

TEXAS WORKFORCE COMMISSION
Workforce Development Letter

ID/No:	WD 10-20
Date:	April 29, 2020
Keyword:	Child Care; Natural Disaster
Effective:	Immediately

To: Local Workforce Development Board Executive Directors
Commission Executive Offices
Integrated Service Area Managers

Reagan Miller

From: Reagan Miller, Director, Child Care & Early Learning Division

Subject: **COVID-19 and Assistance for Open Child Care Providers**

PURPOSE:

The purpose of this WD Letter is to provide Local Workforce Development Boards (Boards) with guidance on issuing supplemental payments to child care programs that remain open during the global pandemic of coronavirus disease 2019 (COVID-19).

RESCISSIONS:

None

BACKGROUND:

On April 14, 2020, Texas Workforce Commission's (TWC) three-member Commission (Commission) authorized Boards to issue supplemental payments to providers that remain open to serve essential workers during the COVID-19 global pandemic. These providers face higher operating costs associated with following Centers for Disease Control [guidance](#), which requires smaller group sizes and lower staff ratios as well as additional precautions to address health and safety needs during the pandemic.

PROCEDURES:

No Local Flexibility (NLF): This rating indicates that Boards must comply with the federal and state laws, rules, policies, and required procedures set forth in this WD Letter and have no local flexibility in determining whether and/or how to comply. All information with an NLF rating is indicated by "must" or "shall."

Local Flexibility (LF): This rating indicates that Boards have local flexibility in determining whether and/or how to implement guidance or recommended practices set forth in this WD Letter. All information with an LF rating is indicated by "may" or "recommend."

NLF: Except for relative child care providers, as defined in TWC Chapter 809 Child Care Services rule §809.2(21), Boards must adjust reimbursement payments to provide an additional 25 percent to providers that were open and that provided subsidized care at any time during the service month, beginning with service month April 2020. This includes payments made that include April 1, 2020 and might include services from March 2020.

NLF: Boards must retain records of original reimbursement payment amounts and must track the additional 25 percent separately from the original reimbursement payment amount. These payments will not be tracked in The Workforce Information System of Texas (TWIST).

NLF: Boards must notify all providers of this policy to temporarily increase reimbursement payments, including advising providers of the interim nature of the policy, which is intended to provide support during the COVID-19 crisis.

NLF: Boards must be aware that the additional 25 percent must be paid on all child care referrals for providers that were open, including Texas Department of Family and Protective Services (DFPS) referrals.

NLF: Boards must be aware that these 25 percent supplemental payments must be charged to the Board's Child Care Formula (CCF) grant. Boards must not charge 25 percent supplemental payments to Child Care Protective (CCP) funding regardless of whether there were DFPS-referred children in care at the provider.

NLF: Boards must report the 25 percent supplemental payments in the monthly Cash Draw and Expenditure Reporting (CDER) system under the appropriate "CARES" cost category for direct care.

NLF: Boards must ensure that the 25 percent supplemental payments coincide with the Board's regular provider payment cycle.

NLF: Boards must ensure that the supplemental payments are clearly differentiated from providers' regular reimbursement, such as through the issuance of a separate check or a clear description on the check stub.

NLF: Boards must be aware that TWC will monitor the COVID-19 emergency and use of funds monthly and will advise Boards when to discontinue supplemental payments.

NLF: Boards must be aware that the 2020 Coronavirus Aid, Relief, and Economic Security Act, or CARES Act, allows and encourages providers to use supplemental funds to pay staff salaries.

LF: Boards may employ strategies to incent and encourage providers to use these additional funds to pay staff, including increasing pay, if financially possible, during the crisis in recognition of the greater exposure risks that child care staff assumes.

INQUIRIES:

Send inquiries regarding this WD Letter to childcare.programassistance@twc.state.tx.us.

REFERENCES:

Coronavirus Aid, Relief, and Economic Security Act
TWC Chapter 809 Child Care Services Rules