

## **Attachment 1**

### **COVID-19 Disaster Recovery Dislocated Worker Grant (DWG)**

#### **POLICIES AND PROCEDURES**

The Disaster Recovery DWG provides disaster-relief and humanitarian assistance employment to minimize the employment and economic impact of declared disasters and emergency situations, in disaster-declared areas as defined in 20 CFR 687.110(b). Disaster-relief employment is the 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). Temporary employment is limited to 12 months (or 2,080 hours). This Disaster Recovery DWG only authorizes the provision of disaster-relief and humanitarian assistance employment.

The Local Workforce Development Boards (LWDB) shall support the Workforce Development Council's (WDC) efforts to oversee the contracted Staffing Agency ("Staffing Agency") in the performance of the contract, "COVID-19 Hawaii Disaster Recovery Staffing Agency," Contract Number: WDC-RFP-20-002-2020, executed on October 15, 2020. The Local Workforce Development Boards' scope of oversight covers the Staffing Agency's activities within its local area. The LWDBs' oversight responsibilities shall include the following:

1. Ensuring that the Staffing Agency and the American Job Center (AJC) are implementing the Disaster Recovery DWG in compliance with Federal and State regulations and WDC and local board policies;
2. Verifying that employers' worksites meet eligibility requirements for assistance under the Disaster Recovery DWG;
3. Verifying that dislocated workers and other participants are eligible for assistance under the Disaster Recovery DWG;
4. Implementing processes and procedures which prevent duplication of career services for participants enrolled in the Disaster Recovery DWG;
5. Reviewing participants' case files both in electronic and paper formats on a monthly basis to ensure valid source documents are on file to confirm that participants meet eligibility requirements; and are receiving disaster-relief employment in a timely manner;
6. Convening monthly meetings with supervising managers and key staff at the AJC to review progress of implementing the Staffing Agency contract and progress toward enrollment and performance goals;
7. Resolving any problems and issues that may arise as they relate to the Staffing Agency and the Disaster Recovery DWG; and
8. Submitting monthly reports to the WDC, describing the oversight of the Staffing Agency and implementation of the Disaster Recovery DWG.

To receive temporary employment under this grant, individuals first must be determined eligible by their local AJC. Once determined eligible, the AJC shall refer the participant to Hawaii Employment Services, Inc., the staffing agency contracted by the WDC to provide payroll services. Hawaii Employment Services also shall match eligible grant participants with approved worksite Businesses of Record (BOR).

The AJC shall properly record, maintain, and store all Disaster Recovery DWG participants' information in case files both in paper and electronic (HireNet Hawaii) formats. The LWDBs shall maintain participant files and records for three (3) years from the date of final payment or the date the final expenditure report is submitted to WDC.

## **Eligibility Requirements for Individual Enrollment in Disaster Recovery DWG**

### Individual Participants

Prior to being placed in temporary employment, the local AJC must determine eligibility as defined in WIOA §170(d)(2). The following eligibility requirements apply to individuals residing within the declared disaster area, or who are forced to relocate due to the disaster or emergency event:

1. Temporarily 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, including a fisherman, a farmer, and a rancher, who became unemployed or significantly underemployed as a result of the disaster or emergency.

### Required Documentation for Individuals

The process for enrolling participants in the Disaster Recovery DWG is the same as enrolling Dislocated Worker (DW) participants. Eligibility is determined by:

1. Letter of separation from employer due to the COVID-19 Pandemic, or
2. Verification of Pandemic Unemployment Assistance, or
3. Verification of Unemployment Insurance, or
4. Paystubs or other payroll records to validate previous employment prior to March 2020, or
5. Self -Attestation may be accepted, however, is an exception and should not be used as a regular method of determining eligibility.

The participant file must document the participant's eligibility. Because of circumstances surrounding the disaster, documentation of eligibility may be difficult to obtain during the initial stages. The USDOL and WDC will accept an individual's signed certification that they meet the eligibility criteria. A self-attestation menu is accessible on HireNet Hawaii. The AJC must verify eligibility once better data are available. The applicant is not permitted to begin work until required documentation is received by the AJC.

Self-employed individuals seeking assistance under the Disaster Recovery DWG, must submit at least one of the below documents to the AJC within 45 days of their initial application:

- General Excise Tax (GET) forms; or
- Federal tax returns; or
- Federal agency declaration other than FEMA, such as Small Business Association (SBA), United States Department of Agriculture (USDA), or Department of Commerce; or
- Attachment 3, Self-Employed Attestation Form.

## **Individual Enrollment into HireNet Hawaii**

To enroll an eligible individual in the Disaster Recovery DWG program using HireNet Hawaii, AJC staff shall complete the standard WIOA application for the DW program, with additional steps as outlined in WIOA Bulletin 41-20, "HireNet Hawaii National Dislocated Worker Grant Attachment," issued December 16, 2020.

After eligibility is determined and the individual enrolled in the Disaster Recovery DWG program, the AJC staff shall refer the dislocated worker to Hawaii Employment Services for placement in an approved worksite. The AJC will contact Michelle David at Hawaii Employment Services to notify her of the referral. Her contact information is:

Michele David  
Statewide Project Manager  
Hawaii Employment Services  
808-664-6371  
mdavid@hi-employment.com  
Topa Financial Center | Fort Street Tower  
745 Fort Street, Suite 124, Honolulu, HI 96813

## **Additional AJC Services for Individuals**

Participants should be co-enrolled in the appropriate WIOA program for which they are eligible, usually the Dislocated Worker program as well as Wagner-Peyser.

Career and Training Services - Dislocated Worker Program funds may provide career and training services concurrently with participation 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 - For Disaster Recovery DWGs, supportive services are allowable for participants to enable their participation in disaster relief employment and Career and Training services as defined by 20 CFR 680.900-970, including personal protective equipment (PPE) and tools in accordance with the local area policy on supportive services. The LWDB's policies include limits on the provision of supportive services and any exception to those limits, as described in 20 CFR 680.920.

## **Allowable Grant Activities**

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 the immediate response to the COVID-19 pandemic. The provision of general humanitarian assistance that solely focuses on prevention and planning of future disaster events is not an allowable activity under the Disaster Recovery DWG. The Federal government will allow activities that provide prevention and planning for future events only if these activities are incidental to responding to the humanitarian assistance needs created by the disaster. Prior approval of the Federal grant officer is required before any prevention and planning assistance may commence.

Disaster-relief job positions include the following:

1. Cleaning jobs to sanitize areas to prevent the spread of the COVID-19 virus in public facilities and hotels and small businesses on private property;
2. Jobs to install COVID-19 social distancing and other protective measures to prevent the spread of the COVID-19 virus in public facilities and hotels and small businesses on private property;
3. Preparing and packaging meals for distribution to senior citizens, disabled persons, homebound individuals, homeless individuals, and others affected by the COVID-19 pandemic;
4. Delivery to distribute prepared meals to senior citizens, disabled persons, homebound individuals, homeless individuals, and others affected by the COVID-19 pandemic;
5. Jobs to shop for and deliver groceries and supplies and run errands on behalf of homebound individuals who are at risk of being exposed to the COVID-19 virus;
6. Jobs to assist underserved populations vulnerable to the COVID-19 pandemic by contacting them by telephone, in-person, and other means of outreach and providing them with information to seek formal assistance for safety, physical health, mental health, and employment opportunities; and
7. Peer counseling and resource coordination jobs to provide peer-to-peer counseling to help connect individuals with proper resources including COVID-19 resources.

### **Temporary Jobs Policies**

No individual shall be employed in Disaster Relief Employment 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 participants reach their temporary employment limit, generally the local area must bring in additional new eligible workers to replace those who have worked 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 time period that does not exceed 2,080 hours.

Through a jobs first approach, it is imperative the individual be told and understand the type of work (s)he is expressing interest in. (i.e. Debris worker position will work in high temperatures and rain; lift 20 pounds, etc.)

### **Worksite Selection**

Disaster-relief workers must be placed at disaster-relief worksites, which must be located in the geographic area covered by the qualifying event for the Disaster Recovery DWG. The worksites must be managed and operated by employers that have been approved by the AJCs in accordance with WIOA and State and local board policies.

Highest priority must be given to the cleanup of the disaster area's most severely affected public facilities and to the cleanup and the provision of humanitarian assistance to economically disadvantaged areas within the disaster area. To the extent feasible, administering funds according to these priorities must be in coordination with any projects administered by State emergency management agencies and other appropriate organizations, to avoid duplication of efforts and to ensure that Disaster Recovery DWG activities appropriately respond to the affected community's needs after a disaster. As appropriate, the WDC and the LWDBs must coordinate with Federal agencies handling the Federal

response to the disaster or emergency, either through direct contact or contact with State agencies coordinating with these Federal agencies.

After a business or non-profit has submitted its Eligibility Verification Items to the AJC, the AJC shall refer the business or non-profit to the staffing agency. Hawaii Employment Services will then assign qualified eligible dislocated workers for temporary employment up to 2,080 hours.

#### County and State Exemptions

County and State departments, including the University of Hawaii (UH) System, are exempt from the Hawaii Compliance Express.

#### Civil Service Exemptions

County agencies should determine whether Hawaii Revised Statutes, Section 76-77(5) on “positions filled through federally funded programs which provide temporary employment” provides civil service and union exemptions.

The WDC contracted Hawaii Employment Services to provide payroll services including benefits, insurance, taxes, and worker's compensation to dislocated workers placed at approved worksites. Hawaii Employment Services, Inc. is the legal Employer of Record for all dislocated workers and businesses of record.

#### **Work on Private Property**

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 or employment-related impacts of the disaster, such as clean-up work needed for disaster-affected employers to resume operation;
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. Disaster Recovery DWG funds must not be used to cover the cost of materials to do repairs.

Prior approval of the Federal grant officer is required before any disaster-relief employment work on private property may commence.

#### **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 in no event 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

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.

### **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

Benefits shall be paid in accordance with the policies of the employer of record, Hawaii Employment Services. Where the local project operator or another approved 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 Workforce Development Council and the Local Workforce Development Boards must ensure that participants follow the same health and safety standards established under Federal and State law applicable to working conditions of permanent employees. To the extent that State workers' compensation law applies, workers' 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 WDC and the LWDBs must also ensure that participants receive appropriate safety training in accordance with the 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 Recovery DWG participants are employed to support clean-up and recovery activities.

Purchase of equipment is subject to prior approval of the WDC and disposition requirements in 2 CFR 200 and 2 CFR 2900.