

**Hurricane Harvey:  
Program Operations and Technical Assistance Guide**

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## A. INTRODUCTION

### Background

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Hurricane Harvey struck the Texas Gulf Coast between Port Aransas and Port O'Connor on August 25, 2017. Storm surge, catastrophic and widespread flooding, and damaging winds devastated coastal communities, Houston, and surrounding areas of southeastern Texas.

As of October 11, 2017, the Federal Emergency Management Agency (FEMA) had declared fifty Texas counties federal disaster areas. Eight local workforce development areas (workforce areas) have been approved for federal public and individual assistance. Additionally, nine counties in seven workforce areas that sustained little or no storm damage have been approved for federal public assistance to help manage the influx of evacuees.

Federal, state, and local governments moved quickly to implement programs and policies that address the workforce system needs of the affected communities.

This guide provides guidance to Local Workforce Development Boards (Boards) and contractors on the National Dislocated Worker Grant (NDWG), programmatic waivers, and special policy provisions for individuals affected by Hurricane Harvey.

### Hurricane Harvey Federal Disaster Declarations

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The FEMA defines Public Assistance (PA) as assistance to state, local, and certain private and nonprofit organizations for emergency work and the repair or replacement of disaster-damaged facilities. To facilitate the processing of PA grants, FEMA has divided disaster-related work into the following categories:

- Individual Assistance (IA)
- PA Category A (PA-A) for debris removal and recovery work
- PA Category B (PA-B) for emergency protective measures
- Permanent Work (Categories C-G): Work that is required to restore a damaged facility, through repair or restoration, to its pre-disaster design, function, and capacity in accordance with applicable codes and standards. Categories C-G are specific to FEMA recovery and are not covered under the grant awards with the NDWG.

#### IA, PA-A, and PA-B Designated Counties

*(Individual Assistance and Assistance for Emergency and Recovery Work):*

- **Alamo:** Karnes
- **Coastal Bend:** Aransas, Bee, Kleberg, Nueces, Refugio, and San Patricio
- **Deep East:** Jasper, Newton, Polk, Sabine, San Jacinto, and Tyler

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- **Golden Crescent:** Calhoun, DeWitt, Goliad, Gonzales, Jackson, Lavaca, and Victoria
- **Gulf Coast:** Austin, Brazoria, Chambers, Colorado, Fort Bend, Galveston, Harris, Liberty, Matagorda, Montgomery, Walker, Waller, and Wharton
- **Rural Capital:** Bastrop, Caldwell, Fayette, and Lee
- **Southeast Texas:** Hardin, Jefferson, and Orange

### PA-B Designated Counties

(Emergency Protective Measures):

- **Alamo:** Bexar, Comal, Guadalupe
- **Capital Area:** Travis
- **Central Texas:** Milam
- **Coastal Bend:** Jim Wells
- **Deep East:** San Augustine
- **Greater Dallas:** Dallas
- **Tarrant County:** Tarrant County

### IA Designated Counties

- **Brazos Valley:** Grimes

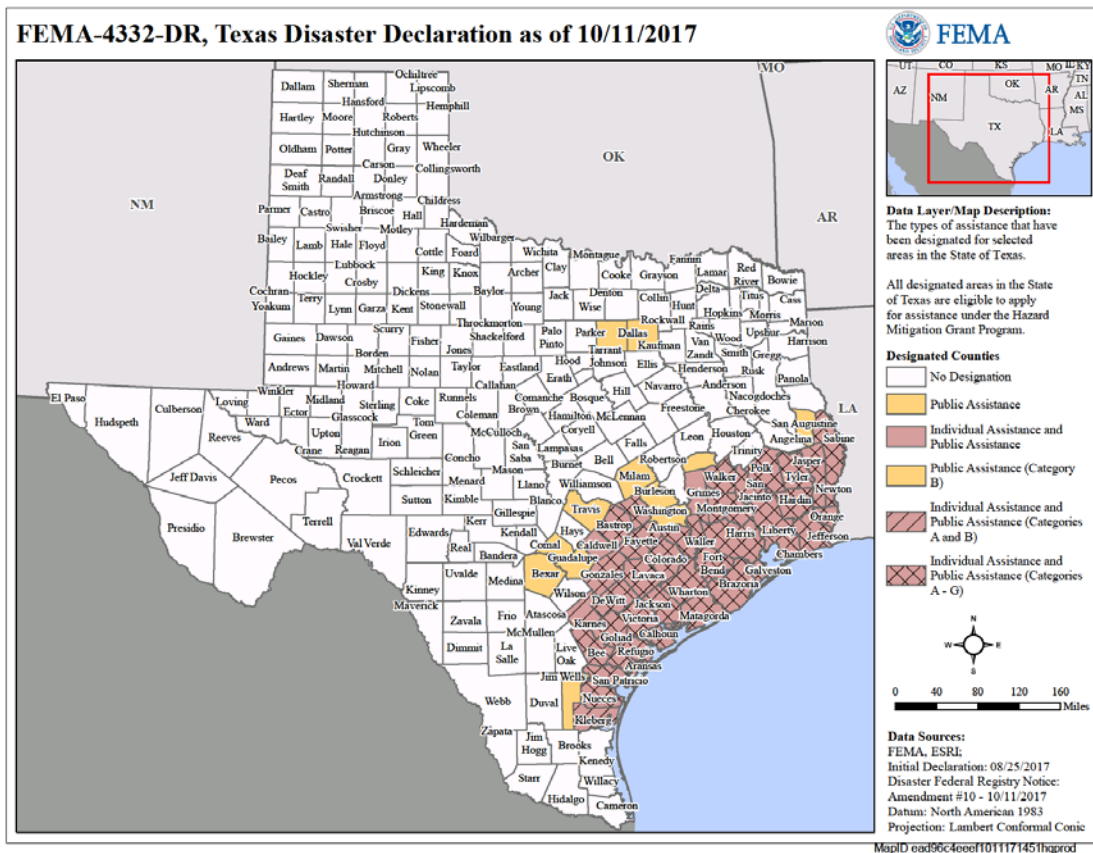


Figure 1: FEMA Disaster Declarations for Counties Affected by Hurricane Harvey

## Summary of Hurricane Harvey Waivers

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The Texas Workforce Commission (TWC) requested waivers to obtain the flexibility needed to provide workforce areas with resources to assist disaster-affected individuals, businesses, and evacuees.

### Waivers Granted by the US Department of Labor

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The following waivers were approved by the US Department of Labor Employment and Training Administration (DOL/ETA). Follow the hyperlinks below to learn limitations and implementation details for each waiver:

- [Flexibility with Workforce Innovation and Opportunity Act \(WIOA\) formula funds](#)  
This waiver allows Boards to request the use of up to 100 percent of local formula-allocated funds to provide statewide employment and training activities and to provide the required and allowable statewide youth activities. (A similar waiver request was approved in 2005 for Hurricanes Katrina and Rita.)
- [Flexibility with WIOA Youth formula funds](#)  
This waiver allows the 75 percent out-of-school youth expenditure requirement to be extended to serve in-school youth dislocated because of Hurricane Storm Harvey.
- [Capitalization of small businesses with WIOA funds](#)  
This waiver allows the use of Workforce Innovation and Opportunity Act (WIOA) funds to capitalize small businesses that were affected by Hurricane Harvey. (Similar waiver requests were approved in 2005 for Hurricanes Katrina and Rita and in 2008 for Hurricanes Dolly and Ike.)
- [Required WIOA Youth program elements](#)  
WIOA requires all 14 youth program elements to be made available to youth participants. This waiver allows affected workforce areas to focus on the youth services or program elements that are most needed by disaster-affected youth. (A similar waiver request was approved in 2005 for Hurricanes Katrina and Rita and in 2008 for Hurricanes Dolly and Ike.)
- [Use of WIOA ITAs for ISY](#)  
This waiver allows individual training accounts (ITAs) to be provided to in-school youth ages 16–21 as well as out-of-school youth ages 16–24. (A similar waiver request was approved in 2005 for Hurricanes Katrina and Rita.)

## **B. NATIONAL DISLOCATED WORKER GRANT**

When Hurricane Harvey made landfall in Texas, DOL/ETA immediately issued “Change 2 to Training and Employment Guidance Letter (TEGL) 1-17, Dislocated Worker Opportunity Grants” with an effective date of September 1, 2017. In response to the critical need posed by the clean-up and recovery required in the aftermath of Hurricane Harvey, TEGL 1-17, Change 2, redirected funding resources to workforce areas within Texas that were affected by the storm.

WIOA §170(b) authorizes the Secretary of Labor to award national dislocated worker grants to the governor of any state where a major disaster or natural catastrophe has occurred, and to provide:

- disaster relief employment in a disaster area
- assistance to the substantial number of workers who were forced to relocate from an area in which a disaster has been declared

Funds from the WIOA National Dislocated Worker Grant (NDWG) will assist affected individuals residing in local workforce areas affected by Hurricane Harvey from August 25, 2017. The NDWG funds will ensure an effective workforce system response that creates temporary employment opportunities to assist with clean-up, recovery, and humanitarian efforts.

### **Participant Eligibility**

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Participants must be determined eligible as defined in WIOA §170(d)(2) to be offered disaster relief employment under the NDWG awarded after Hurricane Harvey. An eligible individual is one or more of the following:

- A dislocated worker as defined in WIOA §3(15) and in the [\*WIOA Guidelines for Adults, Dislocated Workers, and Youth\*](#)
- A long-term unemployed individual
- Temporarily or permanently laid off as a consequence of the disaster
- A self-employed individual who becomes unemployed or significantly underemployed as a result of the disaster
- A dislocated worker in “stop gap employment”

**Note:** Anyone in the impacted area will be considered eligible for NDWG funds if he or she meets the criteria above.

#### **Long-Term Unemployed Individual**

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Boards must be aware that for purposes of this grant, the State defines a long-term unemployed (LTU) individual as anyone who has been unemployed for at least 10 weeks or more (up to 26 weeks as defined by the Board) and meets at least one or more of the following criteria:

- Individuals who are LTU at the time of the covered disaster

- Individuals who were unemployed and seeking employment at the time of the covered disaster
- Individuals who were seeking employment prior to the covered disaster
- Individuals who do not currently have employment opportunities to return to because of the covered disaster

### **Dislocated Worker in Stop-Gap Employment**

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Dislocated workers in “stop gap employment” are defined as currently employed workers who were recently unemployed or temporarily laid off because of Hurricane Harvey, but who have returned to work to assist with the Rebuild Texas efforts. Dislocated workers who are currently employed in survival jobs and want to assist with the Rebuild Texas efforts also meet this criteria.

### **Self-Attestation of Eligibility**

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Due to circumstances surrounding the disaster, it may be difficult for some customers to obtain eligibility documentation. Therefore, DOL has indicated that self-attestation is acceptable for an initial, temporary eligibility period for affected individuals.

Boards must be aware that within 60 days, procedures must be in place to verify eligibility for individuals granted temporary eligibility. Boards have flexibility to define the allowable duration of temporary eligibility in their local procedures.

### **References:**

All services subcontracted or subawarded by Boards must be provided in compliance with the following:

- WIOA, Public Law 113-28, 29 United States Code (USC) §3101, *et seq.*
- WIOA regulations at 20 Code of Federal Regulations (CFR) Parts 675–687
- 29 CFR Part 37 – Implementation of the NonDiscrimination and Equal Opportunity Provisions
- H.R. 244 Consolidated Appropriations Act of 2017
- Wagner-Peyser Act, 29 USC §49, *et seq.*
- DOL/ETA NDWG Notice of Award, TX – Disaster – 2017 Hurricane Harvey EM 31141-17-60-A-48 Terms and Conditions
- Office of Management and Budget – Uniform Guidance at 2 CFR Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements
- TEGL 1-17, Change 2, Dislocated Worker Opportunity Grants; TEGL 2-15, Operational Guidance for the National Dislocated Worker Grants, pursuant to WIOA

### **Allowable Activities under NDWG**

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NDWG activities are intended to provide a fully integrated, demand-driven response to the transition needs of individuals affected by Hurricane Harvey. Allowable activities include temporary disaster relief employment and all other employment and training activities normally available to dislocated workers through Workforce Solutions Offices.

Boards must be aware that NDWG activities are allowable based on FEMA disaster designations for public assistance. Boards with [counties designated by FEMA](#) shall make the following services available to individuals based upon need:

<b>Allowable Activity</b>	<b>Areas Designated PA-A and PA-B</b>	<b>Areas Designated PA-B Only</b>
Disaster relief employment	✓	
Career services	✓	✓
Training services	✓	✓
Support services (excluding child care)	✓	✓
Needs-related payments	✓	✓
Child care services	✓	

**Descriptions of Allowable Activities**

**Disaster Relief Employment\*** – temporary subsidized employment created to do the following:

1. Help provide food, clothing, shelter, or related humanitarian services
2. Perform demolition, cleaning, repair, renovation, or reconstruction of damaged and destroyed structures, facilities, and lands located within the designated disaster area and in offshore areas related to the emergency or disaster

\*Boards must be aware that disaster relief employment that is for humanitarian purposes as defined in #1 above may be provided in adjacent counties that are not designated disaster areas.

**Career and Training 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. These career services may include expenses incurred by using mobile units from other workforce areas. As defined in the [WIOA Guidelines for Adults, Dislocated Workers, and Youth](#), training services are provided to equip individuals to enter the workforce and retain employment.

Career and training services are allowable for those grant participants who are unlikely to return to their prior employment. NDWG funds may provide career and training services independently or concurrently with participation in the temporary disaster relief employment. Clean-up and recovery activities must take precedence when offered in conjunction with career and training services.

**Support Services** – provide support services in accordance with the Board’s policies and procedures to individuals to support their participation in the NDWG project activities. Allowable support services as defined in WIOA §134(d)(2), 29 USC §3174(d)(2), are allowable for NDWG participants. The use of NDWG funds for support services is subject to the requirements delineated in WIOA, the implementing regulations, and 2 CFR §200.402–200.411. Boards may contract with transportation providers such as van and shuttle services but only to support those participants affected with hours that go beyond the normal local transportation schedules.

**Note:** [Child care](#) is an allowable support service only for those workforce areas with PA-A designations.

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

Other workforce services, including career and training services, are designed to assist the NDWG participant to transition from temporary disaster relief employment to full time unsubsidized employment.

## **Temporary Employment under NDWG**

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Temporary disaster relief employment is work related to recovery from a single emergency or disaster event, such as Hurricane Harvey. As defined under *Descriptions of Allowable Activities* above, [Disaster Relief Employment](#) is temporary subsidized employment created to support individuals and businesses affected by the storm.

Under WIOA §170(d)(3)(A), the duration of temporary employment for eligible workers must be limited to no more than a total of 2,080 hours (12 months) for work related to recovery from a single disaster. If clean-up work remains in the project after the participants reach their temporary employment limit, the Board must bring in new eligible workers to replace those who have already worked a total 2,080 hours. Eligible workers may work intermittently for longer than 12 months as long as total participation does not exceed 2,080 hours.

Boards must be aware that outreach efforts should emphasize workers who lost employment as a result of the disaster. Veterans' preference and Veterans' priority of service applies within these eligible groups.

Boards must also be aware that they may use NDWG funds to contribute to a permanent or temporary employee's retirement plan if the temporary staffing company (employer) has an established written policy (Uniform Guidance §200.431(c) and (g)).

### **OSHA Training for Disaster Workers**

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Boards must provide individuals enrolled in disaster relief employment with appropriate safety training. Disaster worker safety training must be completed prior to a temporary worker going onto a disaster worksite.

Boards must be aware that since OSHA Training is a requirement for temporary clean-up jobs, the training is part of the job. Therefore, individuals engaged in clean-up work should be vetted and should be 'on-the-clock' as soon as the safety training begins. If a temporary employee is not engaged in direct clean-up but is performing non-hazardous disaster site work (such as office work or foodbank work), then OSHA safety training is not required.

Boards must be aware that the Occupational Safety and Health Administration (OSHA) defines the requirements for disaster worker safety training. OSHA's 15-hour Disaster Site Worker course provides workers with an awareness of the safety and health hazards they may encounter and procedures for mitigating those hazards. Prior to taking the Disaster Site Worker course, individuals must complete either of the 10- or 30-hour OSHA Construction or General Industry Outreach Training Program class/certification.

Additional information about safety training can be obtained from the [OSHA Disaster Site Worker Procedures](#) or by contacting OSHA. Contact information for all things Hurricane Harvey-related is following:

- OSHA-Harvey-JFO@dol.gov
- (202) 578-2934

Questions and requests to OSHA should contain the following subject line to alert OSHA staff: *TWC Hurricane Harvey NDWG OSHA*.

### **Disaster Employment Work Sites**

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Temporary disaster relief employment is limited to work sites that are in FEMA-designated disaster areas that are eligible for public assistance. As cited in TEGl 2-15, entitled, "Operational Guidance for National Dislocated Worker Grants, pursuant to WIOA," Boards must prioritize work sites for temporary jobs so that priority is given to facilities based on the type of structure (public, nonprofit, or private) and the extent of damage inflicted on the structure by the disaster event, as follows:

- Highest priority: public facilities that have been most severely damaged, consistent with the strategic plans of the community
- Second priority: other public facilities with less severe damage
- Third priority: private nonprofit facilities

**Note:** For private property work sites, Boards must be aware of the following requirements:

- Cleanup activities on private property may be performed by disaster relief employment participants if workers from units of general local government are also (a) authorized to conduct such work and (b) performing such work.
- Repair and restoration activities are authorized on the private property of economically disadvantaged individuals. All the following circumstances must be met:
  - Work can only be performed on the homes of economically disadvantaged individuals who are eligible for the federally funded Weatherization Assistance Program (WAP).
  - Work may be performed on private land or homes of economically disadvantaged individuals if the non-WIOA 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-WIOA funds.
  - Work on private land or buildings is performed to remove health and safety hazards to the larger community.
  - Work is limited to returning a home to a safe and habitable level, not to make home improvements.
  - Priority is given for service to the elderly and individuals with disabilities.
  - WIOA funds cannot be used for the cost of materials to do repairs.
  - Work must be disaster-related and not related to general home improvements authorized under the federal WAP.
  - Work is coordinated with, or supervised by, the local agency responsible for the federal WAP.

### **Eligible Employers for Disaster Employment**

Boards must be aware that eligible employers for temporary workers include for-profit employers like staffing agencies as well as nonprofit and public governmental employers engaged in allowable activities.

NDWG participants may work for private companies, and may be supervised by employees of private companies, if the cleanup activities align with DOL guidance, the relationships among entities and roles (Board, service provider, employer of record, supervisor) are appropriately documented, and requirements of the NDWG agreement and uniform guidance are adhered to.

## **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.

### **TWIST Data Entry for NDWG**

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Hurricane-impacted customers who receive services or support services under NDWG must be recorded in TWIST. Participants may be served in their workforce area of origin or in the workforce area to which they evacuated. Both the fund and sub-fund codes are available to all Boards and all services are allowable. Services for these customers are tracked using the following codes:

- NDWG fund code: **207 – Hurricane Harvey NDWG**
- Sub-fund code: **71 – Hurricane Harvey Evacuee\***

The sub-fund code **71 – Hurricane Harvey Evacuee\*** is available to the following fund codes:

- 1 – One-Stop
- 10 – WIOA Adult
- 11 – WIOA Adult Statewide
- 20 – WIOA Dislocated Worker
- 21 – WIOA Dislocated Worker Statewide
- 30 – WIOA Youth
- 31 – WIOA Youth Statewide
- 87 – SNAP E&T ABAWD
- 88 – SNAP E&T General Population
- 89 – Choices
- 90 – TANF Applicant
- 91 – Choices Plus
- 100 – Rapid Response Additional Assistance
- 101 – Rapid Response
- 120 – Employment Services
- 121 – Trade Adjustment Act
- 136 – TAA/Other
- 179 – NCP Choices

**Note:** The label for sub-fund code 71 will change to “Hurricane Harvey Impacted” in a pending TWIST release. This sub-fund code should be used for all hurricane-impacted individuals, not just evacuees.

Customers who are participating in disaster relief employment must be tracked with service **43 – Subsidized Work** with the fund code **207 Hurricane Harvey NDWG**.

### **TWIST Reports for Hurricane Harvey**

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

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- 1 – Active List
- 6 – Late Data Entry
- 19 – Exit List
- 35 – Inactive List
- 37 – Management Summary
- 76 – Case Load
- 134 – Customers Served Report

## C. WIOA HURRICANE-RELATED GUIDANCE

### Waiver: Using Local Formula Funds for Statewide Activities

DOL has granted waivers to allow Boards in disaster-impacted workforce areas to use up to 100 percent of their available local adult, dislocated worker, and youth formula funds to carry out certain statewide activities for individuals and employers affected by Hurricane Harvey.

#### Adults and Dislocated Workers

This waiver permits Boards in disaster-impacted workforce areas to use local adult and dislocated worker formula funds for the following allowable statewide activities: the development or identification of education and training programs specified in WIOA §134(a)(3)(A)(iii) that:

- respond to real-time labor market analysis;
- use direct assessment and prior learning assessment to measure and provide credit for prior knowledge, skills, competencies, and experiences;
- evaluate such skills and competencies for adaptability;
- ensure credits are portable and stackable for more skilled employment; and
- accelerate course or credential completion.

#### Youth

This waiver allows Boards in disaster-impacted workforce areas to use local youth formula funds for the following allowable statewide youth activities: to support the development of alternative, evidence-based programs, and other activities as specified in WIOA §129(b)(2)(B), that enhance the choices available to eligible youth and encourage youth to:

- reenter and complete secondary education;
- enroll in postsecondary education and advanced training;
- progress through a career pathway; and
- enter into unsubsidized employment that leads to economic self-sufficiency.

The intent of these waivers is to improve Boards' ability to quickly and appropriately respond to employers, dislocated workers in [stop gap employment](#), job seekers, and youth who have been affected by the hurricane. This flexibility lets Boards design and implement customized WIOA adult, dislocated worker, and youth services and solutions.

Boards must be aware that the waiver allowing up to 100 percent of WIOA formula allocations to be used for allowable statewide activities applies to workforce areas serving individuals and Texas employers affected by Hurricane Harvey, including

workforce areas directly affected by the hurricane and consequently designated federal disaster areas.

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**What funding source does this waiver apply to?**

This waiver applies to WIOA formula funds.

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**Who does this waiver apply to?**

This waiver applies to employers, adults, dislocated workers in stop gap employment, job seekers, and youth affected by Hurricane Harvey.

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**Implementation Requirements**

Boards that choose to use WIOA local formula funds for allowable statewide activities must:

- notify their TWC contract manager of their intent to implement the waiver;
- continue to conduct required local activities for all funding streams;
- analyze and monitor changing economic conditions and the demands of employers in their workforce areas;
- continue to operate under the current 10 percent limit on local administrative costs with no separate amount set aside for administration of such activities; and
- continue to meet performance goals for WIOA adult, dislocated worker, and youth formula allocations, and commit to specific performance outcomes for any services and activities provided using local formula allocations to carry out allowable statewide activities.

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**Performance Reporting: TWIST Funding Sources**

Boards must use **Sub-Fund 71 – Hurricane Harvey Evacuee\*** with the applicable fund code when a Hurricane Harvey-affected individual is provided services using local formula funds to deliver allowable statewide activities.

**Note:** The label for sub-fund code 71 will change to “Hurricane Harvey Impacted” in a pending TWIST release. This sub-fund code should be used for all hurricane-impacted individuals, not just evacuees.

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**Waiver: Capitalization of Affected Businesses**

To remove a limitation on using funds for the capitalization of small and microbusinesses, DOL granted a waiver of the requirements under 20 CFR §681.550.

The approved waiver applies only to those workforce areas with counties that FEMA has designated for [PA-A](#).



The waiver allows Boards to use up to \$5,000 in NDWG funds to capitalize a small or microbusiness. Under the waiver, individuals benefiting from the capitalization must complete entrepreneurial or microenterprise training, as described [below](#).

Boards must be aware that use of the funds is limited to emergency, disaster-related needs only. For example, businesses may use the funds to purchase a computer for contacting customers and reestablishing payroll records, lease a building for operations, or for fees and tuition payments for operating licenses or staff certification and training.

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### **What funding source does this waiver apply to?**

This waiver applies to NDWG funds.

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### **Who does this waiver apply to?**

This waiver applies to small and microbusinesses in areas with FEMA PA-A designation.

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### **Implementation Requirements**

Boards may choose whether to implement the business capitalization waiver. Boards choosing to implement the business capitalization waiver must do all the following:

- Notify their senior contract manager in writing of their intent to implement the business capitalization waiver
- Develop local policies and procedures regarding the distribution, tracking, and reporting of the business capitalization funds, including the following requirements:
  - Funds may not be used to cover salaries
  - Funds may not be used for revolving loans
  - The use of NDWG funds for business capitalization is limited to no more than 25 percent of the funds provided to the Board
  - The Board must obtain and document the receipt of legitimate estimates for expenses before disbursing funds
  - The Board must ensure that the actual cost of a good or service received is not less than the estimate
  - The Board must have the ability to recapture funds that were not used by eligible businesses in instances where the final receipt is less than the original estimate
  - The Board must establish an agreement with each business that establishes requirements for use of funds, documentation of estimated business capitalization expenses, receipt of actual goods or services, and agreement to return unused funds to the Board
- Adopt a policy, in an open meeting, regarding their implementation of the program, including any additional criteria, such as the following:
  - Targeted geographic areas, or the size or type of business that can be funded

- The amount of NDWG funds or WIOA formula funds that will be dedicated to business capitalization grants
- Establish a subcommittee of at least three members composed of individuals familiar with business capitalization, for example:
  - A representative from a local bank or financial institution
  - A small business development center or similar entity
  - An experience-rated business owner familiar with capitalizing a business or reviewing business plans

Boards must ensure that the subcommittee:

- establishes criteria for determining the viability of a business recovery plan;
- conducts plan reviews; and
- makes recommendations to the Board on whether to award a grant of up to \$5,000.

Boards must then approve or disapprove the business capitalization grant in a timely manner and based on:

- certification provided by a training provider that the business owner successfully completed entrepreneurial or microenterprise training procured by the Board; and
- a review and recommendation by the Board-established subcommittee of the business recovery plan.

Boards must ensure that the time frame for approval or disapproval does not create a disincentive to participation and is described in application materials or other capitalization grant program documents distributed to businesses.

Once the Board's business capitalization subcommittee has approved a grant, the Boards must submit the application to their TWC contract manager for TWC's review and approval.

### **Eligibility for Business Capitalization**

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Boards must be aware that only businesses that meet all the following criteria are eligible for a business capitalization grant:

- Were operating prior to Hurricane Harvey
- Have between two and 25 employees
- Are experience-rated (experience ratings are used by insurance companies to determine whether a policyholder is resulting in more claims than similar policyholders.)
- Are rebuilding or recovering in the workforce areas with [counties designated for PA-A](#) by FEMA
- Have completed entrepreneurial or microenterprise training
- Have developed a business recovery plan

### **Entrepreneurial and Microenterprise Training Requirements**

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Boards must ensure that eligible businesses are referred to training providers to receive entrepreneurial or microenterprise training and that the training curricula culminate in the development of a business recovery plan.

Boards must ensure that providers of entrepreneurial or microenterprise training:

- have a minimum of three years of experience providing such training; and
- are on the *Statewide List of Eligible Training Providers*; or
- have submitted an expedited application to the Eligible Training Provider Certification System.

### **Additional Requirements for Business Capitalization**

**Boards must ensure that grants are not issued for items or services that are 100 percent reimbursable by insurance or FEMA.**

Where appropriate, Boards may consider applications for business capitalization grants that are utilized as leverage for other financial assistance, including loans and other grants, available to hurricane-affected businesses.

Boards must ensure that documentation in participants' case files includes:

- the business's qualification to participate;
- a record of completion of approved training;
- a copy of a business recovery plan; and
- recommendations for funding.

Additionally, Boards must ensure that:

- sufficient financial controls exist to allow businesses to document that grants are expended in a manner consistent with the approved business recovery plan; and
- grantees and appropriate staff participate in a post-project evaluation.

### **Waiver: Youth Program Element Requirements**

Boards must be aware that DOL granted a waiver to provide Boards with flexibility when serving hurricane-affected youth. The intent of the waiver is to relieve Boards from the requirement to make all 14 youth program elements available to hurricane-affected youth. The waiver allows Boards to maximize the impact of available resources by providing only those youth program elements that serve the immediate needs of hurricane-affected youth.

Boards choosing to implement this waiver must apply the waiver only to hurricane-affected youth in PA-A counties.

Boards may develop local policies and procedures regarding waiver implementation.

If a Board determines that any of the 14 program elements are unavailable or inappropriate for hurricane-affected youth in its workforce area, it must document and retain the determination for its own records.

**What funding source does this waiver apply to?**

This waiver applies to WIOA youth formula and NDWG funds.

**Who does this waiver apply to?**

This waiver applies to disaster-affected WIOA youth participants.

**Waiver: Providing Follow-up Services to Hurricane-Affected Youth**

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While follow-up services for youth are an important component of WIOA service delivery, youth displaced by the hurricane may be temporarily residing in locations other than their permanent residence. Hurricane-affected youth may be:

- living with relatives;
- residing in temporary housing; or
- considering relocation and resettlement to a different area of the state or nation.

With the affected population in flux, and the uncertain duration of recovery efforts, Boards cannot accurately predict whether a youth will remain in the workforce area for the minimum 12-month follow-up period.

Boards must continue to do the following:

- Direct appropriate staff to maintain contact with hurricane-affected youth following completion of services until the youth move from the workforce area or complete the 12-month follow-up period
- Make all reasonable efforts to locate hurricane-affected youth for the provision of follow-up services
- Maintain documentation of a youth's unavailability to receive follow-up service in TWIST, if the Board is unable to locate or contact the youth due to the hurricane

**Waiver: 75 Percent Out-of-School Youth Expenditure Requirement**

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DOL has approved a waiver of the requirement under WIOA §129(a)(4), and consistent with 20 CFR §681.410, that Boards spend at least 75 percent of their youth formula funds on youth workforce activities for out-of-school youth (OSY). Under this waiver, Boards in disaster-impacted workforce areas that serve in-school youth (ISY) who have been dislocated by the disaster are not required to meet the WIOA 75-percent OSY expenditure requirement, but instead must spend at least 50 percent of their youth formula funds on youth workforce activities for OSY.

**What funding source does this waiver apply to?**

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This waiver applies to youth formula funds.

### **Who does this waiver apply to?**

This waiver applies to Boards in disaster-impacted workforce areas that provide services to in-school youth who have been affected by Hurricane Harvey.

### **Implementation Requirements**

Boards that choose to implement this waiver must:

- continue to track services, expenditures, and performance metrics for OSY (services provided under this waiver must be entered with sub-fund code **71 – Hurricane Harvey Evacuee** in TWIST); and
- continue to operate under the 10 percent limit on local administrative costs with no separate amount set aside for administration of such activities.

## **Waiver: Individualized Training Accounts for In-School Youth**

Boards must be aware that DOL has granted a waiver of the requirements at §134(c)(3)(C), allowing Boards to use Individual Training Accounts (ITAs) for in-school youth (ISY) who are hurricane-affected individuals. ITAs can enhance individual participant choice in education and training plans and provide flexibility to service providers.

Boards must be aware that the use of ITAs for ISY is only allowable for disaster-affected ISY who are ages 16-21 and attending school at time of enrollment.

Boards must ensure that when using an ITA, a youth's status at the time of enrollment as an ISY who is hurricane-affected is documented.

### **What funding source does this waiver apply to?**

This waiver applies to WIOA formula and NDWG funds.

### **Who does this waiver apply to?**

This waiver applies to disaster-affected WIOA ISY participants.

## **Eligible Training Provider Criteria Related to Target Occupations**

On October 17, 2017, TWC's three-member Commission (Commission) approved the following list of occupations related to clean-up and recovery efforts in hurricane-impacted areas as in-demand occupations:

- 17-2000 Engineers, such as environmental engineers, health and safety engineers, civil engineers, and industrial engineers

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- 17-3000 Drafter, Engineer, and other Technicians, such as environmental engineering technicians, and civil engineering technicians
- 47-0000 Construction and Extraction Occupations, such as brick masons, carpenters, concrete finishers, drywall installers, electricians, pipe layers, and roofers
- 49-0000 Installation, Maintenance, and Repair Occupations, such as riggers, telecommunications installers, control and valve installers, and HVAC repair
- 51-0000 Production Occupations, such as assemblers, fabricators, metal workers, and plant and system operators
- 53-0000 Transportation and Material Moving Occupations, such as heavy equipment operators, dredge operators, crane operators, hoist and winch operators, and pump operators

Boards in disaster-impacted workforce areas may use WIOA funds to train individuals in the above occupations for disaster-related clean-up and recovery efforts, allowing Boards to forego local approval of individual targeted occupations in their workforce areas. This will streamline the ETP eligibility determination process, ultimately allowing ETPs to provide timely training to hurricane-impacted individuals and increase the number of skilled workers that can be placed in disaster-recovery employment.

Boards that are training individuals in the above occupations for disaster-related clean-up and recovery efforts may want to consider adding the occupations to the Board's local target occupations list if the occupations are expected to remain in-demand for a significant period of time.

### **What funding source does this waiver apply to?**

This waiver applies to WIOA formula funds.

### **Who does this waiver apply to?**

This waiver applies to disaster-affected WIOA participants.

## **D. CHILD CARE – HURRICANE-RELATED GUIDANCE**

### **Children Enrolled at Time of Hurricane**

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Boards must be aware that children in care funded under the Child Care and Development Fund (CCDF) before August 26, 2017, will continue to receive care through the 12-month period and will be eligible for redetermination of eligibility at the end of the current 12-month eligibility period pursuant to TWC rules.

Boards must be aware that the Commission has approved the following special provisions for children in CCDF-funded care before August 26, 2017, who were affected by the hurricane.

#### **Continued Care for Currently Enrolled Families**

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Boards must be aware that for enrolled children affected by Hurricane Harvey, if the parent is displaced from work, training, or education activities because of the hurricane, the displacement is considered a temporary status change, and care would continue, pursuant to TWC's Child Care Services rule §809.51(a)(1), from September 1, 2017, through November 30, 2017, without being subject to termination.

However, Boards must be aware that if the parent is not participating in, or is not scheduled to participate in, work, training, or education activities by December 1, 2017, then the temporary displacement is considered a permanent loss of job, training, or education activities, and care would be subject to termination pending a three-month job search period from December 1, 2017, through February 28, 2018. The Board must ensure that an *Activity Interruption* for the job search period is entered into TWIST if the parent is not participating at some level by December 1, 2017.

Boards also must be aware that care continues through the remainder of the 12-month eligibility period if the parent resumes work, training, or education activities during the job search period.

#### **Temporary Extension of the Recertification Period**

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Boards must be aware eligibility periods may be extended for up to five additional months, not to exceed February 28, 2018, for families affected by the hurricane whose eligibility redetermination is scheduled to occur between September 1, 2017, and January 31, 2018.

#### **Payments to Child Care Providers**

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Boards must be aware that if the child continues to be authorized for care by the Board and was enrolled at the provider facility for September 2017, the

provider will be reimbursed based on that authorization and enrollment, unless the parent requests that care be suspended or that the child care be transferred to a new provider or workforce area.

Boards must be aware that effective October 1, 2017, for providers that have either temporarily or permanently discontinued operations or have voluntarily removed children due to a reduction in the facilities operating capacity as confirmed and documented by Texas Health and Human Services Commission Child Care Licensing, Boards must end authorizations for care at that facility and work with the families to find placement with another eligible provider. If acceptable care cannot be found, then the Board must suspend care for the child.

### **Attendance Reporting**

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Hurricane Harvey may have impacted parents' ability to report attendance through the Child Care Automated Attendance system (CCAA). Boards must be aware that §E-605.a of the Child Care Services Guide requires Boards to make exceptions to the parent's requirements to report attendance through CCAA for instances in which the failure to report attendance was beyond the control of the parent.

Boards must be aware that if the parent is unable to report the child's attendance using CCAA, the Board must allow providers to report the child's attendance through a manual reporting process as established by the Board.

#### **References:**

- Child Care Services Guide, Section E-605: Parent Failure to Report Attendance
- Child Care Services Guide, E-605.a: Exceptions to Counting Z-Days as Absences

### **Child Absences**

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Texas Administrative Code (TAC) §809.78(a) of the Child Care Services rules requires parents to ensure that children meet attendance standards for child care services based on the child's authorization for enrollment.

To provide relief to families who may have accumulated absences due to the hurricane, on September 21, 2017, the Commission approved a policy to disregard absences that occurred in the aftermath of the hurricane.

Boards must be aware that absences that are due to the hurricane must be excluded from the absence count for the month of September 2017.



## **NDWG-Funded Child Care Services**

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As described in the [descriptions of Allowable Activities](#), child care is an allowable support service under NDWG for participants who are participating in disaster-related employment and training activities in certain affected areas.

### **Eligibility for NDWG-Funded Child Care Services**

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Boards must be aware that to be eligible for NDWG-funded child care individuals must meet the following criteria:

- Participate in NDWG-funded employment or training activities
- Reside in an area with [FEMA PA-A disaster designation](#)

**Note:** NDWG-funded child care is not allowable in counties designated PA-B only.

### **TWIST Data Entry for NDWG-Funded Child Care**

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A new Special Projects Code (8-NWDTX32) and Funding Contract type (8-NWDT32) have been added for the allowable child care in the affected areas. When setting up child care services under NDWG funding, staff should select the **Extended Year Exemption** when creating the Child Care Program detail. This will ensure that TWIST will bypass income eligibility and participation hours check, which are not required for NDWG.

## **Texas Rising Star Providers Affected by the Hurricane**

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Hurricane Harvey and its aftermath impacted Texas Rising Star (TRS) providers in seven workforce areas. The Commission approved Boards' ability to provide short-term assistance to the affected child care providers during their recovery and rebuilding time.

Boards must be aware that any actions taken to provide relief to hurricane-affected TRS providers should be documented in TWIST *Counselor Notes* as needed.

### **Quarterly Screenings**

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Boards must postpone TRS-required quarterly screenings for certified TRS providers that have been affected by the hurricane. Boards may only postpone quarterly screenings due between August 25, 2017 and February 28, 2018.

Boards must be aware that affected TRS providers will retain their star level without the quarterly screenings. Quarterly screenings will resume after February 28, 2018.

### **Assessments and Star-Level Evaluations**

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TRS Guidelines for Recertification Assessments, Category Reassessments, Star Level Evaluations, Service Improvement Agreement Assessments, and Facility Changes state that the TRS provider must be assessed within specified timelines. Boards must be aware that TRS providers that have an assessment scheduled between August 25, 2017, and February 28, 2018, may have an extension until no later than six months after the originally scheduled date.

### **Annual Unannounced Monitoring Visits**

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Certified TRS providers are monitored on an annual basis through unannounced facility visits. However, Boards must postpone unannounced annual monitoring visits for TRS providers affected by the hurricane for a period of no more than six additional months. Boards may only postpone monitoring visits due between August 25, 2017, and February 28, 2018.

Boards must be aware that while hurricane-affected providers are not subject to monitoring during this period, they may receive visits to provide technical assistance and support.

## **E.TANF CHOICES AND SNAP E&T GUIDANCE**

### **Work Requirements for Impacted Individuals**

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Boards must be aware that for both the Supplemental Nutrition Assistance Program Employment & Training (SNAP E&T) and the Temporary Assistance for Needy Families (TANF) Choices programs, individuals affected by the hurricane must be granted good cause from August 25, 2017, through September 30, 2017, following the existing procedures for granting good cause. Beginning October 1, 2017, affected individuals must be reevaluated on a case-by-case basis to determine whether a reason for good cause still applies.

## **F. HOMELESSNESS AND HURRICANE HARVEY**

### **Identification of Individuals Experiencing Homelessness**

Hurricane Harvey has displaced many individuals and families from their permanent home. Some are considered evacuees and are living in areas of the state that are different than their permanent home community. Some are living in their permanent home community but in temporary living situations. Many who are displaced from their permanent home meet the McKinney-Vento Act definition of homelessness – individuals who lack a fixed, regular, and adequate nighttime residence.

Boards must be aware that any individual who is determined to be homeless, including by self-attestation, must be tracked in TWIST by selecting “1 – Yes” in the *Homeless* drop-down on the *Characteristics* tab.

#### **References:**

McKinney-Vento Homeless Assistance Act