TRAINING AND EMPLOYMENT NOTICE	NO. 8-20
	DATE December 10,2020

TO: STATE WORKFORCE AGENCIES
             STATE WORKFORCE LIAISONS
             STATE WORKFORCE DEVELOPMENT BOARDS
             LOCAL WORKFORCE DEVELOPMENT BOARDS
             ALL AMERICAN JOB CENTER PROGRAMS

FROM: JOHN PALLASCH
             Assistant Secretary

SUBJECT: Public Workforce System Role in Reopening State and Local Economies

1. **Purpose.** To provide information to states and local areas regarding the role of the public workforce system in assisting businesses and job seekers as economies reopen following closures related to Coronavirus Disease 2019 (COVID-19) pandemic, begin to refocus attention on the 6.5 million job postings[1] and the public workforce system's role in filling those vacancies, and to emphasize the availability of resources through WorkforceGPS, "Pathway to Recovery" page, which is dedicated to economic recovery topics.

2. **Action Requested.** The Department of Labor's (DOL's) Employment and Training Administration (ETA) requests State Workforce Administrators to provide information in this Training and Employment Notice (TEN) to appropriate programs and other staff in the state's workforce system.

3. **Summary and Background.**

   a. Summary – The public workforce system has an important role to play in supporting job seekers and businesses as state and local economies move through the varying stages of reopening following closures related to COVID-19. This TEN provides information to state and local workforce agencies regarding service delivery, customer outreach, and business engagement during this vital time. In addition, this TEN discusses key partnerships and available flexibilities to support state and local efforts, and encourages the use of carry over Workforce Innovation and Opportunity Act (WIOA) formula funding to address increased demand.

   b. Background – On March 13, 2020, the President declared the ongoing COVID-19 pandemic of sufficient severity and magnitude to warrant an emergency declaration for all states, tribes, territories, and the District of Columbia pursuant to section 501 (b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121-

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[1] According to the 10/6/2020 Job Openings and Labor Turnover Survey (JOLTS) News Release (https://www.bls.gov/jlt/)

5207 (the "Stafford Act"). The current economic situation is unprecedented in its sudden onset, and unprecedented in post-World War II history for its unemployment impact, only exceeded during the Great Depression. Currently, there are more than 20 million unemployment insurance (UI) claimants. These individuals need steady income as well as the other social and community benefits that employment provides. As in the past, low-income individuals and those with barriers to employment targeted by DOL's employment programs have been among the hardest hit by the current downturn. The public workforce system has begun to see a surge in demand for education, employment, and training programs.

During the COVID-19 pandemic, DOL has focused on: protecting the safety and health of American workers; assisting states as they deliver traditional unemployment and expanded unemployment benefits under the Coronavirus Aid, Relief, and Economic Security (CARES) Act (Pub. L. 116-136); ensuring Americans know their rights to paid sick leave and expanded family and medical leave; providing guidance and assistance to employers; and, carrying out the mission of DOL. The mission of DOL is to foster, promote, and develop the welfare of the wage earners, job seekers and retirees of the U.S.; improve working conditions; advance opportunities for profitable employment; and assure work-related benefits and rights.

As states and local areas undergo the various stages to reopen their economies and deliver workforce services that will fuel recovery and effectively address acute unemployment challenges, the public workforce system has an opportunity to further advance the vision of *One Workforce System*—an aligned, flexible, and streamlined state and local-driven system of workforce services and programs that brings together disparate workforce programs with a shared goal of achieving self-sufficiency for American workers and jobseekers.

Ensuring that coordinated services are effectively matched to the customer's specific needs will be as important as ever as demand for services increases. Tied together, the vision of collaboration, cooperation and, ultimately, seamless connection across the spectrum of workforce development services offered at the federal, state and local levels will be paramount as the reopening of America continues in the spirit of One Workforce.

4. **Program Guidance.**
   a. **Service Delivery to Job Seekers.** The following are considerations for state and local workforce agencies as they plan for and respond to opportunities and challenges during this next phase. For each of these topics, Attachment I includes resources and references for further information.

      i. **Prepare for Increased Demand**. State and local workforce agencies should work to ensure that American Job Center (AJC) partners and staff are prepared for potential surges of customer demand and the diversity of needs as jobseekers re-engage in the workforce, and ensure additional staff training, as needed, is provided in anticipation of any customer surge. The workforce

system should anticipate potential jobseeker supports as well as review and revise, as needed, current state and local supportive service policies, as well as policies regarding needs-related payments.

ii. **Increase Capacity for Online Services and Training.** Many of the services delivered in-person can be adapted to online delivery. While there is demonstrated value in in-person service delivery, safety and health considerations may prohibit this delivery option. Several state and local grantees have increased their capacity to deliver robust services through a virtual medium, including the use of: 1) virtual meetings and conference calls, to replace in-person counseling; 2) bot-type chats to remind participants to take certain actions; 3) online document uploads and electronic signatures, rather than paper-based processing; 4) virtual orientations to AJC services; 5) virtual job search assistance modules; 6) virtual job fairs; 7) delivery of job postings via email, text, or web portal; 8) virtual testing/assessments for skill gains; and 9) virtual work experience. Local workforce boards' competitions for one-stop operator contracts may provide an opportunity to establish some of these practices as a regular feature of how the workforce system will operate into the future.

Local boards also have an opportunity to increase usage of online training, which can potentially expand offerings available locally and allow participants to continue their upskilling efforts during the disruption of in-person training. Local and state boards can review the training offerings available in Eligible Training Provider (ETP) lists, to ensure that training offerings are aligned with jobs for which there is currently demand or that can reasonably be expected to rebound in the future. Local boards also have an opportunity to consider increased usage of online training, for class-size training as well as inclusion in ETP lists, discussed further below. See Attachment I for resources on online training.

iii. **Align Workforce Services with Unemployment Insurance**. The Unemployment Insurance (UI) program serves as one of the principal "gateways" to the public workforce system and is often the first workforce program accessed by individuals who need workforce services. However, rarely is one program or service ever sufficient to meet the varying needs required by a worker who has recently lost his or her job. WIOA emphasizes integrating services to better serve workforce customers. All workforce system partners have a shared responsibility to facilitate the reemployment of these individuals, with each partner program contributing services to individuals that meet its criteria. As states work towards reopening their state and local economies by providing expanded virtual services or returning to in-person service delivery where possible, states are strongly encouraged to integrate UI programs, especially those that directly address the reemployment needs of UI claimants, into their reopening strategies. Examples of such integration include integrating data systems, streamlining case management

and assessment, and ensuring needed job search or training services are provided. States are reminded of the guidance provided in Unemployment Insurance Program Letter (UIPL) No. 14-18/TEGL No. 14-18 for additional discussion regarding opportunities for integration.

    A.   Short-Time Compensation (STC), also known as work sharing or shared work, permanently authorized under Section 3306(v) of the Federal Unemployment Tax Act (FUTA), is an alternative to layoffs for employers experiencing a reduction in available work. STC preserves employees' jobs and employers' trained workforces during times of lowered economic activity. STC allows employers to reduce hours of work for employees rather than laying them off. STC limits the adverse effect of the reduction in business activity on workers by averting layoffs and ensuring that these workers will be available to resume prior employment levels when business demand increases. In the context of reopening businesses closed temporarily by a pandemic, STC can also serve as a means of bringing most or all of a temporarily laid-off workforce back to the job, even if social-distancing measures, a decline in business, or other factors prevent operating at full staffing levels full time. For more information on STC see UIPL Nos. 21-20 and 22-20 or visit the STC page at https://stc.workforcegps.org/. The Department is able to provide grant funding, as well as technical assistance and draft language for States interested in starting an STC program.

    B.   Reemployment Services and Eligibility Assessments (RESEA), permanently authorized by Section 306 of the SSA, builds on the success of Worker Profiling and Reemployment Services (WPRS) and RESEA's predecessor, the former UI Reemployment and Eligibility Assessment program, and combines a UI eligibility assessment with other referrals and reemployment services. The permanently authorized RESEA program provides states with significant opportunity for innovation in program design and targeting all UI claimants for participation and rewards new and innovative service delivery strategies and interventions. RESEA requires co-enrollment of participants with the Wagner-Peyser Employment Service and encourages enrollment in other programs such as WIOA Dislocated Worker services as appropriate. Although RESEA is based on an in-person service model, states now have flexibility to provide remote RESEA services as needed.

    C.   The Self-Employment Assistance (SEA) Program, permanently authorized under Section 3306(t) of FUTA, offers qualifying dislocated workers the opportunity for early reemployment through self-employment. The program encourages and enables unemployed workers to start their own small businesses. SEA operates in conjunction with regular UI by paying an SEA allowance instead of regular UI benefits to help unemployed workers while they devote

full time attention to establishing a business and becoming self-employed.

D. Worker Profiling and Reemployment Services (WPRS), mandated by Section 303(j) of the Social Security Act (SSA), is designed to identify UI claimants most likely to exhaust their benefits and need reemployment assistance to return to work, and refer them to appropriate reemployment services, such as: job search and job placement assistance; counseling; testing; provision of occupational and labor market information; and assessments.

On March 27, 2020, the President signed the CARES Act, which establishes several temporary UI programs intended to respond to the economic effects of COVID-19. Among other changes, the CARES Act includes a provision that provides temporary benefits for individuals who have exhausted their entitlement to regular unemployment compensation (UC) (Pandemic Emergency Unemployment Compensation) and coverage for individuals who are affected by COVID-19 and not eligible for regular UC (Pandemic Unemployment Assistance), such as self-employed individuals. Because these temporary programs provide benefits outside the regular UC program, recipients are not eligible for the UI programs described above. States should leverage partnerships across available workforce partners to ensure reemployment assistance is made available to recipients of these temporary benefits. See Attachment I.

iv. **Adjust Physical Service Delivery Options**. Grantees should adhere to state and local government directives on health and safety protocols. Grantees are responsible for implementing social distancing procedures to the extent practicable and across all phases of reopening, in accordance with the Center for Disease Control and Prevention (CDC) and local guidelines, which are often updated as the science of the pandemic evolves. AJC and program staff should follow social distancing and hygiene guidelines to the maximum extent practical. Several states are adapting their services to continue to operate virtually. ETA strongly encourages states to ensure critical services are provided through alternative means, such as conference calls, electronic referrals, and video conferencing.

Local and state officials are reviewing many sources of information and data to determine when various sized gatherings and public interactions are safe. State and local workforce boards already follow such data reviews and determinations and may, for instance, review local conditions to open some AJCs in certain location earlier than others. State and local boards can consider additional data in making decisions about opening status and service adaptations. As examples, States and local boards may consider school opening status as they make decisions about resources for childcare and other supportive services. States and local boards may also consider sharing

business reopening data with business service representatives and reemployment program staff. See resources in Attachments A and B regarding service delivery options, and guidelines for reopening as provided by the CDC and the Occupational Safety and Health Administration (OSHA). Please be aware that these guidelines have been updated since the onset of the pandemic, and the CDC and OSHA websites should be checked regularly for new updates.

v. **Outreach to Youth**. The WIOA Youth program provides services to both in-school and out-of-school youth with barriers to employment to prepare those youth for education, training and employment opportunities. Youth and young adults are among the hardest hit during the pandemic, due to disproportionate impact to industry sectors that traditionally employ younger people, as well as youth's limited work experience. Engaging youth in meaningful work and learning during this time is critical so they do not fall behind in reaching their educational and career goals and potential lifetime earnings. For the WIOA Youth program, wrap-around services are essential to ensure youth are able to utilize program offerings as well as remain engaged long enough to reach their educational and employment goals. Strong relationships with partner programs that focus on youth with barriers to employment, such as justice and child welfare system involvement, homelessness, and others are critical. This includes effective collaboration with educational partners. For example, the impact of COVID-19 may lead to more youth disconnecting from school. Given this, it is imperative for WIOA youth programs to outreach to both the traditional K-12 system and non-traditional school settings to ensure youth have the support needed to stay connected with and/or reconnect to education and training opportunities. Additionally, as the pandemic has created new stress and hardship for these youth, integrating trauma-informed care principles and practices in service delivery and providing referrals for health and mental health services is especially important.

vi. **Adapt Work-Based Learning.** While adjustments in business openings impact traditional work-based learning experience, work-based learning is still possible and remains a key strategy in increasing employment outcomes. Some apprenticeship programs, including pre-apprenticeship, Registered Apprenticeship Programs and Industry-Recognized Apprenticeship Programs, have adjusted classroom learning to take place online, and been able to adapt some work-based learning to take place online or in revised work spaces that allow social distancing. ETA encourages workforce system partners to consider strategies that leverage quality apprenticeship programs in support of new apprenticeship opportunities in fields such as healthcare, biotechnology, transportation, logistics, and other fields critical to the response to the COVID-19 pandemic. Business service representatives are well positioned to assist in creating strategic partnerships with apprenticeship program sponsors including employers, and grantees who are enrolling new apprentices. This

has the potential to aid local reemployment efforts and more quickly advance worker skills. ETA also encourages workforce system partners to use WIOA funds to support participants in on-the-job learning and classroom education components of an apprenticeship, as well as offering supportive services, which help WIOA participants and apprentices persist in their training. The Workforce GPS page "Pathway to Recovery" includes more information about apprenticeships, Work-Based Learning, and On-the-Job Training (OJT) See (https://www.workforcegps.org/resources/2020/06/03/01/10/Pathway_to_Recovery_Resources).

vii. **Support Entrepreneurship.** Self-employment continues to be an important source of work and during this time of recovery may offer self-employed individuals flexible work schedules and opportunities to work from home. ETA encourages state and local workforce development boards to examine existing resources for promoting entrepreneurship as an employment strategy, and helping former entrepreneurs find assistance and employment. To ensure effective use of funds for this promising strategy, ETA encourages the establishment of parameters for funding entrepreneurial skills training and the exploration of further opportunities for supporting entrepreneurship, particularly through referrals to appropriate partner programs and resources, such as those listed WorkforceGPS "Entrepreneurship Resources." See https://www.workforcegps.org/resources/2019/10/30/13/49/Resources-to-Support-Entrepreneurship.

The public workforce system can play one or more of the following roles in support of entrepreneurship:

    A.   Helping AJC network customers, including youth participants, understand available entrepreneurship resources and referring them to counseling and training that best meet their needs and informing participants of the benefits, costs, and risks of entrepreneurship, such as the impact on employment benefits and UI.

    B.   Informing customers on how to access and analyze Labor Market Information (LMI) in a specific market;

    C.   Partnering with the Small Business Administration and other organizations that support entrepreneurship, particularly Women's Business Centers, Veterans Business Outreach Centers, SCORE Business Mentoring, and Small Business Development Centers in University Centers around the country;

    D.   Engaging with local, regional, and state partners, such as Economic Development Districts/Organizations, to develop an innovative and entrepreneurial support system for innovators and entrepreneurs within a specific region;

E. Adding entrepreneurial skills training programs to the ETP lists and encouraging recipients of Individual Training Accounts to pursue entrepreneurial skills training, where appropriate;

F. Encouraging the integration of entrepreneurship strategies into overall youth education and development activities for out-of-school and in-school youth; and

G. Developing strategies to help small business owners access training programs that enhance their business acumen.

b. **Service Delivery to Business Customers.** As the American economy adjusts and recovers across the country, business engagement has never been more important. Regional and local business needs will continue to evolve in response to COVID-19. Whether deciding to continue operating during the pandemic, ramping up quickly post-pandemic, retooling to meet emerging demand, or shifting operations and service delivery to virtual platforms, the public workforce system has the potential to address pressing employer needs and in supporting economic success for businesses, individuals, and communities. Businesses are vital to the success of the public workforce system, as customers, partners, and leaders of the workforce system.

i. **Business Engagement**. Business engagement is a comprehensive, value-added set of strategies, activities, and partnerships designed to support and promote economic prosperity by providing valuable solutions for the needs of businesses specifically helping COVID-19 impacted businesses quickly return to pre-pandemic production/output levels and to shore up their regional economies. Fully-realized business engagement programs address the varied needs of businesses in transition through the development and maintenance of a comprehensive network of partners and resources that can be activated to deliver valuable solutions. Business engagement programs focus on identifying business needs through numerous channels, ensuring the full range of possible resources and benefits are considered, and that the precise solutions are delivered in a timely manner.

As regional and local economies undergo various stages of reopening, it will be critical for the public workforce system and business engagement partners to work in tandem to conduct outreach to businesses. While the organization and deployment of resources for business engagement will differ across the country, successful approaches:

- Require the participation of programs and assets across the spectrum of government programs and the broader economy;
- Align comprehensive strategic planning, data gathering, and analysis to anticipate, prepare for, and manage economic transition; and
- Rely on the development of long-term relationships and partnerships.

The public workforce system should assist businesses in identifying needs and developing solutions that deliver value. To ensure businesses are not overwhelmed by outreach and engagement, business engagement teams may wish to consider approaches to creating single points of contact or otherwise

coordinating and tracking outreach efforts. Business engagement teams can also prioritize certain businesses in order to align with economic development efforts, e.g. those who are current workforce system customers, those who laid off workers as a result of COVD-19 but remain in business, those who received Paycheck Protection Program funding, or those in priority sectors based on state or local plans.

See Attachment II for more information on partners and resources for business engagement efforts.

ii. **Rapid Response and Layoff Aversion.** State workforce agencies are responsible for carrying out Rapid Response strategies and activities, which promote economic recovery and vitality by developing an ongoing, comprehensive approach to identifying, planning for, and responding to layoffs and dislocations, and preventing or minimizing the impacts on workers, businesses, and communities, as described at §§ 682.300(b), 682.320 and 682.340(a), and in TEGL 19-16. The regulations lay out many examples of allowable layoff aversion strategies and activities. States and local areas may identify many other possible strategies or activities and should bear in mind the following.

A. Because the primary purpose of Rapid Response is layoff aversion, states should consider the significant flexibilities allowed to ensure that their Rapid Response units are a central resource in business engagement efforts and focused on helping companies retain their workforces, and to help facilitate the retention and return of workers previously impacted by layoffs to work. Layoff aversion efforts should continue to be at the center of Rapid Response activities as the workforce system works to support economic reopening from COVID-19. For more information on Rapid Response activities, see Attachment II on Services to Business Customers.

Per Section 3515 of the CARES act, in addition to current year Rapid Response funds, prior year un-obligated funds may be used for statewide Rapid Response activities for responding to a qualifying emergency.

B. States and local workforce areas should prioritize implementing innovative solutions to meet the needs of their business customers, but ensure they do not exceed their authority with regard to public service employment (see WIOA sec. 194(10)) and other limitations on the use of WIOA funds including capitalization of business found at WIOA sec. 181(e).

c. **Timely, Useful Labor Market Information.** LMI informs both immediate response and on-going recovery efforts during this rapidly changing economic environment. Grantees should incorporate LMI into timely and easily-understandable information

into career counseling. This means workforce staff must assess customer skills and abilities to determine if they match the skills and abilities needed for employment based on jobs and LMI data forecasting. Informed customer choice is critical to finding a suitable match between the employer's needs and the customer's ability to succeed in that role. States and local areas should also use LMI as they consider training to be included in eligible training provider lists. The Bureau of Labor Statistics, state LMI offices, and the ETA-sponsored webpages of CareerOneStop and O*NET all provide current and useful labor market information. Several commercial and free products provide other near-real-time information, such as characteristics and patterns of job postings, and some states have been able to analyze patterns in their own UI wage record data to identify important labor market intelligence. See Attachment I for further information regarding the sources and uses of LMI.

d. **Partnership and Planning.**
   i. **Program partnerships**. As states and local areas undergo the various stages to reopen their economies and deliver workforce services that will fuel recovery and effectively address acute unemployment challenges, the public workforce system has an opportunity to further advance the vision of a *One Workforce System* – an aligned, flexible, and simplified state and local-driven system of workforce development programs that bring all partners together with a shared goal of enhancing service delivery for American workers and jobseekers. Too often, job training services are siloed, disjointed and do not work together in an efficient and coordinated manner, and partners are often too quick "to claim" a customer as theirs and only provide services from their individual program. The public workforce system's ability to learn from and partner with other programs and grantees is vital to ensuring the successful reopening of state and local economies and addressing increased demand for services. Partner programs can provide vital knowledge and best practices to inform workforce system strategies for effectively connecting jobseekers with employers, training and education providers, and/or associated services that will allow them to retain or return to financial independence.

   ii. **Planning and alignment.** Planning efforts connect job seekers and business services and, when informed by labor market information, support an effective approach to meeting the needs of local and regional economies. Planning is vital for aligning services, implementing sector strategies and developing career pathways. For more information, see WorkforceGPS Pathways to Recovery (See https://www.workforcegps.org/resources/2020/06/03/01/10/Pathway_to_Recovery_Resources). Current law does not require states to modify their WIOA State Plans, but as states adjust their strategies, they may opt to modify their plan at any time.

e. **System Infrastructure & Capacity.** Oversight and administrative requirements of the state and local workforce system remain in effect. ETA is aware of the challenges created by the COVID-19 pandemic and will provide technical assistance, as needed.

i. **Increase access to online learning**. In response to COVID-19, the workforce system has adapted to how and where it delivers services. Beyond implementing a One Workforce strategy, state and local workforce boards must be responsive to employers' and customers' needs by providing more virtual, online and off-site services. While these resources will prove invaluable for many Americans, it is important that federal and state programs provide quality services that are customized and targeted to match the needs of local employers with the skills of each customer. ETA also encourages states and local areas to review ETP-related laws, policies, and practice and eliminate unnecessary barriers to online providers, such as general prohibitions against online training, quality standards that only apply to one type of training, or that limit participants options to those offered nearby when broader learning opportunities online are available. There are no restrictions in WIOA statute, regulations, or guidance prohibiting states from approving virtual and online training programs from being included on their state list of eligible training providers. In fact, ETA's ETP Performance reporting collection (ETA-9171) specifically allows states to report that a program format is "Online, E-Learning, or Distance Learning." Many states have chosen to establish an agreement called the National Council for State Authorization Reciprocity Agreement (NC-SARA, see https://nc-sara.org/), which creates a shared, regional approach to state oversight of postsecondary distance education that states have leveraged to easily identify and add online education and training programs to their state ETP list. Additionally, ETA encourages states to consider entering into reciprocal agreements to permit eligible providers of training services in a state to accept Individual Training Accounts (ITAs) in another states, which will effectively broaden the choice of available training options and training localities. In entering into agreements, states could consider having agreements in geographic locations. For example, there are currently four states in the northwest region of country that have reciprocal agreements with one another and eight states in the northeast region are working on finalizing agreements. Sample agreements are posted at https://performancereporting.workforcegps.org/resources/2018/09/11/14/58/Eligible-Training-Provider-ETP-Resource-Page.

ii. **Review and revise key administrative requirements.** States are encouraged to examine and update current policies and agreements that provide the underpinning of how many services are delivered. The regular review and updating of Memoranda of Understanding and Infrastructure Funding Agreements, AJC certification policies, and one-stop operator competition policies can support online service delivery and adjusted expectation for staff and programs. General resources on all of these topics are available on Innovation and Opportunity Network (ION) on the One-Stop Focus Page (See

. Other administrative considerations include a review of program monitoring, as monitoring and oversight of a fiscal or programmatic nature can take many forms and may include remote or desk monitoring. Any collection and transmission of Personally Identifiable Information as part of monitoring and oversight must be conducted using encrypted email or cloud services, with the appropriate protections to prevent inappropriate disclosure.

iii. **Utilize Carry-Over Funding**. Under WIOA, both states and local areas are allowed to carry over funding from the initial program year funds are made available for WIOA Adult, Youth, and Dislocated Worker activities. States have three years to utilize these funds. Local areas have two years. States may have experienced a surplus of funds in the prior program year, due to AJC closures and changing customer flow amid COVID-19. The Department encourages workforce partners to utilize any available carry-over or current surplus to respond to increasing demand from the public, and to be innovative in meeting the needs of job-seekers and businesses. States also may request a waiver, as described in Section iv D, below, to allow local areas to keep and expend these funds an additional year. **Consider Available Flexibilities.** In adapting service design and operations, states should explore the flexibilities available to them in WIOA and other funding streams. Some of these include:

A. Program Flexibilities. States currently have flexibility to conduct OJT and Incumbent Worker Training, use National Dislocated Worker Grant funding for temporary employment of workers, particularly for health care and safety measures related to sanitizing facilities, and to expand the list of ETPs to include more online training providers.

B. Supplies and Equipment. ETA issued guidance stating that infrastructure costs, including technology to facilitate access to AJCs, are non-personnel costs, which are eligible expenses if they are necessary for the general operation of the AJC (See TEGL 17-16, *Infrastructure Funding of the One-Stop Delivery System*). This means that WIOA funds may be used to support broadband access, though not to enhance or build the infrastructure needed to support local broadband internet service. Grant funds can be used to purchase supplies or equipment to assist in providing program services and training in a virtual setting. The definition of equipment is found at 2 CFR 200.33. The definition of supplies is found at 2 CFR 200.94. Laptops and tablets usually fall within the definition of supplies, which do not need grant officer approval. WIOA funds can be used to pay for devices and broadband internet service that will allow a participant to create or maintain a wireless connection for distance learning, searching for jobs, and other employment and training services where such services are already allowable. Grant recipients are expected to use sound fiscal prudence to maximize value for each taxpayer dollar spent by reaching as many participants as possible while also considering the cost and length of time remaining in the period of performance. Grant recipients must also ensure all funds, property, and other assets are

safeguarded against loss from unauthorized use or disposition, per Uniform Guidance at 2 CFR 200.302 and § 200.303. See also Frequently Asked Questions published at https://www.dol.gov/agencies/eta/coronavirus

C. Staffing Flexibility. Both the Wagner-Peyser Act Staffing Flexibility Final Rule (effective on February 5, 2020) and the Trade Adjustment Assistance (TAA) for Workers Final Rule (effective on September 21, 2020) provide additional staffing flexibility to states. Previously, ETA required states to provide Wagner-Peyser Act-funded or TAA-funded services through the use of state merit staff. Under parts of both Final Rules, however, states are given additional flexibility and may now provide those services through staffing arrangements that best suit their needs. As is the case with WIOA direct service providers, the flexibility allows states to provide Wagner-Peyser Act-funded or TAA-funded services through state merit staff, other state staff, subawards to local governments or private entities, a combination of these arrangements, or other allowable staffing solutions under the Uniform Administrative Requirement, Cost Principles, and Audit Requirements for Federal Awards (Uniform Guidance). The flexibility also brings the programs into closer alignment and allows states the option to provide some services funded under WIOA, Wagner-Peyser, and TAA through streamlined staffing arrangements or to utilize cross-training for program staff so states and local areas can quickly react to changing customer needs. Additional information on the Wagner-Peyser Act flexibilities can be found in the Final Rule and TEN 13-19, Announcing the Release of the Wagner-Peyser Act Staffing Flexibility Final Rule and Amended Information Collections Associated with this Rulemaking; information for the TAA Final Rule can be found at https://www.dol.gov/agencies/eta/tradeact/law/regulations. Examples of how states may leverage the new flexibilities include: partnering with staffing associations to help identify appropriate staffing agency providers that can best support the reemployment and training goals of job seekers; and entering into a single contract that spans multiple programs (such as WIOA, Wagner-Peyser Employment Service, and TAA), which facilitates cross training, more efficient staffing strategies, and seamless service delivery. The states must provide information about the staffing model they elect to use in their Unified or Combined State Plan or modifications.

D. Waivers and Other Flexibilities. A state should consider whether a waiver of WIOA requirements would be a useful tool in supporting its service delivery. Waivers such as allowing use of individual training accounts for in-school youth when traditional schools may not be operating at normal capacity or raising the allowable OJT employer reimbursement rate for small employers could serve to fill unmet areas of opportunity. Please consult the document "WIOA Waivers COVID-19" at https://www.workforcegps.org/resources/2020/03/18/23/35/Coronavirus-COVID-19-Resources for additional ideas on existing flexibilities and

potential waivers that may be appropriate in the current economic environment.

5. **Inquiries.** Please direct inquiries to the appropriate Regional Office.

6. **References**.
   - Workforce Innovation and Opportunity Act (WIOA) (Pub. L. 113-128) (July 22, 2014);
   - Workforce Innovation and Opportunity Act; Final Rule (WIOA DOL Final Rule) published at 81 FR 56071 (August 19, 2016), specifically 20 C.F.R. parts 680 and 687;
   - Proclamation on Declaring a National Emergency Concerning the Novel Coronavirus Disease (COVID-19) Outbreak, March 13, 2020, https://www.whitehouse.gov/presidential-actions/proclamation-declaring-national-emergency-concerning-novel-coronavirus-disease-covid-19-outbreak/;
   - Coronavirus Aid, Relief, and Economic Security (CARES) Act, Pub. L. 116-136, including Title II Subtitle A Relief for Workers Affected by Coronavirus Act
   - Families First Coronavirus Response Act, Pub. L. 116-127, including Division D Emergency Unemployment Insurance Stabilization and Access Act of 2020 (EUISAA);
   - Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121-5207 (the "Stafford Act");
   - Uniform Administrative Requirement, Cost Principles, and Audit Requirements for Federal Awards (Uniform Guidance) published at 82 FR 22609, March 17, 2017, (2 CFR Part 200);
   - Wagner-Peyser Act Staffing Flexibility Final Rule (85 FR 592, available at https://www.govinfo.gov/content/pkg/FR-2020-01-06/pdf/2019-27260.pdf (January 6, 2020);
   - Unemployment Insurance Program Letter (UIPL) 21-20, *Coronavirus Aid, Relief, and Economic Security (CARES) Act of 2020 – Short-Time Compensation (STC) Program Provisions; and Guidance Regarding 100 Percent Federal Reimbursement of Certain State STC Payments,* dated May 3, 2020*;*
   - UIPL 22-20, *Coronavirus Aid, Relief, and Economic Security (CARES) Act of 2020 – Short-Time Compensation (STC) Program Grants,* dated May 10, 2020.
   - Training and Employment Notice No. 13-19, *Announcing the Release of the Wagner-Peyser Act Staffing Flexibility Final Rule and Amended Information Collections Associated with this Rulemaking*, dated January 13, 2020;
   - Training and Employment Guidance Letter TEGL19-16, *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*, dated March 1, 2017;
   - North American Free Trade Agreement Implementation Act (P.L. 103-182); and
   - Noncitizen Benefit Clarification and Other Technical Amendments Act (P.L. 105-306).

7. **Attachments.**
   - Attachment I -- Service Delivery: Job Seekers, Labor Market Information, Unemployment Insurance, and Re-Employment Services
   - Attachment II -- Service Delivery: Businesses

ATTACHMENT I Service Delivery to Job Seekers, Labor Market Information, Unemployment Insurance, and Re-Employment Services

Service Delivery – Job Seekers

- WorkforceGPS "Pathway to Recovery Resources," https://www.workforcegps.org/resources/2020/06/03/01/10/Pathway_to_Recovery_Resources
- DOL Page COVID-19 Recovery Frequently-Asked Questions, https://www.dol.gov/agencies/eta/coronavirus
- U.S. Department of Labor Coronavirus Resources, https://www.dol.gov/coronavirus.
- NASWA's Workforce Information Technology Support Center (or Workforce ITSC). In partnership with USDOL, NASWA's Workforce ITSC supports all state WIOA program partners, as they work collaboratively to implement effective and creative technology solutions for service delivery, data insights, and reporting. One of the ways Workforce ITSC achieves its mission, is through the delivery of intelligence regarding state technology practices, technology procurement, available market solutions, as well as, a curated library of relevant resources. Specifically, the below tools can be found at an be found at https://www.naswa.org/witsc/online-tools:
  - State Technology Profiles, a snapshot of state IT systems used to support WIOA programs;
  - Procurement Portal, which aggregates competitive and non-competitive technology procurements by workforce and WIOA partner agencies;
  - Solutions Marketplace, a virtual warehouse of private and non-profit workforce technology products, services, and consulting; and finally,
  - Knowledge Exchange Library, a curated collection of workforce technology research and resources.
- The Open Educational Resources (OER) posted to SkillsCommons.org (https://www.skillscommons.org/) are created by more than 700 community colleges funded through The US Department of Labor (DOL)'s $1.9 billion Trade Adjustment Assistance Community College and Career Training (TAACCCT) program (https://www.doleta.gov/taaccct/). The OER can be found, reused, revised, retained, redistributed and remixed by an individual, institution, and industry for free, with attribution. This includes online curriculum and third party evaluations/evidence on distance learning models.
- Youth Connections Community of Practice: The Youth Connections Community is an online learning destination for public workforce system staff and partners who serve youth in the Workforce Innovation and Opportunity Act (WIOA) Youth Program. This community is for youth workforce practitioners, stakeholder partners, and others to discuss and share promising practices, access technical assistance tools, and share your own knowledge and expertise with your peers across the nation. https://youth.workforcegps.org/
- My Skills My Future https://www.myskillsmyfuture.org/

- Youth Case management toolkit
  https://youthsummerjobs.workforcegps.org/resources/2017/04/07/10/42/CaseManagement

- **Supportive Services:**
  - https://ion.workforcegps.org/resources/2017/03/09/10/53/Supportive Services
  - https://youth.workforcegps.org/resources/2017/01/24/16/00/Supportive-Services.
  - For resources on trauma-informed care:
    https://youth.workforcegps.org/resources/2020/03/24/11/13/Resources-on-Trauma-and-Trauma-Informed-Care
  - Comprehensive guidance and counseling:
    https://youth.workforcegps.org/resources/2017/03/22/09/55/~/~/link.aspx?_id=E98DB3B477814B1DAD1754299248AE86.

- **Labor Market Information:**
  - CareerOneStop for current and useful labor market information. CareerOneStop provides job vacancies information by zip code (www.careeronestop.org/JobSearch/job-search.aspx), and a Reemployment portal (www.careeronestop.org/WorkerReEmployment/default.aspx) .
  - O*NET provides detailed information on occupations (http://www.onetonline.org) and a career exploration tool called "MyNextMove" (www.mynextmove.org/).

UI and Reemployment

- **Clearinghouse for Labor Evaluation and Research (CLEAR)**: The Department's Chief Evaluation Office developed CLEAR (https://clear.dol.gov/) to make research on labor topics more accessible to practitioners, policymakers, researchers, and the public so that it can inform their decisions about labor policies and programs. CLEAR does this by conducting independent, systematic evidence reviews of research and evaluation reports on labor topics, and then reviewing and summarizing those studies. CLEAR currently has over 700 studies summarized across 18 labor-related topic areas, including "Reemployment," and is continually growing.

- **Reemployment Connections Website**: The Reemployment Connection Resource Page is a compilation of pilot projects, successful models, and lessons learned, which may aid states with their decision-making processes in implementing integrated reemployment service delivery strategies this site also hosts information about the Reemployment Services and Eligibility Assessments (RESEA) and Worker Profiling and Reemployment Services (WPRS) programs. https://rc.workforcegps.org/home/

- **The Pathway to Reemployment Framework**: This framework provides an overview of how job seekers and employers connect and how this process has a re-envisioned approach for UI claimants to find work; an outline of essential elements of 21st century reemployment and work search requirements; and a suggested menu of possible work search activities.

https://rc.workforcegps.org/resources/2016/10/03/05/36/Pathway_to_Reemployment_Framework

- **My Reemployment Plan (MRP)**: The MRP is a comprehensive and interactive job search guide that is structured in a modular way. Each module outlines proven steps to successful reemployment in the 21st century job market, i.e., a "road map" of sorts, and may be used by job seekers directly or as a tool for professional workforce development staff members. The MRP is available in both print and online formats. You can also find a series of helpful videos, which are located on the Reemployment Connection Resource Page, highlighting the components of the MRP and help job seekers with the steps to reemployment. See https://rc.workforcegps.org/resources/2016/10/03/05/28/My_Reemployment_Plan.

- **Self-Employment Assistance Program (SEA)**. For more information on SEA, please visit the Self-Employment Assistance Community of Practice on Workforce GPS, https://sea.workforcegps.org/ or https://oui.doleta.gov/unemploy/self.asp.

- **Additional information through** Workforce-related associations. These include
  o National Association of State Workforce Agencies (NASWA), https://www.naswa.org/covid-19
  o National Association of Workforce Boards (NAWB) COVID 19 Resources, https://www.nawb.org/newpage
  o National Governors Association (NGA), https://www.nga.org/coronavirus/

ATTACHMENT II Service Delivery: Businesses

Business Engagement and Rapid Response
Role of Business with Workforce System: The workforce system, along with our education partners, develops and delivers talent, a critical commodity in a competitive global economy. To provide value, the workforce system must develop and deliver talent that will meet the needs of a constantly changing business environment, and this is only possible where business is treated as partners and the system. The following are resources for the public workforce system in assisting business customers as they anticipate and adapt to a changing economic environment.

1. **DOL-Developed Business Engagement Resources**

   ▪ Guidance on Preparing Workplaces for COVID-19:
      o OSHA: Guidance on Preparing Workplaces for COVID-19, https://www.osha.gov/Publications/OSHA3990.pdf
      o OSHA: COVID-19 Control and Prevention, https://www.osha.gov/SLTC/covid-19/controlprevention.html
      o EBSA Response to COVID-19, https://www.dol.gov/agencies/ebsa/coronavirus
      o Coronavirus Communication Toolkit: U.S. Chamber of Commerce posted CDC recommendations for communicating safety practices for businesses and workers, https://www.uschamber.com/coronavirus-communication-toolkit

   ▪ Apprenticeship Toolkit - Introduction to Apprenticeship, Outreach Fact Sheet for Sponsors, and Guide for Business Services: https://www.dol.gov/apprenticeship/toolkit/implement.htm and https://www.dol.gov/apprenticeship/docs/guide-for-bsr.pdf

   ▪ Business Engagement Collaborative Community of Practice -- Business Engagement, rapid response and layoff aversion, and sector strategies: https://businessengagement.workforcegps.org/about

   ▪ Employee Benefits Security Administration-- Compliance assistance, benefit plan administration, and small business resources: https://www.dol.gov/agencies/ebsa

   ▪ ETA Workforce Resources for Business and Employers -- Government incentives, tax credits and assistance, how to find potential employees, and training for "up-skilling.". https://www.dol.gov/agencies/eta/employers
   On finding workers – post jobs open now via National Labor Exchange at https://needajobnow.usnlx.com/

   ▪ Rapid Response for Business -- Layoff Aversion, On-the-Job Training, Incumbent Worker Training: https://www.dol.gov/agencies/eta/layoffs/employers

- Wage and Hour Division Resources – compliance assistance, industry-specific resources, interpretive guidance:
  https://www.dol.gov/agencies/whd

- Work Opportunity Tax Credit – Pre-screening and certification, claiming and credit, tax exempt employers:
  https://www.irs.gov/businesses/small-businesses-self-employed/work-opportunity-tax-credit

Additional Business Engagement Resources:
- International Trade Administration, https://www.trade.gov/
- Manufacturing Extension Partnership Program, https://www.nist.gov/mep
- Small Business Administration and Small Business Development Centers, https://www.sba.gov/
- Trade Adjustment Assistance for Firms, http://www.taacenters.org/
- U.S. Economic Development Administration, https://www.eda.gov/programs/eda-programs/

Rapid Response and Layoff Aversion: While there are many more possible layoff aversion activities allowed with Rapid Response funds than can be covered here, a few examples include:

o STC: Short-Time Compensation (STC), also known as work sharing or shared work, is an alternative to layoffs for employers experiencing a reduction in available work. For more information on STC see Unemployment Insurance Program Letter (UIPL) 21-20, *Coronavirus Aid, Relief, and Economic Security (CARES) Act of 2020 - Short-Time Compensation (STC) Program Provisions and Guidance Regarding 100 Percent Federal Reimbursement of Certain State STC Payments*, or visit the STC page at https://stc.workforcegps.org/.

o Incumbent Worker Training (IWT): In addition to IWT funded through local formula resources or other state resources, Rapid Response funds can be used to provide IWT as part of a layoff aversion strategy or activity. See TEGL 19-16, https://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=3851, for more information on IWT, including IWT funded through Rapid Response.

o Feasibility Studies: The effects of the COVID-19 pandemic has been incentivizing companies to consider shifting production to create new products that are important during or in short supply due to the pandemic. While there are limitations to what WIOA funds may be used for in such cases, Rapid Response funds may be used to help conduct studies on whether companies will be viable if they are contemplating shifts in production; such information may help determine where investments to support companies may be most valuable. Rapid Response teams who carry out such activities may consider partnering with Manufacturing Extension Partnership program organizations or other business-supporting programs who have expertise in these areas.