



Pete Ricketts
Governor

STATE OF NEBRASKA

DEPARTMENT OF LABOR
John H. Albin, Commissioner
P.O. Box 94600 • Lincoln, NE 68509-4600
Phone: 402.471.9000 • dol.nebraska.gov

Employment and Training Notice

Nebraska Department of Labor (NDOL) Office of Employment and Training 550 South 16 th Street Lincoln, NE 68508 402.471.9000 ndol.wioa_policy@nebraska.gov	Notice Number
	19-01
	Effective date
	April 8, 2020
	Supersedes
	None

TO

Chief Elected Officials
Local Workforce Development Boards
Local Title I adult, dislocated worker, and youth programs
Jobs for Veterans State Grant program
Trade Adjustment Assistance program (TAA)
Trade and Economic Transition National Dislocated Worker Grant program (TET-DWG)
Wagner-Peyser Employment Service

FROM

John H. Albin
Commissioner/State WIOA Liaison
Nebraska Department of Labor (NDOL)

SUBJECT

Virtual service delivery during the COVID-19 pandemic

PURPOSE

To provide information regarding acceptable virtual service delivery methods to Chief Elected Officials; Local Workforce Development Boards; local Title I adult, dislocated worker, and youth programs; and NDOL- administered programs

ACTION

Effective April 8, 2020 and until further notice, program services may be temporarily delivered virtually by the following programs:

- local Title I adult, dislocated worker, and youth programs; and
- NDOL-administered programs:
 - Jobs for Veterans State Grant program;
 - TAA; and
 - TET-DWG; and
 - Wagner-Peyser Employment Service.

Virtual service delivery is subject to the requirements and limitations described below.

NOTICE

President Donald Trump and Governor Pete Ricketts have implemented social distancing requirements. Governor Ricketts has also implemented Directed Health Measures for all Nebraska counties.¹ To support the ability of the public to comply with these requirements, as they may be amended, and ensure continued delivery of program services, the programs listed above may deliver services through virtual means. In general, virtual delivery of services must comply with all:

- Federal, state, and local laws regarding privacy and protection of personal identifiable information (PII); and
- requirements established under each program's authorizing legislation, including, but not limited to the:
 - Workforce Innovation and Opportunity Act (WIOA) and its implementing regulations;
 - 29 CFR Part 38, which implements the nondiscrimination and equal opportunity provisions of WIOA;
 - Title 38 of the United States Code;
 - Trade Adjustment Assistance Reauthorization Act of 2014;
 - Wagner-Peyser Act of 1933, as amended; and

¹ Information on Directed Health Measures (DHMs) for your respective counties is accessible at <https://governor.nebraska.gov/press-releases> and <http://dhhs.ne.gov/Pages/Coronavirus.aspx>.

- Uniform Guidance (2 CFR Parts 200 and 2900), which governs the use of Federal funds.

In addition, program-specific requirements described below must be met.

Local Title I adult, dislocated worker, and youth programs

Virtual services delivered by Title I programs must meet the following requirements.

1. The applicable local workforce development board must notify all required and optional one-stop partners participating in its comprehensive American Job Center(s) and other one-stop centers of its intent to provide virtual services.
2. Title I program staff must use service-provider owned equipment to deliver services virtually, such as computers, scanners, printers, and phones, including cell phones.
3. Use of personal equipment owned by Title I program staff is prohibited, such as computers, scanners, printers, and phones, including cell phones, unless program staff has VPN service provided by NDOL or the local program delivery entity installed on the personal equipment.
4. Virtual collection of documents containing PII from participants must be performed using encrypted platforms, such as NWorks, Facebook Messenger, or WhatsApp.
5. If participants are not able to provide program eligibility documentation through virtual means, documentation may be submitted by US Mail.
6. A *remote electronic signature* function will be available in NWorks in the near future. NDOL will notify Title I programs as soon as that function is active. If a signature is required before that function is active, other electronic means may be used, such as DocuSign.
7. Participation in Title I programs and activities must continue to be made available to citizens and nationals of the United States; lawfully admitted permanent resident aliens, refugees, asylees, and parolees; and other immigrants authorized by the Secretary of Homeland Security, or the Secretary's designee, to work in the United States.
8. Title I programs must ensure individuals are legally authorized to work in the United States prior to enrollment in a Title I program. Title I programs may use virtual resources to make this determination, such as the SAVE Verification Process,² or acquire proper documentation through other virtual means.
9. If program eligibility determinations are subject to receipt of documentation through US Mail, program services *must not* be provided until documentation is received and eligibility is confirmed.
10. Should services be provided before an individual's eligibility is confirmed and it is determined that the individual is not eligible, costs associated with the services provided

² Information on SAVE is accessible at <https://www.uscis.gov/save/about-save/verification-process>.

to the non-eligible individual would be considered questioned costs and subject to repayment using non-Federal funds.

11. Assessment of basic skills deficiency to determine program eligibility must be performed in accordance with requirements established by the provider or vendor of the assessment tool currently used by program staff, including requirements regarding proctoring. Use of alternative assessment tools for determination of basic skills deficiency regarding program eligibility is acceptable, provided the alternatives are approved by the local board.³

NDOL-administered programs

Virtual services delivered by the NDOL-administered programs listed above must meet the following requirements.

1. Program staff must use service-provider owned equipment to deliver services virtually, such as computers, scanners, printers, and phones, including cell phones.
2. Use of personal equipment owned by program staff is prohibited, such as computers, scanners, printers, and phones, including cell phones, unless program staff has VPN service provided by NDOL installed on the personal equipment.
3. Virtual collection of documents containing PII from participants must be performed using encrypted platforms, such as NEworks, Facebook Messenger, or WhatsApp.
4. If participants are not able to provide program eligibility documentation through virtual means, documentation may be submitted by US Mail.
5. A *remote electronic signature* function will be available in NEworks in the near future. NDOL will notify NDOL-administered programs as soon as that function is active. If a signature is required before that function is active, other electronic means may be used, such as DocuSign.
6. Participation in NDOL-administered programs must continue to be made available to citizens and nationals of the United States; lawfully admitted permanent resident aliens, refugees, asylees, and parolees; and other immigrants authorized by the Secretary of Homeland Security, or the Secretary's designee, to work in the United States.
7. NDOL-administered programs must ensure individuals are legally authorized to work in the United States prior to program enrollment. NDOL-administered programs may use virtual resources to make this determination, such as the SAVE Verification Process,⁴ or acquire proper documentation through other virtual means.

³ Executive Order No. 20-03, Corona Virus – Public Meetings Requirement Limited Waiver, provides a temporary limited waiver that allows public bodies to conduct public meetings virtually. The advanced publicized notice and agenda requirements established under Neb. Rev. Stat. § 84-1411, as well as the remaining provisions of the Nebraska Meetings Act, *are not* waived by the Executive Order. Executive Order No. 20-03 is accessible at <https://governor.nebraska.gov/sites/governor.nebraska.gov/files/doc/press/EO%2020-03%20-%20Corona%20Virus%20-%20Public%20Mtgs%20.pdf>

⁴ Information on SAVE is accessible at <https://www.uscis.gov/save/about-save/verification-process>.

8. If program eligibility determinations are subject to receipt of documentation through US Mail, program services must not be provided until documentation is received and eligibility is confirmed.
9. Should services be provided before an individual's eligibility is confirmed and it is determined that the individual is not eligible, costs associated with the services provided to the non-eligible individual would be considered questioned costs and subject to repayment using non-Federal funds.

Additional guidance

For programs that provide training services, projected end dates for *in-process* occupational skills training and work-based training may be extended for reasons relating to COVID-19, especially when virtual curriculum or training services are not provided by the training provider.

- For Title I programs and TET-DWG, occupational skills training includes *in-process* training provided by Eligible Training Providers.
- For TAA, occupational skills training includes *in-process* training provided by Eligible Training Providers and other providers occupational skills training.
- For Title I programs, TAA, and TET-DWG, work-based training includes *in-process*:
 - on-the-job training;
 - work experience, including pre-apprenticeship, internship, and job shadowing;
 - Registered Apprenticeship;
 - incumbent worker training; and
 - customized training.

Case managers are responsible for extending projected training end dates for participants in NEworks and must utilize the *COVID-19 Training Extension* case note template to document the extension and provide specific reasons for extensions.

NDOL will provide additional guidance as necessary.

Technical assistance

Program administrators may request technical assistance with the requirements of this Notice by emailing the WIOA Policy mailbox at ndol.wioa_policy@nebraska.gov.