

COVID-19 Frontline Essential Workers Who Are Program Owners and/or Directors Discussion Paper

1 **Background**

2 On March 24, 2020, the Texas Workforce Commission's (TWC) three-member Commission
3 (Commission) authorized TWC and Local Workforce Development Boards (Boards) to
4 implement emergency child care in response to the COVID-19 global pandemic. The
5 Commission's actions included the expansion of TWC's definition of children needing
6 protective services to include children of COVID-19 Frontline Essential Workers.

7 Additionally, on April 7, 2020, the Commission authorized the prioritization of child care
8 services within the COVID-19 Frontline Essential Workers category and designated child care
9 workers as top priority.

10 Due to statewide school closures, many program owners and/or directors must provide child care
11 to their own children while continuing to operate their programs. Owners and/or directors
12 assume significant risk to themselves, their families, their staff, and their businesses in order to
13 continue to provide care to essential workers during the emergency. Essential workers
14 themselves, many directors and/or owners also meet TWC's income eligibility threshold for
15 COVID-19 Frontline Essential Workers.

16 **Issue: COVID-19 Frontline Essential Workers Who Are Program Owners and/or Directors**

17 TWC Child Care Services rule §809.91(f)(1) requires Boards to ensure that, with the exception
18 of foster parents, subsidies are not paid for a child at licensed child care centers, including
19 before- or after-school programs and school-age programs, in which the parent or his or her
20 spouse, including the child's parent or stepparent, is the director or assistant director, or has an
21 ownership interest.

22 If TWC waived the requirement in §809.91(f)(1) and treated COVID-19 Frontline Essential
23 Workers the same way foster parents are treated, it would support the availability of child care
24 for essential workers, allowing eligible workers who also own and/or operate a child care
25 program to receive subsidies for their own children who are in care at the program.

26 **Decision Point**

27 Staff seeks direction on waiving the provision at §809.91(f)(1) for COVID-19 Frontline Essential
28 Workers.