# Table of Contents

Introduction .................................................................................................................. 3  
Workforce Innovation and Opportunity Act .............................................................. 4  
Employment Service .................................................................................................. 7  
Rapid Response .......................................................................................................... 8  
Trade Adjustment Assistance .................................................................................... 10  
Reemployment Services and Eligibility Assessment .................................................. 13  
Choices ........................................................................................................................ 14  
Noncustodial Parent Choices ...................................................................................... 16  
Supplemental Nutrition Assistance Program Employment & Training ................... 19  
Disaster Recovery National Dislocated Worker Grant .............................................. 21
Introduction

Purpose

This guide provides guidance to Local Workforce Development Boards (Boards) and their service contractors on how to continue serving customers through the duration of the coronavirus disease 2019 (COVID-19) pandemic. This guidance supersedes information previously issued in other related documents and will remain in effect until the Texas Workforce Commission (TWC) notifies Boards that the guidance has been rescinded.

All information regarding COVID-19 is subject to change at any time due to the changing nature of the pandemic.

Background

On March 13, 2020, the president declared the COVID-19 pandemic a national emergency. That same day, with confirmed cases of COVID-19 in multiple Texas counties, Governor Greg Abbott declared a state of disaster for Texas.

The governor, mayors, and county judges throughout the state have enacted unprecedented levels of heightened public health safety measures to limit the spread of the disease.

The pandemic has forced many “nonessential” businesses and services to close, leaving affected employers no choice but to lay off workers or reduce workers’ hours. In the first week following the national and state emergency declarations, 3.3 million Americans filed unemployment insurance claims. The number of claims filed in Texas skyrocketed more than 12-fold, from an average of 13,000 a week to more than 158,000. In less than a month, more than a million Texans filed unemployment insurance claims, far exceeding the 750,000 total claims filed in 2019.

TWC will continue monitoring federal, state, and local governmental actions and revise this guide as needed to help Boards and their service providers deliver services to customers in their local workforce development areas (workforce areas) during this crisis.
Workforce Innovation and Opportunity Act

Customer Contact Requirements
Reference: WD Letter 06-13, "Documenting Services and Participant Contact in The Workforce Information System of Texas Counselor Notes"

- Staff may contact customers using methods other than face-to-face contact, such as telephone, email, videoconferencing, and other remote options.
- Staff may run a Caseload Report (Workforce Reports, “76-Case Load Report”) in order to identify active Workforce Innovation and Opportunity Act (WIOA) participants.
- As required to ensure that a WIOA participant’s case does not go into exit status, staff must continue entering service activities in The Workforce Information System of Texas (TWIST) that reflect the participant’s activities and ensure that the case notes entered into TWIST reflect customer contact.
- Individuals who cannot continue to participate in activities, such as training, may be placed in a Planned Gap in Service, even if the gap is expected to last less than 90 days.

Support Services
Reference: Workforce Innovation and Opportunity Act Guidelines for Adults, Dislocated Workers, and Youth: Section II, Services for Adults and Dislocated Workers, and Section V, WIOA Youth, Program Elements

- For customers who are still in school or who are working and need support services in order to participate in an activity, TWC recommends that:
  - customers and staff provide required documentation by priority mail, encrypted email, the WorkInTexas.com (WIT) My Documents section (by logging in to WIT as staff then selecting Other Staff Resources > Staff Online Resources > User Guide for Staff > Section 30: Manage Documents), or other secure and remote methods that comply with WD 02-18, issued March 23, 2018, titled “Handling and Protection of Personally Identifiable Information and Other Sensitive Information”;
  - support services be provided to participants through mail or other remote delivery method;
  - staff consider reloadable cards with staff purchase tracking; or
  - staff use other methods acceptable to the Board, as long as those methods comply with applicable TWC and local Board policies and guidance.
- Except for youth participants in follow-up services, staff must continue to provide support services only to individuals currently participating in career or training services.

WIOA-Funded Services—Training and Work Experience
• If a participant is still attending training or working on-site, staff may contact the training provider and worksite employer by phone or email in order to obtain information on the participant’s progress. The service provider or employer may scan timesheet and progress reports and submit them via email to Workforce Solutions Office staff.

• If a participant is no longer able to attend training or work on-site, the following apply:
  ➢ When activities at a training or education site, including Work Experience, are interrupted because of COVID-19–related concerns, a Planned Gap in Service must be used even if the gap is shorter than the required 90-day duration. Additionally, Planned Gap may be used for participants involved in non-training or education services such as job readiness, job search, and so forth. Doing so will prevent the Period of Participation (POP) from closing and eliminate the need for eligibility to be redetermined.
  ➢ For paid work experiences, transitional jobs, and on-the-job training, it might be useful to be prepared to transfer to other available sites as applicable.

• Detailed Case Notes must be entered for all changes and updates.

WIOA Assessments

Reference: Workforce Innovation and Opportunity Act Guidelines for Adults, Dislocated Workers, and Youth, Section III, WIOA Adult, Basic Skill Deficient, and Section V, WIOA Youth, Participant in the Youth Program; Technical Assistance Bulletin 292, “Adding New Assessments in TWIST”

Objective Assessment

• Boards must conduct an objective assessment of each youth participant as part of enrollment in the WIOA youth program. The assessment requirement may not be waived.
• Neither TWC nor WIOA requires that a US Department of Education National Reporting System (NRS)–approved assessment, such as TABE, be used for such objective assessments.
• WIOA does not require that the objective assessment be proctored.
• Boards may require specific assessment instruments in local policy or procedure.
• Training providers may require assessments before a youth participant begins training.
• Boards may use online assessment instruments.
• Results of assessments administered within the last six months may be acceptable.

Measurable Skill Gains

• Educational Functioning Level (EFL) gains shown through pretesting and posttesting are one way to demonstrate measurable skill gains (MSG).
• If measuring EFL gains under the MSG indicator using a pretest and posttest, Boards must use an NRS-approved assessment for both the pre- and posttest to determine an individual’s EFL.
• The other types of MSGs do not require the use of an NRS-approved assessment.
• For MSG performance, Boards must follow guidance provided in WD Letter 09-19, Change 1, issued October 31, 2019, and titled “Workforce Innovation and Opportunity Act Performance Outcomes: Measurable Skill Gains—Update” and its attachment. See the following matrix for a summary of assessment requirements.
Comparison of Requirements for Assessment and Measurable Skill Gains Assessment

<table>
<thead>
<tr>
<th></th>
<th>Objective Assessment</th>
<th>Pretest/Posttest for Measurable Skill Gains</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Who</strong></td>
<td>Youth</td>
<td>Adults, dislocated workers, and youth</td>
</tr>
<tr>
<td><strong>When Taken</strong></td>
<td>At enrollment</td>
<td>After enrollment</td>
</tr>
<tr>
<td><strong>Required or Optional</strong></td>
<td>Required</td>
<td>Optional</td>
</tr>
<tr>
<td><strong>Conditions</strong></td>
<td>Assessment must be formalized but does not have to be NRS-approved.</td>
<td>Tests must be NRS-approved.</td>
</tr>
</tbody>
</table>
Employment Service

WorkInTexas.com Registration and Work Search Requirements

Reference: Governor’s Declaration and TWC Press Release

In response to the COVID-19 disaster declaration, work search requirements have been temporarily waived for unemployment benefits claimants in Texas. This applies to all claimants and includes any requirement previously in place for claimants to register in WorkInTexas.com.

- TWC’s Unemployment Insurance (UI) Division is setting work search exemptions for all new claimants. Existing claimants will be informed of work search exemptions when they file their next payment request.
- Governor Abbott has waived the waiting week requirement for all new claimants.
- Claimant work search requirements will be reinstated following this disaster. At that time, all claimants will receive written notification that will include:
  - a request to update or complete WorkInTexas.com registration;
  - the work search requirement amount; and
  - the effective date of the requirement (which will be 14 days after the change).

Employer Service (General)

Reference: Employment Service Guide

Boards must be aware that TWC recommends that staff conduct all Employment Service activities via telephone, email, videoconferencing, or other remote options.

When staff provides employers or job seekers with information services only, staff may direct customers to the appropriate online resources, which include, but are not limited to:

- Employer Benefits Services
- COVID-19 Resources for Employers
- COVID-19 Resources for Job Seekers

Boards must be aware that in circumstances in which remote services are unavailable, all activities must conform with the Centers for Disease Control and Prevention’s Social Distancing, Quarantine, and Isolation guidelines.
Rapid Response

Layoff Aversion

Reference: TEGL 19-16, Section 18, Rapid Response

Boards must be aware that WIOA allows for broad flexibility for the use of rapid response funds for layoff aversion activities intended to minimize the negative impacts of dislocation on workers, employers, and communities, particularly in responding to emergency situations.

Some examples of layoff aversion projects that use creative strategies to address COVID-19–related effects* on businesses and workers include, but are not limited to, the following:

• A call center environment needs to have employees work remotely in order to support social distancing and limit potential exposure to COVID-19. Layoff aversion activities may be used to purchase remote access equipment necessary for employees to work from home.

• A business whose employees use specific software or computer applications asks employees to work remotely to limit potential exposure to COVID-19. Layoff aversion activities may be used to purchase the software or applications necessary for employees to work from home.

• As a result of a decline in business and revenue, a company is reducing the hours of three or more employees, and the employer may be eligible for the state’s UI Shared Work program. Even with a combination of the employee’s pay and UI benefits, the employee is still collecting less income than usual and is having trouble paying bills, the mortgage, and so forth, Rapid Response funding may be used to provide assistance.

• To limit potential exposure to COVID-19, a company that usually runs two shifts of workers adds a third shift so that fewer employees are on-site at any given time. Layoff aversion activities may be used to offset related costs to the employer or workers.

• A small business needs its employees to work on-site but cannot afford frequent deep cleaning to help prevent potential exposure to COVID-19. Layoff aversion funds may be used to pay for a cleaning and/or sanitization service.

Additionally, when circumstances allow, rapid response funds may be used to provide guidance and/or financial assistance in order to establish community transition teams to assist the affected community in organizing support for dislocated workers and in meeting the basic needs of their families. Such assistance may include, but is not limited to, providing heat, shelter, food, clothing, and other necessities and services that are beyond the resources and ability of the American Job Center network to provide.

*Rapid response funds may be used to support creative approaches and strategies. Other business and/or employee needs may be substituted for COVID-19–related language in the examples above.

Orientations

Reference: TEGL 19-16, Section 18, Rapid Response

• There are no restrictions on providing rapid response orientations via telephone, email, videoconferencing, and other remote options.
Rapid response coordinators must continue to submit to TWC state-level staff the layoff notifications form, even with limited information, so that TWC state-level staff can immediately assign a number to an impacted business.

Rapid response staff must follow local guidance when delivering rapid response services.

Boards must provide information and guidance to assist employers with the following:
- UI benefits, comprehensive Workforce Solutions Office services, and employment and training activities
- Guidance or financial assistance in establishing a labor-management committee
- Emergency assistance adapted to the particular closing, layoff, or disaster
- Assistance for chief elected officials to develop a coordinated response to the dislocation event and, as needed, to obtain access to state economic development assistance.
- TWC Shared Work program https://twc.texas.gov/businesses/shared-work

Layoff Notification Form
Source: WD Letter 01-10, Change 1

When an employer submits a Worker Adjustment and Retraining Notification (WARN) notice to TWC, the following apply:

- It is standard practice for Boards to send back the layoff notification form to verify that they have reached out to the employer and offered rapid response Services. However, until further notice:
  - state staff will continue to send the WARN notice to the Board, but it is not necessary for local rapid response staff to return the layoff notification form with updated information;
  - Boards must maintain documentation of contact with the employer, in the event there is an audit by DOL; and
  - TWC will provide an opportunity for Boards to update information at a later date.

- Filling out each individual notification form can be a very labor-intensive process for Board staff; therefore, TWC has created a layoff notification spreadsheet to offer Board staff a more efficient way to provide the information to TWC. However, Boards may use either the spreadsheet or the layoff form.

- Please email the spreadsheet once daily to TWC at layoff.notificationcentral@twc.state.tx.us. Sending it only once a day will prevent duplicate emails and ensure a more efficient process.
Trade Adjustment Assistance

Required Contact/Case Notes for Continued Unemployment Insurance/Trade Readjustment Allowance Benefits
Reference: Trade Adjustment Assistance (TAA) Guide A-104: Reporting

State Trade Adjustment Assistance (TAA) staff can enter case notes in TWIST if the workforce area staff is not able to do so. In order to facilitate this, workforce area staff must communicate with students and training providers via telephone, email, videoconferencing, or other remote options to gather the information regarding assessments, including enrollment details—the number of credit hours taken, semester dates, and training status (full time or part time)—and send this information with a request for state staff to enter the actual waiver.

Reemployment Plans (REP)

- Local staff must communicate with students and training providers via telephone, email, videoconferencing, or other remote options to gather the information regarding assessments, including enrollment details—the number of credit hours taken, semester dates, training status (full time or part time), training costs, and so forth. If local staff is not able to enter approval details into TWIST, state staff is notified.
- TWC state-level staff will continue to review all requests for training costing more than $25,000.00 and requests for denial of training via email submissions from the workforce area; there is no need to change the current process.

Relocation/Job Search Assistance
Reference: TAA Guide D-100: Job Search and Relocation Allowances

Job search and relocation allowances are processed via DocuSign and managed at the state level. There is no need to change the current process.

Training Request Approval/Denial
Reference: Merit Staffing Requirements

- Staff must complete the TAA reemployment plan (REP), including all costs and a curriculum outline that is based on the training institution’s degree/certificate plan.
- Staff must document in TWIST Counselor Notes the training justification as well as offer a recommendation to approve the waiver or deny its approval for a specific reason. This justification must include how the training meets or does not meet the six TAA approval criteria and three additional considerations.
- Staff emails a copy of the training request, including all backup documentation (for example, labor market information, degree plan, costs, transportation/subsistence, or
assessments) and any other pertinent information needed to make an official determination to TAA Technical Assistance at TAA@twc.state.tx.us.

Waivers


- TWC’s UI Division will continue to review waivers and counseling notes in TWIST to determine trade readjustment allowance (TRA) benefits. This will not require a change to the current process.
- Local staff must continue to maintain monthly contact during the waiver period.
- A waiver is a determination that training is not available at the time of issuance. Waivers are to be issued close to the Waiver/In Training Deadline date located in the TAA Program Detail Eligibility Criteria tab. There are only three conditions for which waivers may be issued: Enrollment Unavailable, Training Unavailable, and Health/Medical.
  - The case manager must determine the appropriate waiver condition as well as the waiver time period, and then complete/sign the waiver (WOT-1) request.
  - TWIST Counselor Notes must document the waiver justification as well as offer a recommendation to approve the waiver or deny its approval for a specific reason.
  - Staff emails a copy of the waiver form and provides the TWIST ID to the state office.
  - Staff will document the monthly waiver contact and notify the state office to enter a 30-day waiver review.
- If local staff members are not able to document the waiver details and Counselor Notes in TWIST, staff must notify state TAA staff via email at taa@twc.state.tx.us.

Distance Learning

Reference: TAA Guide, C-403: Distance Learning

For customers whose training programs have changed format either temporarily or permanently from in-person to online, staff must use TWIST fund code 48-Distance Learning.

Monthly Contact


- Local staff may communicate with students and training providers via telephone, email, videoconferencing, or other remote options to gather the information needed to comply with the required monthly contact (during waiver periods, training, and benchmarking).
- If local staff members are not able to document Counselor Notes in TWIST, staff must notify state TAA staff via email at taa@twc.state.tx.us.
TAA Eligibility
Reference: TAA Guide C-100

State TAA staff will continue to determine TAA eligibility. TAA eligibility is available in TWIST as usual. There is no need to change the current process.

Trade Impacts

As workforce areas begin receiving questions regarding the petition process or eligibility for trade, staff must be aware of the following:

- The first step in the TAA petition process is to determine whether to file a petition. Answering the following questions can help guide that determination:
  - Did the company shift production or services to a foreign country?
  - Did foreign imports or supply of services cause a decline in sales or production for the company?
  - Was the company a downstream producer or service supplier of a Trade-certified company?
  - Was the company identified by the International Trade Commission (ITC) as having “injury” or “market disturbance” in the Federal Register?
- A petition must be filed with DOL’s Office of Trade Adjustment Assistance (OTAA). If the petition is certified, trade-affected workers will be eligible to apply individually for TAA. The petition form and filing instructions are available on DOL’s website: https://www.etareports.doleta.gov/petition/index.cfm?reset=true.
- A petition may be filed by a:
  - group of at least three coworkers from the same firm at the same job location;
  - union official;
  - company official; or
  - state or local agency representative at a Workforce Solutions Office.
Reemployment Services and Eligibility Assessment

Orientations

- TWC’s UI Division generated the last Reemployment Services and Eligibility Assessment (RESEA) outreach list on March 9, 2020. TWC will not produce a new list until further notice. RESEA customers from that list should have been scheduled to attend orientation by March 30, 2020, based on schedules already set by each Workforce Solutions Office.

- If staff has RESEA customers scheduled or rescheduled for an orientation beyond March 30, 2020, Boards may consider providing orientations and required services using methods that do not involve in-person contact. DOL has encouraged flexibility in RESEA service delivery. Boards have the flexibility to provide RESEA orientations and required services via telephone, email, videoconferencing, and other remote options.

UI work search requirements will resume effective July 6, 2020. RESEA requirements will also resume with work search requirements. The first RESEA list will likely be available July 27, 2020, for outreach and scheduling. Exempting RESEA Participants

- Workforce Solutions Office staff will not penalize any RESEA customer who does not show up for his or her scheduled RESEA orientation.

- Workforce Solutions Office staff must exempt all RESEA customers until further notice. Information on exemptions can be found on the WorkInTexas.com Liaisons Additional Staff Resources web page: https://twc.texas.gov/development/wit/wit_staff_rec.html. See Managing RESEA Job Seekers (Individuals) in WorkInTexas.com and the RESEA Program Guide (revised November 23, 2019).
**Choices**

Effective March 27, 2020, due to COVID-19, the Texas Health and Human Services Commission (HHSC) has temporarily suspended the requirement for Temporary Assistance for Needy Families (TANF) recipients to participate in Choices services. TANF recipients are not required to participate in Choices services. Furthermore, HHSC has instructed TWC not to send sanctions through the automated interface for individuals who cannot participate because of the COVID-19 pandemic.

During the Choices suspension, all new mandatory TANF recipients will fall into the outreach pool. However, because of the temporary suspension of Choices, Boards are not required to conduct outreach until further notice.

**Documenting Non-Participation During COVID-19**

*Reference: Choices Guide B-304.a: Good Cause*

If a Choices customer is unable to participate in Choices activities because of COVID-19, a blanket good cause must be entered into TWIST for that customer along with the good cause reason, such as COVID-19–related non-participation or Choices services temporarily suspended. The steps are as follows:

1. Enter good cause in TWIST Service Tracking (91).
2. Enter good cause action in the Good Cause tab.
3. Enter Counselor Notes regarding good cause reason (COVID-19–related non-participation, Choices services temporarily suspended).

Boards must use one of the following reasons in the TWIST Good Cause tab for Choices customers who have been granted good cause due to COVID-19:

- **3 – Family crisis/change in individual circumstances**
  - Customer is on a lockdown order because of exposure but is not sick.
  - Customer is caring for a family member because of school closure or illness.
- **1 – Temporary illness**
  - Customer reports demonstrating symptoms of COVID-19.

**Workforce Orientation for Applicants**

Effective March 27, 2020, HHSC temporarily suspended the Workforce Orientation for Applicants (WOA) requirements for TANF applicants due to COVID-19. TANF applicants are not required to complete WOA before being certified for benefits.

No new outreach or orientations will be completed, and HHSC Workforce Orientation Referral form H2588 will not be submitted to HHSC during the temporary suspension period.

If an applicant has already completed WOA, then the staff member signs and dates form H2588, faxes it to HHSC, and emails a copy to the applicant. If the staff member does not have access to fax equipment, then the staff member must sign the form by typing his or her name and the date.
on the H2588 fillable PDF and then email the signed H2588 to the applicant. The Workforce Solutions Office stamp is not necessary.

Support Services

• Staff must make arrangements to provide support services necessary for participants to participate in essential activities. For example:
  ➢ For Boards that already assign participants a reloadable card, support services may be provided as documentation supporting the need for support services is received via email, fax, or USPS mail.
  ➢ For Boards that do not assign a reloadable card, staff may be in the office on a scheduled basis (for example, one day a week for support services issuance). Participant appointments for support services must be scheduled with enough time in between appointments to ensure that there is not a large group of participants or family members in the same waiting area at one time.
• Boards must provide support services only to customers actively participating in the program.
• Boards may expand support services payments by, for example, increasing payment amounts and expanding the list of services that are eligible for payments based on Board, state, and federal regulations.
• Boards are not allowed to provide transportation payments in cash. Doing so impacts the customer’s eligibility for benefits.
Noncustodial Parent Choices

The Office of the Attorney General (OAG) has notified TWC that there is no uniform closure date at this time. Each court is subject to different jurisdictional authority. In some areas, in-person hearings have been prohibited until May 1, 2020.

Court Attendance

Boards must be aware and prepared for the following:

- Many IV-D judges are hosting remote hearings using teleconferencing and signing agreed orders remotely. In turn:
  - OAG staff members are working to reach agreed orders through telephonic conferences and processing the orders through DocuSign; and
  - OAG staff is adding the Authorization to Release form to DocuSign so that the noncustodial parent (NCP) can sign it and provide the copy to workforce area staff.
- Court order referrals will continue in smaller numbers.
- Courts may not find any NCP in contempt without an in-person hearing on the matter; therefore, case closure approvals may take longer.

Case Management

- For court orders received electronically, staff must do the following:
  - Open TWIST and the Choices Online Tracking System (COLTS) case.
  - Verify that applicable information in WorkInTexas.com has been completed.
  - Complete orientation via telephone, email, videoconferencing, and other remote options.
  - Provide Employment and Training (E&T) services as applicable.
  - Provide access to online job search resources
  - Reference NCP Choices Guide B-106.b: Job Search, if needed.
  - Staff must continue to work with NCP participants via telephone, email, videoconferencing, and other remote options to provide job search assistance, including:
    - offering job matching and job referral services; and
    - referring customers to current in-demand employers such as Amazon, HEB, and others.

Services


- NCP staff must continue to maintain required contact with NCP participants to the extent possible. All customer contact/services must be data entered into both TWIST and COLTS.

If workforce services are still being provided, NCP Choices participants may continue receiving services. Staff must enter tracked services into TWIST and COLTS.
Support Services
Reference: NCP Choices Guide B-200: Support Services

Staff must make arrangements to provide support services necessary for participants to participate in essential activities. For example:

- For Boards that already assign the participants a reloadable card, support services may be provided as documentation supporting the need for support services is received via email, fax, or USPS mail.
- For Boards that do not assign a reloadable card, staff may be in the office on a scheduled basis (for example, one day a week for support service issuance). Participant appointments for support services must be scheduled with enough time in between appointments to ensure that there is not a large group of participants or family members in the same waiting area at one time.
- Boards must provide support services only to customers actively participating in the program.
- Boards may expand support services payments by, for example, increasing payment amounts and expanding the list of services that are eligible for payments based on Board, state, and federal regulations.

- Boards are not allowed to provide transportation payments in cash. Doing so impacts the customer’s eligibility for benefits.

Documenting No Show/Non-Participation During COVID-19
Reference: NCP Choices Guide B-401: Request to Remove

If it is necessary to enter a good cause for customers due to a no-show/non-participation caused by the COVID-19 pandemic, the following must be considered:

- For an NCP Choices participant who is a no call/no show, the following apply:

  - Staff must attempt to reengage the customer and determine the reason for noncompliance. Additionally, staff must use alternative methods of communication, such as fax or email, to meet participation requirements.
  - After 30 days, a request to remove must be submitted to OAG.
  - If a mandatory participant responds and communicates with staff a good cause reason, a Good Cause service can be approved.

- If an NCP Choices participant informs staff that he or she is not able to come in or complete participation activities because of illness of self or a family member, lack of employers that are open, no available internet access for job search purposes, or concern over leaving home because of COVID-19, staff will enter a good cause in TWIST as follows:
  - Enter (91) Good Cause service in TWIST Service Tracking.
  - Enter good cause action under the Good Cause tab.
  - Update Counselor Notes regarding good cause reason in TWIST and COLTS.

For NCP Choices customers who have been granted good cause due to COVID-19, one of the following reasons would be used to document the action in TWIST:

- 3 – Family crisis/change in individual circumstances
- Customer is on a lockdown order because of exposure but is not sick
- Customer is caring for a family member because of school closure or illness.

- 1 – Temporary illness
  - Customer reports demonstrating symptoms of COVID-19.
Supplemental Nutrition Assistance Program
Employment & Training

Participation During COVID-19 Pandemic

Reference: MEPD and Texas Works Bulletin 20-05

- Supplemental Nutrition Assistance Program (SNAP) recipients are not required to participate in SNAP E&T.
- All SNAP recipients are considered exempt from work requirements during the COVID-19 pandemic.
- No action is needed to designate SNAP recipients as exempt. Texas Integrated Eligibility Redesign System (TIERS) modifications have been made to exempt SNAP recipients from SNAP E&T.
- All SNAP E&T cases can be closed unless the customer needs job retention services.
- Current participants in SNAP E&T may participate if the Board has the accessibility and resources to allow them to do so.

No Show/Non-Participation Due to COVID-19

Reference: SNAP E&T Guide B-113: Noncooperation with SNAP E&T Requirements

No good cause recommendations may be submitted except for Penalty Reviewed, Good Cause Recommended as applicable.

Support Services

SNAP E&T Guide B-200: Support Services

- If participants need support services in order to participate in essential activities, then staff must provide such services. For example:
  - For Boards that already assign the participants a reloadable card, support services may be provided as documentation of expenses incurred for support services is received via email, fax, or USPS mail.
  - For Boards that do not assign a reloadable card, staff can be in the office on a scheduled basis (for example, one day a week for support service issuance).
  - Participant appointments for support services must be scheduled with enough time in between appointments to ensure that there is not a large group of individuals in the same waiting area at one time and that social distancing can be maintained.
- Support services will not be provided to participants while they are in good cause or under suspended work requirements.

SNAP E&T Employment Planning Session

Reference: SNAP E&T Guide B-302: Outreach
• SNAP E&T outreach will no longer be required, as all SNAP recipients will be designated as exempt.
• If a customer has already completed an orientation for SNAP E&T, then a form H1822 must be sent to HHSC. If no orientation was completed, no form will be submitted.
• Local staff must no longer outreach/schedule any new SNAP E&T Employment Planning Sessions or penalize any SNAP E&T customers who do not show or who fail to participate.
• Staff may close these cases with a case note in TWIST, explaining that the closure is due to COVID-19 response.
• The work and work training requirements for SNAP during the declared public health emergency are suspended. Customers who fail to meet the work requirements must not be penalized.
• If the Workforce Solutions Office closes as a result of COVID-19–related concerns, staff must:
  ➢ ensure that a Workforce Solutions Office closure notice is posted outside the office; and
  ➢ call customers to notify them of the office closure and offer alternative communication options.
Disaster Recovery National Dislocated Worker Grant

National Dislocated Worker Grant
Reference: TEGL 12-19, “National Dislocated Worker Grant Program Guidance”

Funds from the WIOA National Dislocated Worker Grant (NDWG) will assist affected individuals residing in workforce areas affected by the COVID-19 pandemic response beginning March 1, 2020. The US Department of Labor Employment and Training Administration (DOLETA) issued TEGL 12-19 on March 18, 2020, to provide revised guidance to states about the NDWG. The revised guidance rescinds TEGL 02-15, titled “Operational Guidance for National Dislocated Worker Grants, pursuant to the Workforce Innovation and Opportunity Act (WIOA or Opportunity Act).”

Disaster Recovery NDWG
There are two types of grants under the NDWG: Disaster Recovery grants and Employment Recovery grants. To address the effects of the COVID-19 pandemic response, including the many jobs that have been lost, TWC has received Disaster Recovery grant funding.

Disaster Recovery NDWG funds may be used to provide employment and training services to dislocated workers and other eligible individuals. NDWG funds may also be used to provide disaster-relief and humanitarian-assistance employment in disaster-declared areas, as defined in 20 CFR §687.110(b), as well as employment and training services for such employment as appropriate.

Participant Eligibility
Per 20 CFR §687.170(b), an individual eligible to receive services through a Disaster Recovery NDWG must be:
• a worker who is temporarily or permanently laid off as a consequence of the disaster;
• a dislocated worker, as defined in WIOA §3(15) and in the WIOA Guidelines for Adults, Dislocated Workers, and Youth;
• a long-term unemployed worker (defined as an unemployed individual who has been out of work for 27 weeks or more); or
• a self-employed individual who became unemployed or significantly underemployed as a result of the disaster or emergency. Examples of an underemployed individual include the following:
  ➢ An individual employed less than full time who is seeking full-time employment
  ➢ An individual who is employed in a position that is inadequate with respect to his or her skills and training
  ➢ An individual who is employed but meets the definition of a low-income individual, as outlined in WIOA §3(36)
  ➢ An individual who is employed but whose current job earnings are well below the level of earnings from his or her previous employment
DOL has indicated that self-attestation is acceptable for an initial temporary eligibility period for affected individuals. Within 30 days of the initial determination, the Board must collect documentation from the participant to validate eligibility. Boards may use the WIOA Eligibility Documentation Log as a guide for determining acceptable documentation to validate eligibility.

Priority Employment Positions
In direct response to the COVID-19 crisis, and based on the increasing spread of the coronavirus, Health and Human Services Secretary Alex M. Azar II declared a public health emergency for the United States on January 31, 2020. Additionally, the Texas Department of State Health Services (DSHS) is leading a statewide response to prevent and/or mitigate the spread of COVID-19, requiring immediate action. DSHS procured resources for the COVID-19 response, as directed by Texas Governor Greg Abbott and outlined in his report to Open Texas, which can be found at: https://open.texas.gov/uploads/files/organization/opentexas/OpenTexas-Report.pdf.

Boards participating in the NDWG program will work directly with local public health organizations or as part of the statewide effort in partnership with DSHS to hire contact tracers. DSHS procured a statewide call center, MTX, to manage the hiring of 4,000–5,000 contact tracers, contact investigators, and epidemiological investigators who will work virtually using home-based computing systems, high-speed internet connections, and headphones. MTX, in partnership with TekSystems, Inc., is working to quickly fill these positions by posting available positions on WorkInTexas.com so that all Boards can provide qualified candidates. Boards participating in the NDWG program are assisting in this effort, either locally or at the state level and will leverage federal funds against state funds.

Boards are signing Memoranda of Understanding (MOUs) and Statements of Work (SOWs) with MTX to outline the specifics of the hiring arrangement, and MTX is the work site employer for the purposes of this grant in relation to the statewide effort. Filling contact tracer positions must be the Boards’ top hiring priority. Once a Board has confirmed that it has filled all available local and statewide contact tracer positions, it can focus on other employment priorities, including:

- services to assist individuals, such as delivering medication and food to homebound individuals, working at local food banks, or performing other employment activities to meet or support basic human needs; and
- sanitizing and cleaning of public areas or areas of quarantine after use.
Allowable Activities under NDWG
NDWG activities are intended to provide a fully integrated, demand-driven response to the employment needs of individuals affected by the COVID-19 pandemic response. Allowable activities include all employment and training activities normally available to dislocated workers through Workforce Solutions Offices.

Descriptions of Allowable Activities

- **Disaster-Relief Employment**—Disaster Recovery NDWGs provide funding for the creation of disaster-relief employment, which is temporary employment of eligible individuals for the purposes described in WIOA §170(b)(1)(B) and (d), as well as 20 CFR §687.180(b) and (c). Applicants must demonstrate that disaster-relief employment created under a Disaster Recovery NDWG aligns with the following two categories:

  ➢ Cleanup and recovery efforts—For COVID-19, WIOA requires that cleanup activities respond to the impacts of the disaster. While these efforts are typically associated with the aftermath of tornadoes, fires, and floods, some cleanup activities are relevant to the coronavirus response. For example, cleanup activities may include cleaning schools or sanitizing quarantine and treatment areas after their use. If research determines that COVID-19 is more likely to spread under certain physical conditions, Disaster Recovery NDWG funds can be used to help remedy these conditions. By law, disaster-relief employment activities may include only those that respond to or mitigate the impact of the disaster; grantees may not use NDWG-funded disaster-relief employees to perform work aimed at preventing future disasters. Preventive measures such as setting up quarantines and cleaning buildings are mitigation activities because they prevent the further spread of the virus.

  ➢ Employment related to the delivery of appropriate humanitarian assistance in the immediate aftermath of the disaster or emergency—WIOA’s allowance for disaster-relief employment to provide humanitarian assistance provides the greatest range of potential disaster-relief employment activities. Disaster-relief employees may help address many needs created by the pandemic response by participating in activities, such as the following:
    - Delivering medicine, food, or other supplies to older individuals and other individuals with chronic medical disorders as well as observing appropriate training and precautions (The coronavirus infection has inflicted the most harm on these populations, and there may be a large need for such services that traditional volunteer organizations cannot support alone.)
    - Helping set up quarantine areas and providing assistance to quarantined individuals
    - Organizing and coordinating recovery, quarantine, and other related activities

- **Career Services**—Career services, as defined in WIOA §134(c)(2), are allowable and may include outreach, intake, labor exchange services, initial and comprehensive assessments, referrals, provision of labor market information, provision of information on Eligible Training Providers, and provision of information on the availability of support services.
• **Training Services**—Training services, as defined in WIOA §134(c)(3)(D), are allowable and may include occupational training, on-the-job training (including apprenticeships), entrepreneurial training, and customized training. NDWG funds may be used to reimburse up to 50 percent of the wage rate for on-the-job training or up to the reimbursement percentage that the governor or Board has approved for on-the-job training for WIOA formula programs, according to the criteria outlined in WIOA §134(c)(3)(H) and 20 CFR §680.730. The use of NDWG funds for training is subject to the limitations or requirements applicable to the WIOA Dislocated Worker program formula delineated in 20 CFR Part 680 and TEGL 19-16.

• **Support Services**—Support services may be provided to individuals, following the Board’s policies and procedures, to support individuals’ participation in NDWG project activities. Allowable support services, as defined in WIOA §134(d)(2) and 29 USC §3174(d)(2), are services such as transportation, child care, dependent care, housing, and needs-related payments. The use of NDWG funds for support services is subject to the requirements delineated in WIOA, the implementing regulations, and 2 CFR §200.402–411.

• **Needs-Related Payments**—Needs-Related Payments (NRPs), as defined in WIOA §134(d)(3), are allowable for NDWGs to enable participants who are unemployed and do not qualify for (or have ceased to qualify for) unemployment compensation to participate in training services. NRPs offered in an NDWG must adhere to state and/or local policies and procedures that are in place for all customers and may not be specifically created for NDWG participants.

A dislocated worker who has ceased to qualify for unemployment compensation remains eligible for NRPs if he or she meets the 13-week deadline for enrollment in an employment training program, as described in WIOA §134(d)(3)(B) and 20 CFR §680.950.

**TWIST Data Entry for National Dislocated Worker Grant**

TWC implemented enhancements to The Workforce Information System of Texas (TWIST) to allow tracking and reporting of NDWG participation.

Customers who receive support services under this NDWG must be recorded in TWIST. Participants may be served in their workforce area of origin or in the workforce area to which they quarantined. Both the fund and sub-fund codes are available to all Boards, and all services are allowable. Customers who are participating in disaster-relief employment must be tracked using service code 43 – Subsidized Work and the fund code 210 – COVID-19 TX-34.

**TWIST Reports for COVID-19 Pandemic**

The NDWG fund code and sub-fund codes have been added to the following workforce reports:

- 1 – Active List
- 6 – Late Data Entry
- 19 – Exit List
Monitoring
Board staff is expected to perform monthly site visits to ensure that subcontractors and/or temporary workers are complying with the work site agreement. For those work sites that have occupancy restrictions in place due to the pandemic response, and for the safety of staff, the site visits may be conducted virtually. Virtual platforms for videoconferencing, such as FaceTime, Teams, and Zoom, are acceptable tools for the virtual visits. Site visit details will be documented on Attachment A-1, “NDW Progress Report,” as part of the Grant Award Agreement contract.

Safety Training
For all NDWG projects, Boards must ensure that project participants follow the same health and safety standards applicable to working conditions of permanent employees, as established under federal and state law. Boards must provide appropriate safety training, as described in the Occupational Safety and Health Act of 1970, and they must ensure that working conditions are safe.