NORTHWEST OREGON WORKS	**POLICY P19: Disaster Recovery Dislocated Worker Grants**
	Effective Date: April 2023 (Board Meeting)
	☒NEW **☐REVISED**

PURPOSE

To provide guidelines, priorities, and requirements for disaster dislocated worker grants awarded under 170(d)(4) of WIOA for employment and training assistance to workers affected by major economic dislocations as a result of areas impacted by natural disasters or emergency situations.

POLICY

Northwest Oregon Works (NOW) will support and oversee all contracted subrecipients in the performance of disaster recovery dislocated worker grant (DWG) funding. NOW's oversight responsibilities shall include the following:

- Ensure subrecipients are implementing the disaster funding in compliance with Federal and State regulations and local board policies.
  Guide subrecipients regarding:
  - Eligible participants
  - Allowable grant activities
  - Temporary job policies and procedures
  - Employment and training activities policies and procedures
  - Supportive services
  - Worksite eligibility requirements and documentation
  - General policies involving coordination of emergency management agencies, obtaining equipment, health and safety standards and habitats protection.
  - Performance and fiscal reporting
- Review subrecipient agreements with employers before contract completion.
- Convene monthly activity reviews for progress of enrollment and performance goals.
- Monitor performance and fiscal aspects and expectations of the program.

The responsibility of contracted subrecipients shall include the following:

- Ensure employers are implementing the dislocated worker grant funding in compliance with Federal and State regulations and local board policies.
- Verify that employers' worksites meet eligibility requirements for assistance under disaster DWG funding.
- Verify that dislocated workers and other participants are eligible for assistance under the disaster recovery funding.

- Review participant case files, both electronic and paper format monthly, to ensure valid source documents on file confirming participant eligibility requirements, and timeliness of disaster recovery services.
- Convene monthly meetings with supervising managers and key staff to review progress implementation aligns with contract and enrollment and performance goal progression.
- Resolve concerns or issues related to disaster recovery efforts.
- Submit monthly reports to NOW describing oversight and the current implementation status for disaster recovery initiatives.

Eligibility Participants

The following are eligible to enroll in allowable activities and receive services provided through disaster recovery DWB:

1. Individuals temporarily or permanently laid off as a consequence of the emergency or disaster.
2. Dislocated worker as defined by WIOA Section (3)(15), including displaced homemakers as defined by WIOA Section (3)(16).
3. Long-term unemployed individuals.
4. Self-employed individuals who became unemployed or significantly underemployed as a result to the disaster or emergency.

NOW will communicate if the state has provided eligibility exceptions to policies regarding the acceptable documentation local areas must collect to document participant eligibility.

Participant files must document the participant's eligibility. Because of the circumstances surrounding the disaster, documentation of eligibility may be difficult to obtain during the initial stages. A signed certification may be acceptable in these situations upon approval from NOW; however, the subrecipient must verify eligibility once more data is available.

All subrecipients must use a contracted case management system as a reporting and repository for participant documentation and activities unless a different system is provided by NOW to the subrecipient. All participant required documentation and notes are required to be updated immediately and treated as a point-in time system.

Additional Services for Individuals

Career and Training Services – Dislocated worker program funds may provide career and training services concurrently with participants in the temporary jobs component for those who are unlikely to return to their prior employment. Clean-up and recovery activities take precedence when offered in conjunction with career and training activities.

Supportive Services – provide participants with resources or payments, beyond career and training services necessary to achieve success. TEGL 19-16 should be referenced for further information on supportive services and NOW's policies include limits on the provisions of supportive services and any exceptions to those limits will be considered.

Allowable Grant Activities

Humanitarian assistance generally includes actions designed to save lives, alleviate suffering, and maintain human dignity in the immediate aftermath of a disaster or emergency. This assistance includes activities such as the provision of food, clothing, and shelter. The humanitarian assistance provided by disaster workers must relate directly to the immediate response to the identified disaster or emergency.

Disaster job positions may include but not limited to the following:

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 the 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 such as:
    a. Cleaning jobs to sanitize areas to prevent the spread virus in public facilities and hotels and small businesses on private property;
    b. Jobs to install social distancing and other protective measures to prevent the spread of virus in public facilities and hotels and small businesses on private property;
    c. Preparing, packaging and delivery of meals to senior citizens, disabled persons, homebound individuals, homeless individuals, and others affected by the disaster or emergency.
    d. Jobs to shop for and deliver groceries and supplies and run errands on behalf of homebound individuals.
    e. Jobs to assist in contacting vulnerable populations or those directly affected by the disaster or emergency to provide information to seek formal assistance for safety, physical health, mental health and employment opportunities; and
    f. Peer counseling and resource coordination jobs to provide peer-to-peer counseling to help connect individuals with proper resources.

NOW will provide guidance regarding allowable activities and must approve all activities before commencement in the disaster or emergency area if possible.

Temporary Jobs Duration

No individual shall be employed in a disaster for more than 12 months or 2,080 hours during a single emergency or disaster project WIOA 170(d)(3)(A). If clean-up work remains in the project after the participant reach their temporary employment limit, generally additional new eligible workers must be brought in to replace those who have worked the 12 months. It is possible for individuals to be cycled in and out of the project for longer than 12 months, with participants working intermittently over an extended period that does not exceed 2,080 hours.

Worksite Selection

Disaster recovery workers must be placed at the worksites located in the geographic area covered by the qualifying event for the disaster DWG. The worksites must be managed and operated by employers that have been approved by NOW and in accordance with WIOA and State and local board policies. Highest priority must be given to the cleanup of the disaster or emergency area most severely affected public facilities and to the cleanup and the provision of humanitarian assistance to economically disadvantaged areas with the disaster or emergency area.

Work on private property may be performed 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 employment-related impacts of the disaster, such as clean-up work needed for affected employers to resume operations;
2. The activities necessary to remove health and safety hazards on the private lands or around homes or other structures may only return the land or structure(s) to a safe and habitable level, and no improve the original land or structure(s);
3. The project prioritizes services to older individuals and individuals with disabilities; and
4. Disaster or DWG funds must NOT be used to cover the cost of materials to do repairs.

Prior approval is required before any disaster recovery work is performed on private property.

Participant Compensation

In accordance with WIOA 181(a)(1)(A), generally, participants shall 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, and such rates shall be in accordance with applicable law, but never less than the higher of the rate specified in 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.

Overtime work is not allowed. The design of the project should not allow for overtime compensation regardless of whether regular employees of the employer in question are also working overtime, subject to the limit on duration of participation for workers under this project.

In cases where the disaster-relief employer does not have other employees doing the same or similar work and with similar training, experience and skills, subrecipients must ensure that the wages paid are as follows:

- Are in line with the industry standard for that type of work in the area where the work is to be performed, supported by documentation in the application, and;
- Are at least $15 per hour.

Benefits and Working Conditions

All participants shall be provided benefits and 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 (WIOA 181(b)(5)). If the employer has different policies for temporary employees than for full-time employees, these policies may apply to these participants since the jobs under this grant are classified as temporary.

Fringe benefits shall be paid in accordance with the policies of the employer of record. Where the worksite employer hires temporary workers for positions for which wage levels have not been established and supervision of the temporary workers is performed by another agency, the agency performing the supervisory responsibilities could be considered the worksite employer for purposes of determining the appropriate wage for the temporary worker. In such a case, the temporary worker's wage could be established based on similar or same work performance by employees of the worksite employer.

Health and Safety Standards

Both the subrecipient and the employer of record must ensure that participants follow the health and safety standards established under Federal and State law applicable to working conditions of permanent employees. To the extent that the State workers' compensation law applies, worker's compensation shall be provided to participants on the same basis as individuals in similar employment, as required by WIOA section 181(b)(4). In cases in which a participant is not covered under a State workers' compensation law, the participant must be provided with adequate on-site medical and accident insurance for work-related activities.

Safety Training

Both the subrecipient and employer of record must ensure that participants receive appropriate safety training in accordance with Occupational Safety and Health Act (OSHA) of 1970 and assure safe working conditions.

Equipment

FEMA or other Federal, State or local agencies provide assistance in obtaining equipment needed for temporary jobs participants to conduct clean up, renovation restoration and other allowable activities. In situations where the state is unable to obtain funding or equipment from another source, DWG funds may be used to lease or buy necessary equipment for worksites where disaster DWG participants are employed to support clean-up and recovery activities. Purchase of equipment is subject to prior approval of NOW and disposition requirements in 2 CFR 200 and 2 CFR 2900.

Training and Monitoring

NOW will immediately provide on-site training to subrecipients with the completion of a signed contract agreement. Training will assist subrecipients in employment activities, participant eligibility, participant safety and health, pay and benefits, unemployment insurance or workers compensation, and any other state requirements. NOW will also determine additional training requirements upon revisions of the program upon request from the subrecipient.

NOW will conduct monthly subrecipient meetings for review and program progress status. If NOW deems further monthly monitoring procedures are required, NOW will proceed with on-site testing with support documentation to be obtained as needed. In addition, all disaster recovery DWG programs will be included in NOW's annual monitoring procedures.

REFERENCES

WIOA Regulations at 3 (15) (16)
WIOA Regulations at 170 (b)(1), (4) & (d)(3)(a), (4)
WIOA Regulations at 181 (a)(1), (b),(4),(5) & (d)(3),(4)
2 CFR 200 & CFR 2900
20 CFR 680.900-920
20 CFR 687.110 b &C
TEGL N0. 16-21
TEGL No. 02-15 Attachment II
FLSA 6 (a)(1)
29 U.S.C. 3102 (3)(15)
10 U.S.C. 1174a & 1175