

Authorized Signatories

- The Chief Executive Officer, Chief Operating Officer and designee are hereby authorized to execute NDWG Agreements.
- If necessary during the NDWG process, CSTB will accept electronically submitted scanned or faxed documents with signatures of the representatives that have legal authority.

References:

- WIOA, Sections 122, 134
<https://www.congress.gov/113/bills/hr803/BILLS-113hr803enr.pdf>
- WIOA Regulations, 20CFR 663, et seq., Subpart E- Eligible Training Providers
<https://www.govinfo.gov/app/details/CFR-2014-title20-vol4/CFR-2014-title20-vol4-part663>
- FL Statutes, Chapter 445- Workforce Innovation
http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=0400-0499/0445/0445.html
- TEGL 12-19 National Dislocated Worker Grant Program Guidance:
https://wdr.doleta.gov/directives/attach/TEGL/TEGL_12-19.pdf

INQUIRIES: Any questions about this policy should be directed to the **Chief Policy and Performance Officer** or their designee.