



LOS ANGELES COUNTY

WIA Adult and Dislocated Worker Programs

DIRECTIVE

NUMBER: LACOD-WIAD08-31

**SUBJECT: National Emergency Grant -
Firestorms 2007 – Allowable Services & Costs**

DATE: 04/29/08

EFFECTIVE DATE: 12/04/07

**TO: ALL WORKFORCE INVESTMENT ACT (WIA) NATIONAL EMERGENCY
GRANT (NEG) CONTRACTORS**

PURPOSE

This Directive replaces the instructions found in WIA Directive LACOD-WIAD08-22 regarding the use of the Firestorms 2007 WIA National Emergency Grant (NEG) funds for the purpose of assisting workers in pursuing/finding employment outside of the NEG Program. It is intended to replace any information previously provided to you by the County regarding this subject.

BACKGROUND/POLICY

As a result of the 2007 Firestorm Disaster, the County of Los Angeles received funding to provide emergency services and to remediate the burn areas. As it relates to using the funds for assisting workers with future employment, the federal guidelines permit such activities.

However, direction from the Employment Development Department (EDD) indicates that NEG funds are not to be used for this purpose. The State's position is that this requirement may change in the future if additional funding is received from the Department of Labor (DOL). (See Attachment 1) Therefore, any requests for payment of costs incurred for assisting NEG workers in obtaining employment outside of the NEG program will be rejected and may be considered questioned or disallowed costs.

Effective Date

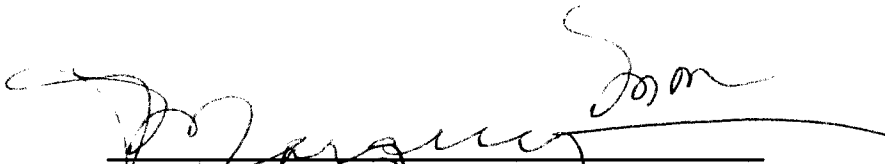
The instructions in this Directive are a supplement to the email sent on April 3, 2008 advising all contractors to ensure that NEG funds are not to be used for the activities described above. (See Attachment 2) The effective date for this Directive is December 4, 2007, the inception date of the contracts.

ACTION:

Los Angeles County WIA NEG contractors should ensure that the requirements described herein are communicated throughout the operations, management and governance structure of the contractor organization and that this Directive is appropriately maintained until further notice.

INQUIRIES

Inquiries regarding this Directive and the policies and procedures described herein should be directed to Judy Weddle at (213) 639-6093 or jweddle@css.lacounty.gov.



**Josie Marquez, Assistant Director
Workforce and Community Services Branch**

Attachments (2)

JM:MM:JW

CALIFORNIA NATIONAL EMERGENCY GRANT (NEG) COMMENTS AND CONDITIONS --

The subgrantee will comply with the following Comments and Conditions relating to NEG disaster grants which include U.S. Department of Labor and State of California requirements:

Purpose

Pursuant to WIA Sec. 173(d), a key initial purpose of NEG Disaster Grants is to create temporary jobs (Disaster Relief Employment) to assist in the clean-up and restoration efforts as a result of the disaster. These temporary jobs may also include working on projects that provide food, clothing, shelter and other humanitarian assistance for disaster victims. The work may be done through public and private agencies and organizations engaged in such projects. The initial project may include delivery, to Temporary Workers, of the full array of workforce development activities (but excluding NEG- funded training) that are available under the Workforce Investment Act (WIA).

Deobligation/Reobligation

The State of California reserves the right to unilaterally deobligate and reobligate funds from and to NEG project subgrantees in order to ensure funds are utilized promptly and effectively to fulfill the purposes of this project and to ensure that workers needing assistance are receiving it. The State of California will provide prior notice and an opportunity for comment to subgrantees which will be affected by a pending deobligation/reobligation action.

Coordination

Federal Emergency Management Agency (FEMA)-- Subgrantees should coordinate the activities funded under this subgrant with those funded in their areas by and/or performed under the auspices of FEMA in order to ensure non-duplication and maintenance of effort.

Heavy Equipment -- FEMA has extensive experience in obtaining and/or leasing heavy equipment in the aftermath of disasters, and provides such equipment for a limited period of time to permit clean-up, reconstruction and other allowable activities following a disaster. If FEMA equipment is not available, subgrantees should seek in-kind (i.e., no cost) contributions of heavy equipment from partner agencies. If no-cost heavy equipment is

unavailable from FEMA or partner agencies, subgrantees may request permission from the State to cost-effectively lease or otherwise obtain heavy equipment that is needed to facilitate the safe and efficient work of NEG participants. The State will seek permission from the Department of Labor to approve such requests. However, subgrantees should be aware that, generally, the Department of Labor will not authorize use of NEG funds for the purchase or lease of heavy equipment for disaster relief work.

Other Federal Assistance Programs -- The Small Business Administration, Department of Agriculture, the Department of Health and Human Services, and other Federal Agencies provide a variety of needed services in disaster areas. Subgrantee staff should be aware of such available services that may be needed by participants and be able to make the appropriate referrals.

Other Emergency Services Provided by Disaster-Affected Communities

- Local emergency transportation services. With the destruction of many cars due to disasters, temporary transportation systems are sometimes established by state or local governments to transport workers to disaster work sites and other community services. Project staff should be able to provide information about such systems to participants, as appropriate. The costs of transporting participants to worksites are allowable NEG project costs if previously included in the subgrantee's project budget.
- Other workforce development services. Frequently, non-WIA workforce development services may be available through a variety of sources, including the U.S. Department of Labor, e.g., WIA formula funds, national programs, veterans programs, older worker programs, Native American programs, etc. Project/One Stop Career Center staff should be able to provide information about such additional services to participants, as appropriate, and should coordinate services under this subgrant to ensure that services are not being duplicated and that participants are not receiving the same assistance from more than one resource.

Procurement

Subgrantees are subject to the WIA administrative rules, including the administrative requirements at 29 CFR Part 97. Permission for sole source procurement may be requested from/authorized by the State to enable the project to become operational in a timely manner, given the critical nature of the project.

Eligible Participants for NEG Disaster Projects (WIA Sec. 173(d)(2))

Individuals eligible to participate in NEG Disaster projects are--

- (1) Workers who have been temporarily or permanently dislocated as a result of the disaster;
- (2) Eligible dislocated workers as defined in WIA Sec. 101(9) who are unemployed and not receiving unemployment compensation (UI) or other types of income support; and
- (3) Individuals who are long-term unemployed (unemployed for 5 of the last 26 weeks).

Priority to participate in the grant should be given to category 1) workers, i.e., those workers who have experienced temporary or permanent job loss as a result of the covered disaster.

Self-certification – The participant file must document participants' eligibility. Because of the circumstances surrounding the disaster, documentation of eligibility may be difficult to obtain during the initial stages. The Department of Labor and the State of California will accept an individual's initial signed certification that s/he meets the eligibility criteria. The subgrantee should have a system in place to verify the eligibility of individuals who have been enrolled on the basis of self-certification and should implement that system once better data are available. If the subgrantee has such a system in place, and has implemented that system, and a self-certified participant is later found to be ineligible, the costs related to that participant which were incurred prior to the discovery of her/his ineligibility will not be disallowed by the Department of Labor or the State of California.

Residency of Participants -- There are no eligibility or selection limits based on workers' places of residence. Preference should be given to those individuals who lost their jobs (temporarily or permanently) as a result of the disaster.

Limitations on Duration of Participation and Wages -- Temporary jobs created under this subgrant shall be in public or private non-profit agencies. No individual shall be employed in Disaster Relief Employment for more than six months (or 1,040 hours) related to recovery from a single natural disaster, pursuant to WIA Sec. 173(d)(3). The maximum wage paid to any one participant in a single natural disaster is generally \$12,000 (excluding fringe benefits).

Participant Compensation

Rate of Pay -- Participants must be paid the higher of the Federal, state or local minimum wage, or the comparable rates of pay for other individuals employed in similar occupations by the same employer.

Overtime -- Participants may work overtime (subject to regulations of the Fair Labor Standards Act with respect to level of compensation), provided that this is part of the design of the project and regular employees of the employer in question are also working overtime, subject to the limit on duration and level of compensation for workers under this project.

Workers' Compensation -- Workers' compensation shall be available to all participants. For work-related activities, income maintenance coverage is not required for the participants (WIA Sec. 181(b)(4)).

Health Benefits -- 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 (WIA Sec. 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 subgrant are classified as temporary.

Retirement -- No contributions to retirement funds shall be made on behalf of project participants from subgrant funds.

Eligible Worksites –

Types of Worksites -- Worksites may be established where authorized clean-up, restoration, and service (humanitarian) activities are performed related to the covered disaster.

As stated earlier, the purpose of the temporary jobs is to restore the public infrastructure and services so that regular business and employment activities can be resumed, as well as to work on projects that provide humanitarian assistance to victims of the disaster. The Department of Labor expects that the State and the subgrantee, will prioritize the worksites for temporary jobs such that the highest priority is for public facilities which have been most severely damaged, consistent with the strategic plans of the community. The second priority is for private non-profit facilities which have the highest impact on providing needed temporary services and/or restoring public services, etc. Generally, worksites will be limited to public and private non-profit facilities and property where non-participant state

and local government employees and employees of applicable non-profit agencies are employed in the clean-up effort. Under certain circumstances, work on private property may be authorized to the extent that it meets the requirements outlined in the **Eligible Activities** section entitled "Work on Private Property." Subgrantees must secure approval from the State of California before beginning any work on private property.

Location of Worksites -- The geographic areas where the worksites are located must be within the geographic area covered by the FEMA declaration that the geographic area is eligible for public assistance.

Health and Safety Standards -- State and Federal standards, otherwise applicable to working conditions of regular employees, shall be applicable to working conditions of participants. Where a participant is engaged in activities not covered under the Occupational Safety and Health Act of 1970, as amended, the participant shall not be required or permitted to work, be trained, or receive services in buildings or surroundings or working conditions that are unsanitary, hazardous, or dangerous to the participants' health or safety. A participant employed or trained for inherently dangerous occupations, e.g., fire, police or traffic control jobs, shall be assigned to work in accordance with reasonable safety practices (WIA Sec. 181(b)(4)). Subgrantees shall provide job-related orientation and health/safety orientation to all Temporary Workers before they begin to work. (The costs of Temporary Worker orientation shall be charged to the "Other" line item. Such costs shall not be charged to the "NEG - funded Training" line item.)

Eligible Activities

Temporary Jobs -- The primary, initial activity under this grant will be the placement of individuals in temporary disaster relief jobs related to assisting the communities to recover from the natural disaster events and working on projects that provide humanitarian assistance to the disaster victims.

Employment-related assistance - - Subgrantees must provide assistance to enable Temporary Jobs workers to return to the workforce in high-growth, demand occupations as identified by the local Workforce Investment Board. The funding of such assistance is described in the section headed **Funding of Assistance to Participants to Return to Regular Employment**, below.

Work on Private Property -- There are two circumstances where Disaster Relief work by NEG Project participants may be performed on private property impacted by the covered disaster. Subgrantees may not assign participants to work on private property worksites even though authorized below until they receive the State's approval to engage in one or more of the following:

(1) Clean-up activities on private property may be performed by NEG Disaster participants if workers from units of general local government are also (a) authorized to conduct such work and (b) are performing such work.

(2) As determined by the extenuating circumstances of the disaster for which NEG funds are being provided, repair and restoration activities are authorized on the private property of **economically disadvantaged individuals**, under the following specific conditions. **In order to be authorized, all of the following conditions must be met:**

- a. Work can only be performed on the homes of economically disadvantaged individuals who are eligible for the federally-funded Weatherization program; and
- b. Work may be performed on private land or homes of such individuals if the non-WIA employees of the employing unit or state or local government workers are authorized to do the same work and are in fact engaged in performing the work using non-WIA funds; and
- c. Work on private land or buildings is performed to remove health and safety hazards to the larger community; and
- d. The work is limited to returning a home to a safe and habitable level -- not to make home improvements; and
- e. Priority is given for service to the elderly and individuals with disabilities; and
- f. WIA funds cannot be used for the cost of materials to do repairs; and
- g. Work must be disaster-related and not related to general home improvements authorized under the federal Weatherization program; and
- h. Work is coordinated with or supervised by the local agency responsible for the federal Weatherization program.

Supportive Services -- Such services are authorized to enable an individual to participate in the project. They may include: reimbursement or payment for such costs as child care, transportation to and from the job, work-related physical examinations and medical treatment, etc. In addition, personal safety equipment

and other work-related equipment are authorized, including such items as work gloves, steel-toed boots, hard hats, uniforms, small tools, etc., required for the participant to be employed in the jobs related to the clean-up, or participate in the workforce development services offered under the project.

Supportive services must be administered consistent with the subgrantee's in-place, written supportive service policy which may be amended to meet NEG conditions and circumstances.

Funding of Assistance to Participants to Return to Regular Employment

It is the goal of disaster projects, after the clean-up activities are completed, to return workers to employment -- either their previous employment or to new employment. At this time, other funds (i.e., formula funds) must be used as the NEG funds under the current grant award cannot be used for employment-related assistance. At a later date, a subgrant modification will be required to incorporate such services if a grant modification by the State to DOL is requested and approved for use of the NEG grant funds for employment-related assistance. If approved, applicable performance goals will apply.

Other Project Requirements

- The subgrantee must have in place procedures to ensure compliance with non-duplication and maintenance of effort as required by the WIA statute.
- The subgrantee must have in place a plan to recover WIA funds which have been expended for activities or services for which other funds are available. This includes, but is not limited to: HUD, FEMA, public or private insurance, and donated time and construction workers employed by private for-profit firms where resources are available to provide for such employment.
- The subgrantee must comply with the Labor Standards provisions as required in the WIA regulations at 20 CFR 667.272.

Reporting Requirements

The subgrantee will ensure that its reports of expenditures are consistent with, and do not exceed the limits set by, the Budget and Project Plan which is part of this subgrant. If variations are found to be necessary, the subgrantee will first secure approval from the State. In most cases, variations will necessitate a subgrant modification.

The subgrantee must provide Weekly Reports to the State beginning from the time the grant is awarded through the first six months of project operation. Thereafter, the report may be submitted monthly, through the end of the temporary job component of grant activities. These reports shall include:

- Total participants currently working in temporary jobs;
- Total cumulative participants enrolled in the project, to date;
- Number and locations of current worksites;
- Number and locations where work has been completed;
- Locations of Pending Worksites;
- Types of activities and services being provided by participants in temporary jobs;
- Any significant event that occurred during the reporting period;
- Significant changes in impact, as determined by the subgrantee, not previously reported;
- Total (i.e., cumulative) accrued expenditures to date;
- The number of subgrantee monitoring visits to local worksites; and
- Issues/Concerns/Other comments.

These reports shall be submitted by the close of business of the last day of each reporting period, via e-mail, to the State's NEG Coordinator with copies to other designated individuals.

The subgrantee will submit requested information for a Project Close-out Report, without further compensation, within 30 days after the end of the project.

Judith Weddle

From: Judith Weddle
Sent: Thursday, April 03, 2008 2:33 PM
To: Angie Cooper; Bo Savage (bsavage@lacorps.org); Daniel Levitch (dlevitch@goodwillsocal.org); ddemers@sgvcorps.org; George Hernandez (Jorge.Hernandez@laworks.org); Robert Skillman; Robert Soule
Subject: NEG Plan Comments and Conditions
Attachments: Subgrant boilerplate (6) (5).doc

If you have not yet seen the attached document, I wanted to make sure everyone had it and we are all on the same page.

The important part of the document appears on page 7 which states that NEG funds **cannot** be used for any activities related to return from temporary work to regular employment. Instead, other funds (i.e., formula funds) are to be utilized to assist workers to find employment.

This means you cannot use those funds budgeted for these types of services (such as case mgt.) in your NEG contract and the funds must be used in other ways (such as, participant wages). It further means, that any type of training that is done for purposes of helping workers get future employment must either be stopped or funds found elsewhere for these types of services. Training must be directly related to the temporary jobs the workers have been hired to do.

Please let me know if you have any questions.

*Judy Weddle, NEG Coordinator
Los Angeles County
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Senior Services
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Los Angeles, CA 90020
(213) 639-6093*

From: Patton-Finch, Linda@EDD [mailto:Linda.Patton-Finch@EDD.ca.gov]
Sent: Tuesday, April 01, 2008 2:40 PM
To: Judith Weddle; McNeal, Richard@EDD
Cc: Josephine Marquez
Subject: Comments and Conditions

Please read the Comments and Conditions of the NEG 2007 Wildfire Project. They were developed by the Department of Labor and will be included in the subgrants.

If you have any questions, please feel free to contact me.

Linda M. Patton-Finch
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Workforce Services Branch
Program and Technical Assistance Section
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