


TEXAS WORKFORCE COMMISSION LETTER

ID/No: WD 73-05

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Keywords: Hurricanes
Katrina/Rita; Child Care; WIA

To: Local Workforce Development Board Executive Directors
Commission Executive Staff
Integrated Service Area Managers

From:  Luis M. Macias, Director, Workforce Development Division

Subject: **Requirements for Disaster National Emergency Grant Participants**

PURPOSE:

To provide Local Workforce Development Boards (Boards) with:

- the definition of “long-term unemployed” for disaster National Emergency Grant (NEG) participant eligibility; and
- instructions on providing child care services to disaster NEG participants.

REFERENCE:

Workforce Investment Act, Section 173

Texas Workforce Commission Child Care and Development Rules: 40 TAC,
Chapter 809

FLEXIBILITY RATINGS:

No Local Flexibility (NLF): This rating indicates that Boards must comply with the federal and state laws, rules, policies, and required procedures set forth in this WD Letter and have no local flexibility in determining whether and/or how to comply. Federal and state laws, rules, policies, and required procedures with a “No Local Flexibility” rating are indicated by the acronym, **NLF**, in the margin to the right of the applicable paragraph. Additionally, all information with a “No Local Flexibility” rating is indicated by “must” or “shall.”

Failure to comply with the federal and state laws, rules, policies, and required procedures with a “No Local Flexibility” rating may result in corrective action, up to and including sanction and penalty.

Local Flexibility (LF): This rating indicates that Boards have local flexibility in determining whether and/or how to implement guidance or recommended practices set forth in this WD Letter. All guidance or recommended practices with a “Local Flexibility” rating are indicated by the acronym, **LF**, located in the margin to the right of the applicable paragraph. Additionally, guidance or recommended practices with a “Local Flexibility” rating are indicated by “may” or “recommend.”

Boards are not subject to corrective action for failure to comply with guidance or recommended practices with a “Local Flexibility” rating.

BACKGROUND:

Section 173(d)(2) of the Workforce Investment Act (WIA) outlines the following three participant eligibility criteria for disaster NEGs:

- Workers who have been temporarily or permanently dislocated as a result of the disasters and have been evacuated to or within Texas
- Eligible dislocated workers as defined in WIA §101(9)(B), (C), and (D)
- Long-term unemployed individuals

NEGs allow child care services to be provided to an individual who is participating in NEG services, including WIA Core, Intensive, or Training services, or disaster relief employment. NEGs also allow child care to be provided during the 12-month follow-up period after an individual obtains employment.

Chapter 809 of the Texas Workforce Commission (Commission) rules is not directly applicable to NEG-funded child care, with the exception of Commission rule §809.124, which establishes parameters for providing child care under special projects, such as the NEG. The rule allows for a special project's eligibility criteria, as stated in the applicable statute or regulations, to apply to the special project, unless otherwise indicated by the Commission.

PROCEDURES:

Long-Term Unemployed Definition

Boards must be aware that the Commission has established the following definition for “long-term unemployed” for the purpose of disaster NEG participant eligibility:

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

Based on this definition, individuals who were not employed at the time of the hurricanes [i.e., individuals not meeting the first or second criterion of WIA §173(d)(2)] are eligible to be served under the definition of long-term unemployed—the third criterion of WIA §173(d)(2).

Application of Commission Child Care Rules for NEG Participants

As authorized under Commission rule §809.124(b), the Commission has established criteria for the provision of NEG-funded child care and has determined that Boards must ensure, to the greatest extent practicable, that the policies of NEG-funded child care and Child Care and Development Fund (CCDF)-funded child care are consistent. **Except as provided in this WD Letter**, Boards must apply the requirements set forth in Chapter 809 of the Commission rules to NEG participants.

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These include, **but are not limited to**, Commission rules and Board policies related to:

- Commission rule §809.92, regarding income limits;
- Commission rule §809.46, regarding the parent share of cost; and
- Commission rule §809.75, regarding parent reporting requirements.

Eligibility Documentation Requirements for Child Care Services

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Boards must be aware that the Commission has modified the application of Commission rule §809.73, regarding eligibility documentation for NEG-funded child care. Because NEG participants have been evacuated from their homes and may not have access to personal documents, Boards must accept a parent's self-attestation of eligibility and provide the parent 30 days to secure the necessary documentation.

Parent Responsibility Agreement Requirements

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Boards must be aware that the Commission has modified Commission rule §809.78(b)(1), regarding Parent Responsibility Agreements. Parent Responsibility Agreements are applicable to NEG-funded child care. However, the Office of the Attorney General's (OAG) activity regarding the hurricanes is currently limited to contacting hurricane evacuees who are identified by the State of Louisiana as custodial parents in order to provide them with child support payments collected by the State of Louisiana. Therefore, until OAG begins overseeing compliance with child support requirements, Boards must be aware that cooperation with OAG is assumed.

Continuity of Care for Children of NEG Participants

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Boards must be aware that the continuity of care provisions in Commission rule §809.225 do not apply to former NEG participants (i.e., those who cease to receive NEG-funded child care).

However, Boards may provide Commission-funded child care to children of former NEG participants if:

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- the family is otherwise eligible for child care services under Chapter 809;
- the Board does not have families on the waiting list for child care; and
- the continuation of child care does not result in removing another child from care.

Additionally, Boards must ensure that families who are on the waiting list prior to the expiration of an NEG participant's grant are given priority for services, unless the former NEG participant is a member of a current Board-established priority group.

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Child Care Appeals Process

Boards must ensure that the provisions of Commission rule §809.271, regarding the provision of child care during appeal, are followed.

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However, Boards must be aware that NEG-funded child care is not subject to Commission rules §809.272 and §809.273, regarding the child care appeals process. Boards must apply the WIA provisions in Commission rules, Chapter 841, Subchapters D and E, regarding the timeline and appeals process, for NEG-funded child care.

ACTIONS REQUIRED:

Boards must ensure that appropriate staff is apprised of and complies with the requirements in this WD Letter.

INQUIRIES:

Direct inquiries regarding this WD Letter to the assigned contract manager for your local workforce development area.

Rescissions: None	Expiration: Continuing
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