



Category/Subject: COResponds (Disaster Recovery Dislocated Worker Grant)
Colorado Policy Guidance Letter#: GRT-2020-02
Revise/Replace: N/A
Date: July 2, 2020
Distribution: Managers, Workforce Development Programs Staff, Local Area Directors, Fiscal

**Changes from Comment Period are Highlighted**

**I. REFERENCE(S):**

- [Workforce Innovation and Opportunity Act \(WIOA\) of 2014](#).
- [20 Code of Federal Regulations](#), specifically parts 680 and 687.
- Training and Employment Guidance Letter [\(TEGL\) 12-19](#), National Dislocated Worker Grant Program Guidance.
- [TEGL 19-16](#), Guidance on Services Provided through the Adult and Dislocated Worker Programs under the Workforce Innovation and Opportunity Act (WIOA) and the Wagner Peyser Act Employment Service (ES), as amended by title III of WIOA, and for Implementation of the WIOA Final Rules.
- Policy Guidance Letter (PGL) # [WIOA-2015-05](#), WIOA Title I Eligibility Guidelines, [Attachment 2](#).
- PGL [WIOA-2020-05](#), COVID-19 Emergency Policy Relief for WIOA Title I Programs.
- PGL [ADM-2019-07](#), Internal and Sub-Recipient Monitoring.
- PGL [FIN-2019-01](#), Advertising and Outreach.
- [Funding Streams Desk Aid](#) for Workforce Staff.

**II. PURPOSE:**

To provide policy, information, guidelines, and programmatic requirements for Local Workforce Boards and Local Areas to implement the Disaster Recovery National Dislocated Worker Grant (referred to as COResponds) to address the workforce-related impacts and temporarily expand the service capacity of the Dislocated Worker program in response to the COVID-19 pandemic.

**III. BACKGROUND:**

The U.S. Department of Labor (USDOL) awards Disaster Recovery Grants to provide disaster relief and humanitarian assistance employment to minimize the employment and economic impact on individuals whose jobs have been impacted by the COVID-19 pandemic. Disaster Recovery Grants are discretionary grants awarded by the Secretary of Labor under section 170 of WIOA.

In March 2020, in response to the COVID-19 pandemic, the Governor and the Colorado Department of Public Health and the Environment (CDPHE) issued a series of Executive

Orders and Public Health Orders to protect state residents by limiting exposure to, and transmission of, the COVID-19 virus. The orders resulted in statewide closures of ski resorts, bars, restaurants, gyms, theatres, casinos, non-essential personal services facilities, and schools. Subsequently, Colorado's economy has been severely affected with hundreds of thousands of Coloradans seeking unemployment insurance and assistance from the state's public workforce system.

The Colorado Department of Labor and Employment (CDLE) applied for and received Disaster Recovery Grant funds totaling \$4,995,000. The COResponds grant is designed to support disaster relief employment related to clean-up and recovery efforts or appropriate humanitarian assistance. Funding will be allocated to Hub Administrators and their partner Local Areas (as grant sub-recipients). These local areas will work collaboratively across public agencies at all levels and with relevant community-based organizations to identify temporary employment opportunities for workers temporarily or permanently laid off as a result of the virus; dislocated workers; long-term unemployed workers; and self-employed individuals who are unemployed or underemployed as a result of the pandemic. The overall period of performance of the grant is April 15, 2020 – March 31, 2022. **The Hub Administrator and local area period of performance is April 15, 2020 – January 31, 2022.**

#### **IV. POLICY/ACTION:**

##### **A. Local Area Participation**

All ten local areas are participating in COResponds: Adams County, Arapahoe/Douglas Works!, Boulder County, Denver County, El Paso/Teller, Tri-County, Larimer County, Mesa County, Weld County, and the Rural Consortium. Participating local areas are required to work with their Hub Administrator to perform activities that are allowable under this program. The Rural Consortium, **El Paso/Teller**, and Tri-County will serve as Hub Administrators.

##### **B. Participant Eligibility**

1. COResponds participants must meet one or more of the following criteria to be eligible for temporary job placement:
  - a. Workers temporarily **(job attached)** or permanently laid off as a result of the pandemic;
  - b. Dislocated Workers as defined under WIOA **(see PGL WIOA-2015-05, Attachment 2)**;
  - c. Long-term unemployed workers **(see PGL WIOA-2015-05, Attachment 1)**; or
  - d. Self-employed individuals who are unemployed or underemployed as a result of the pandemic **(see PGL WIOA-2015-05, Attachment 2)**.
2. **To determine eligibility for and documentation of COResponds participants that fall under category a. above, local areas should collect valid documentation including:**
  - a. **CUBS printout showing a Pandemic Unemployment Assistance (PUA) claim, or a regular Unemployment Compensation claim; and**
  - b. **Self-attestation that the layoff was due to the pandemic.**

3. To determine eligibility for and documentation of COResponds participants that fall under categories b, c, and d, local area staff should refer to PGL WIOA-2015-05.
4. If documentation of COResponds eligibility is difficult to obtain due to circumstances of the pandemic, self-attestation is acceptable as a last resort. However, if self-attestation is used, local areas are still responsible for collecting documentation necessary to demonstrate that each participant is eligible.
5. Eligible dislocated workers may be co-enrolled in the COResponds program as well as WIOA Title I Adult, Youth, DW programs, and appropriate discretionary grant programs for which they qualify.
6. Veterans and eligible spouses who meet COResponds eligibility must receive priority of service for services available under the grant.

### C. Program Activities

The focus of the COResponds grant is to place participants into disaster relief employment. Grant funds may not be used to provide employment/training services or supportive services. To the extent practicable, these services should be provided through co-enrollment and leveraged resources with other WIOA and partner programs. Please see the [Funding Streams Desk Aid](#) to determine which programs are appropriate for co-enrollment with this grant.

1. **Disaster Relief Employment:** COResponds provides funding for the creation of disaster relief employment. The Hub and sub-recipient local areas must demonstrate that disaster relief employment created under COResponds aligns with the delivery of appropriate humanitarian assistance in the immediate aftermath of the COVID-19 pandemic. Disaster relief employment must align with the following categories:
  - a. Employment related to the delivery of appropriate humanitarian assistance, or
  - b. Clean up and recovery efforts, such as the sanitation of equipment and public surfaces.
2. **Health and Safety Standards:** Local areas must ensure that project participants follow the same health and safety standards established under Federal and state law applicable to working conditions of permanent employees. To the extent that state workers' compensation law applies, workers' compensation must be provided to project participants on the same basis as individuals in similar employment. In cases in which a project participant is not covered under a state workers' compensation law, the project participant must be provided with adequate on-site medical and accident insurance for work-related activities. Employers must provide appropriate safety training in accordance with the Occupational Safety and Health Act (OSHA) of 1970 and assure safe working conditions.
3. **Mitigation:** Generally, disaster relief employment under COResponds will not be authorized for activities that are designed to mitigate future disasters.

COResponds activities may help mitigate the ongoing effects of the disaster and prevent future disaster only where such activities are necessarily part of temporary employment to clean up or provide humanitarian assistance to victims of the COVID-19 pandemic.

#### **D. Employer of Record**

Local areas must select public sector and/or private nonprofit employers (i.e. State, County, or municipal governments, school districts, public institutions, or community-based organizations) to develop the temporary subsidized job placements.

An employer-employee relationship must exist **with the Employer of Record**. The temporary job placement should not be in a commission-only job or have independent contractor status during the temporary subsidized job placement period.

Participants must be provided health benefits at the same level and to the same extent as other employees **of the employer of record** working a similar length of time and doing the same type of work.

Local areas may subcontract with a for-profit staffing company **as the employer of record** to handle payroll and benefits for temporary subsidized jobs as long as job placements are with public sector and/or private nonprofit **work sites** for disaster recovery work performed on public lands, facilities and structures or for humanitarian assistance, and all other program requirements are met.

Participants may work overtime, provided that this is part of the design of the project and regular employees are also working overtime, subject to the limit on duration and level of compensation for workers under this project.

No contributions to retirement funds may be made on behalf of participants from grant funds. However, if the Employer of Record is required to make contributions to the Public Employees' Retirement Association (PERA) of Colorado for all employees, including temporary employees, then this is an allowable cost if paid in accordance with the policies of the Employer of Record.

All participants shall be provided fringe benefits according to the Employer of Record's temporary employee policy, which includes Workers' Compensation and unemployment insurance coverage payments.

Each participant must be covered by Workers' Compensation in accordance with State law. Participants in this project must be covered by unemployment insurance compensation.

#### **E. Duration of Employment**

No individual shall receive grant subsidized employment for more than 6 months or 1,040 hours, whichever is longer.

#### **F. Compensation**

The **employer of record** is required to pay the higher of the Federal, state, or local minimum wage, or the comparable rates of pay for other individuals employed in similar occupations with similar experience, training, and/or skills by the same employer. Participants may receive wages up to \$12,000 and fringe benefits up to \$3,000, not to exceed a total of \$15,000 in wages and benefits per participant.

Where applicable, fringe benefits should be paid in accordance with the policies of the **employer of record**. The wages paid to temporary disaster relief workers must be consistent with the wages of the supervising entity's other employees—permanent or temporary—performing the same or similar work.

#### **G. Humanitarian Assistance**

Humanitarian assistance generally includes actions designed to save lives, alleviate suffering, and maintain human dignity in the immediate aftermath of the COVID-19 pandemic. The humanitarian assistance provided by disaster relief workers must relate directly to immediate response to the COVID-19 pandemic and support education, government, healthcare, manufacturing, parks and natural spaces, public health, and other affected businesses/industries.

COResponds funded relief workers must only provide humanitarian assistance appropriate under COResponds, focusing specifically on responding to the immediate impacts of the COVID-19 pandemic. The provision of general humanitarian assistance that solely focuses on prevention and planning of future disaster events is not an allowable activity under COResponds. CDLE will allow activities that provide prevention and planning for future events only if these activities are related in responding to the humanitarian assistance needs created by the COVID-19 pandemic.

#### **H. Worksite Selection**

The Hub Administrator and sub-recipient local areas are responsible for identifying, establishing, and monitoring worksites and must be able to demonstrate that worksites and occupations provide for humanitarian assistance. Prior approval of the State COResponds Coordinator is required before any disaster relief employment work on private property. For example, activities necessary to remove health and safety hazards on private lands or around homes or other structures related to COVID-19.

#### **I. Coordination with Emergency Management Agencies**

The Hub and sub-recipient local areas may coordinate the activities funded under COResponds with the appropriate organizations, including state emergency management agencies, to avoid duplication of efforts and to ensure that grant activities appropriately respond to the affected community's needs. The Hub

Administrator and partner local areas must work with CDLE when coordinating with state and federal agencies.

The Hub Administrator and partner local areas must have a plan in place to recover COResponds funds expended for activities or services for which other funds become available. Examples include, but are not limited to: activities/resources provided by local County and State Health Departments, County agencies; public, non-profit or faith-based agencies serving affected communities; and contact tracers employed by public or private healthcare agencies or whose employment is covered by other available resources.

## **J. Program Enrollment, Documentation, and Exits**

### **1. Tracking Requirements in Connecting Colorado**

Each participant must meet eligibility requirements prior to local areas expending funds for that participant.

Once eligibility is determined and the individual is ready to begin temporary employment, participants should be enrolled in COResponds in Connecting Colorado using program code **CR**. The date of program enrollment should **be prior to** the date of the first temporary job placement.

**Supportive services are not allowable with grant funding.**

Temporary Subsidized Employment (**TE**) is an existing service code in Connecting Colorado that will be used when placing a participant in temporary employment. The start and end dates for this service should match the start/end dates of the temporary job.

In the TE service, the following “Obtained Employment” fields must be completed based on the temporary job placement: Date, Employer, and Wage.

Local staff may enter and use job orders to match participants with temporary jobs under COResponds. In Connecting Colorado, enter "subsidized" for Job Category and "F" for subcategory. These jobs will only be visible to staff.

### **2. Case File and Documentation Requirements**

Project applicants will be required to follow standard WIOA Dislocated Worker program case file procedures and documentation requirements.

### **3. Exits**

An **Exiter** is a participant who has not received a participation service for 90 consecutive calendar days, has no gap in service, and is not scheduled for future services. The focus of COResponds is disaster relief employment, with WIOA and other partner programs, including the RecoverCO program,

leveraged to meet employment, training and supportive services needs.

**Co-enrolled Exiters:** A co-enrolled participant cannot be exited until participation has been completed for all of the programs in which the participant is enrolled. This is consistent with USDOL's requirement that – at a minimum – there be a common exit date across WIOA Title I, TAA and Employment Service programs, such as Employment Service (ES) and Wagner-Peyser (PT).

**There is one exception to this rule:** For National Dislocated Worker Grants, participants must be exited no later than the date the grant expires, but exits prior to the expiration date must follow the 90-day rule.

**NOTE:** If an individual is co-enrolled in the WIOA youth program and any other program, and is receiving supportive services, this service will be considered a participation service and will extend participation in all programs subject to the common exit requirement.

#### K. Reporting Requirements

1. **Fiscal Reporting:** Each month, Hub Administrators must submit expenditures and accruals to CLEAR or, in the case of the Rural Consortium, CORE, using standard fiscal reporting procedures. Local area sub-recipients will be expected to report expenditures and accruals to the Hub Administrator in time for the Hub to meet **monthly** state reporting deadlines.
2. **Narrative Reporting:** Each local area shall submit monthly progress charts and quarterly narrative reports to their Hub Administrator using the required reporting templates that will be provided by the state. The Hub Administrator shall submit these monthly progress charts and quarterly narratives by the 15th of the following month to the State COResponds Coordinator via email, beginning August 15, 2020.

The local areas will track and document their strategic planning activities, their partner engagement, customer success stories, and additional career services for the purpose of analyzing sector strategy planning and outcome effectiveness. Under WIOA, regional sector strategy projects are specifically encouraged, so these additional reporting elements will be useful as the state moves towards WIOA aligned programs and goals. The submission of success stories will be a required element of the **quarterly** report.

3. **Closeout Report:** Hub Administrators must submit a project closeout report to the state within 30 days of the end of the period of performance. A narrative statement outlining the highlights, challenges, successes, customer and partner feedback should be included in the report. The report may be sent via email to the State COResponds Coordinator.

#### L. Performance Requirements

Performance indicators for COResponds are the same as for the WIOA Title I Dislocated Worker program, as negotiated with USDOL for PY20 and PY21.

Participants receiving disaster relief employment are not included in the primary indicators of performance, unless they receive employment and training services provided through co-enrollment in another WIOA core or partner program that shares a common exit with COResponds.

Hub Administrators will be required to meet the quarterly enrollment, subsidized job creation and placement, and expenditure goals established for their Hub Administrator via the Hub work plan.

The reporting requirements for the COResponds program are designed to help the State COResponds Coordinator to identify technical assistance opportunities and to facilitate the review of grant activities.

**M. Outreach, Marketing and Promotional Guidelines, Limitations, Constraints**

All outreach activity, marketing, and promotional expenses must be allowable pursuant to OMB Federal accounting principles and applicable circulars, and must comply with the requirements of [PGL FIN-2019-01, Advertising and Outreach](#).

**N. Monitoring Responsibilities**

- 1. Internal and Sub-Contractor Monitoring and Oversight:** Local areas are responsible for internal monitoring and oversight of all aspects of the grant and grant activities, including the monitoring and oversight of work-based learning contracts, participants, and related activities to ensure consistency with the provisions of applicable Federal statutes, regulations, and the terms and conditions of this grant. Local areas must follow [PGL ADM-2019-07, Internal and Sub-Recipient Monitoring](#) and local internal and sub-recipient monitoring policies and procedures.
- 2. Hub Oversight:** The Hub Administrator is responsible for oversight of financial and performance outcomes of its members, as outlined in the work plan and MOUs.

A Hub Administrator is a local area that coordinates grant activities on behalf of regional local area partnerships. The responsibilities of the Hub Administrator are as follows:

- a. Required to establish a Memorandum of Understanding with each local area partner, which must include shared and local area specific negotiated funding and performance outcomes.
- b. Required to track the progress of local area partners and work collaboratively to adjust funding and outcomes as needed to meet overall grant goals.
- c. Required to communicate progress to the State COResponds Coordinator and Regional Liaison.



3. **State Monitoring and Oversight:** Monitoring of grant performance will be conducted by the WDP monitoring staff as part of their local area annual compliance monitoring and program reviews. In addition, CDLE will review the grant's progress at the state level on an ongoing basis to ensure that the overall grant activities, deliverables, expenditures, and performance outcomes are in compliance with federal and state requirements.
4. **Worksite Monitoring:** Worksite monitoring must include questionnaires and procedures for interviewing participants, employer(s) of record, and worksite supervisors, and must include on-site visits to worksites, if feasible. At each review, it must be verified that temporary workers are conducting disaster-related work only.

Local worksite monitoring must be reported by grant recipients quarterly, starting from the first month of employer participation, to ensure that all worksite, temporary job, and safety requirements are being met. A Worksite Monitoring Requirements Guide will be provided to support local areas.

#### O. Cost Limitations

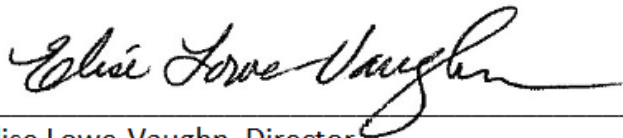
1. **Per-Participant Costs:** Cost per participant is not to exceed \$20,000 and equals the total award divided by the number of planned grant participants. The metric accounts for all proposed grant costs across total projected enrollments (including applicable costs for grant administration, and disaster relief wages and fringe benefits). Participants employed in disaster relief jobs 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.
2. **Administrative Costs:** The Hub Administrator may retain up to 10 percent of the award amount, which can be used by all hub members. The Hub and sub-recipient local areas may determine the split that occurs among them.
3. **Allowable Costs:** COResponds funds may be used for the following:
  - a. Temporarily expanding service capacity of Dislocated Worker programs;
  - b. Staffing costs related to case management activities for participants enrolled in the grant;
  - c. Staffing costs to have a staff member identified as grant lead or project lead;
  - d. Travel costs for staff in the local areas to attend training, visit job sites, attend meetings, etc.;
  - e. Promoting disaster relief employment;
  - f. Participant wages and benefits associated with disaster relief employment; and
  - g. Working with partners to develop new disaster relief employment opportunities.
4. **Non-Allowable Costs:** COResponds funds may not be used to provide

employment/training services and supportive services. To the extent practicable, these services should be provided through co-enrollment and leveraged resources with other WIOA and partner programs.

**V. IMPLEMENTATION DATE:** Effective immediately.

**VI. INQUIRIES:**

Please direct all inquiries to the State COResponds Coordinator, Elizabeth Shupe, at [elizabeth.shupe@state.co.us](mailto:elizabeth.shupe@state.co.us) or 303-318-8185.

A handwritten signature in black ink, reading "Elise Lowe-Vaughn", written over a horizontal line.

Elise Lowe-Vaughn, Director  
Workforce Development Programs

**ATTACHMENTS:**

The Monthly Reporting Template and Internal Worksite Monitoring Requirements Guide will be added as attachments once they are finalized.