



Notice to Stakeholders: ETP's COVID-19 Response Phase 2: Plan Extension & Expansion

The Employment Training Panel stands ready to support workers and employers during these challenging times. ETP is keenly aware that the COVID-19 situation is greatly impacting our Stakeholders – from delayed or cancelled trainings, to reduced working hours, to worry over the impact these changes will have on final contract performance.

With the continuation of the stay-at-home orders, and extended impact on our economy, ETP is extending and expanding the COVID-19 Response Plan into Phase 2.

In a desire to remain flexible, and to help our Stakeholders and communities through these challenges, ETP is implementing the following adjustments, which are ***effective immediately***, and will ***remain in effect until December 31, 2020***, at which point they will be re-assessed to address any continuing COVID-19 concerns or additional contractor needs, if any. All COVID-19 related requests *must be received COB 12/31/2020* in order to be considered, unless the COVID-19 response is extended. All requests and expeditions covered herein are subject to Executive Determination. ETP's COVID-19 response will aid customers by providing relief through extending contract terms, expediting the release of funds, expediting processing times, allowing alternate retention and recordkeeping requirements, and more. If you would like to request anything not on this list, please contact your developing/monitoring analyst, who will elevate your request to ETP Executive Staff through the Policy Manager.

Phase 2 Additions:

The following four (4) expansions have been added to the COVID-19 Response Plan, as part of Phase 2. These are available for new contracts approved during the time that the COVID Plan is active, and items #1 & 2 may also be added as revisions to existing contracts if the revision request is received during the time that the COVID Plan is active.

- 1) The Incidental Placement cap for New Hires in a MEC contract will be increased from 20% to 50%.

2) The 10% cap on Safety Training is being raised to 50%. If a contractor would like more than 50% Safety Training on their contract, this request can be elevated for Executive Determination.

3) If trainees were unable to meet retention due to being furloughed, and this is brought up during an appeal, as long as the furlough was during the time period that the COVID Response Plan was effective, and as long as the furloughed employee was still retained in employment to maintain their benefits package, then the furloughed time will count for retention and be removed from the overpayment during the appeal.

- These trainees are still required to meet the minimum training and wage requirements, as well.
- This applies to 100% furloughs, or to those who were furloughed for a percentage of their full-time hours.

4) ETP is implementing a new “COVID Rapid Reemployment and Retraining Pilot” (COVID Pilot). Please see attached COVID Pilot Guidelines for details.

For Stakeholders With Active Contracts:

Expedited Revision Processing

Revisions requested that related to COVID-19 concerns (see listing below) will receive priority processing order over other, non-COVID-19 related revisions.

1) Extending Contract Term End Date:

- Contract must be within the last 6 months of the contract to request this revision.
- Contract extension will be for 90 days, and is renewable in 90 day installments in the case that the COVID-19 situation continues.
- Revision request must include COVID-19 related justification, such as: delayed or cancelled trainings, facility shut-downs, staff working reduced hours, etc...

2) Requesting an Alternate Retention Period:

- Contract must be within the last 6 months of the contract to request this revision.
- Can request one of ETP’s existing Alternate Retention Periods (rather than 90 straight days of full-time employment).
- Revision request must include COVID-19 related justification, such as: staff working reduced hours, etc...

3) Requesting Reduced Hours to Qualify as Full-Time Employment:

- Contract must be within the last 6 months of the contract to request this revision.
- Can request reducing the normal full-time hours from 40 hours per week down to as low as 20 hours per week, or anywhere in between.
- Revision request must include COVID-19 related justification, such as: staff working reduced hours, etc...

4) Requesting a Change from Class/Lab to Videoconferencing/E-Learning:

- Can request a change in Delivery Method from Class/Lab to E-Learning to accommodate videoconferencing. Trainings delivered via phone conference calls are also acceptable.
- Standard trainer:trainee ratios apply.
- Revision request must include COVID-19 related justification, such as: facility closure due to COVID-19, statewide mandated shelter-in-place order, etc.
- Unless utilizing a pre-approved Learning Management System (LMS), revision request must also include a second request for alternate recordkeeping requirements. Alternate recordkeeping procedures may be as follows:
 - For videoconferencing: Trainer will call verbal roll and list attendees, and will take a screen shot of the meeting attendee list, and include remaining recordkeeping requirements, along with the roll call list and screen shot, in an email. In this case, the email will count as the trainer's signature. In cases where the Trainer cannot take a screen shot: trainer will call verbal roll and list attendees and all other recordkeeping requirements in an email. In this case, the email will count as the trainer's signature.
 - For phone conference calls: Trainer will call verbal roll and will provide attendee list and all other recordkeeping requirements in an email. In this case, the email will count as the trainer's signature.

5) Request by a Multiple Employer Contractor (MEC) to Add an LMS:

- MECs can request to use an LMS.
- LMSs must be reviewed by developer/monitor and meet the same requirements as are in our current LMS guidelines.
- For all contractors (MECs and SEs) without a pre-approved LMS: when requesting to add an LMS, contractors may also request to waive the requirement that the LMS have been in use for 6 months before the request.

6) Request to Increase P1 Percentage:

- Can request to increase the P1 payment from 25% anywhere up to and including 50%. (The P2 payment will remain capped at 75%).

7) Request to Lower Minimum Training Hours to 2 hours:

- Can request to lower the minimum training hours to 2 hours.
- Revision request must include COVID-19 related justification, such as: special 2-hour COVID-19 related course being added to curriculum, staff working reduced hours, etc.

8) Request Waiver on Productive Lab Hours Cap:

- Can request to waive the 60 Hour Productive Lab Cap, up to and including all training hours being delivered via Productive Lab.
- Standard trainer:trainee ratios still apply.

Expedited Invoice Processing:

1) ETP's Fiscal Unit will be diligently working to decrease the amount of time needed to process all invoices. Please note that ETP cannot influence EDD's or the SCO's invoice processing time.

2) All Final Invoices (except for the Final Closeout Invoice) will be automatically and conditionally approved, in an effort to move funds to contractors as quickly as possible. Please note: a full wage and retention review will still be conducted, and any adjustments needed made during the Final Closeout Invoice review. No wage or retention requirements are being altered – the Final Invoices (except for the Final Closeout Invoice) will simply be conditionally approved for a quicker turnaround time.

For Stakeholders With Contracts in the Eligibility and/or Development Queues:

RESPOND Designation

The Rapid Employment Strategies On Natural Disasters (RESPOND) Program is currently moving through a revision process to expand this program for use on all natural disasters (including viral outbreaks), rather than for just drought, as it was originally written. ETP's Policy Committee has approved this expansion of the RESPOND Program, and these revisions are set to be approved by the full Panel at their next meeting, where it is expected to pass and be approved. To that end:

Contractors may request consideration for RESPOND status for any project not already approved by the Panel. This request must contain a COVID-19 related justification, such as: training provided will benefit the health, safety, and well-being of the public during this outbreak, etc. Granting of RESPOND status will be elevated to ETP Executive Staff.

Priority Preliminary Application Eligibility and Development Processing

The Governor has recently issued a list of critical and essential industries that are vital to the continued health and safety of the California public, and to the maintenance of our economy. Please see this Executive Order: <https://covid19.ca.gov/img/Executive-Order-N-33-20.pdf> and essential critical infrastructure/worker listing: <https://covid19.ca.gov/img/EssentialCriticalInfrastructureWorkers.pdf> .

To this end, ETP will give expedited priority processing, for both eligibility determinations and project development, to contractors that fall within these areas, and to small businesses who have been inordinately affected by the COVID-19 outbreak. Additionally, all MECs, since they serve such a high number of individual companies, many of which are small businesses, will also receive expedited processing.

Please note: ETP is not altering our official Priority Industries, which are listed in our Regulations. We are only altering the order in which Preliminary Applications and development projects are processed, to process the “COVID-19 related” (see above) projects in an expedited manner. Once all “COVID-19 related” projects have been processed, staff will revert back to the previously established processing order.

Within the COVID-19 related listing (see above and below), there is no additional hierarchy outside of Reference number, with these projects being processed in the order they were received.

Projects receiving expedited processing by nature of NAICS* code, please note:

ETP will be using the **EDD assigned NAICS code** for this determination. For information on how to change your EDD assigned NAICS code, please visit this website:

https://www.labormarketinfo.edd.ca.gov/LMID/NAICS_Code_Review.html

Also note: NAICS codes listed below refer, in most cases, to ranges of codes. All partial codes listed in the table below list the first few digits of the full code. Some of the listed codes correspond to ETP’s official Priority Industries; some do not.

*NAICS = North American Industry Classification System

COVID-19 Related Expedited Priority Processing Listing	
Project Type/NAICS Code	Definition
MECs	Any type of MEC
Small Business (Single Employers)	100 or less CA employees, and no more than 250 employees world-wide
NAICS Codes starting with 11	Agriculture
NAICS Codes starting with 22	All Utilities
NAICS Codes starting with 311	Food Manufacturing
NAICS Codes starting with 3121	Beverage Manufacturing
NAICS Code 322122	Newsprint Mills
NAICS Codes starting with 323	Printing
NAICS Codes starting with 3254	Medical & Pharmaceutical Manufacturing
NAICS Codes starting with 3256	Soap & Toilet Paper Manufacturing
NAICS Codes starting with 3342	Communications Equipment Manufacturing
NAICS Codes starting with 3345	Measuring Device Manufacturing
NAICS Codes starting with 336	Transportation Machinery Manufacturing
NAICS Codes starting with 3391	Medical Equipment Manufacturing
NAICS Codes starting with 444	Hardware Store Type Retail Stores
NAICS Codes starting with 445	Food & Beverage (ie: Grocery) Stores
NAICS Code 44611	Pharmacies
NAICS Codes starting with 48-49	Logistics

NAICS Codes 511110-511199	Publishers
NAICS Code 515111	Radios
NAICS Code 515210	Cable Programming
NAICS Codes 517110-517919	Wireless Telecommunications/Cellular
NAICS Code 519130	Internet Publishing
NAICS Codes 541711-541715	Scientific Research & Development
NAICS Code 541940	Veterinary Services
NAICS Codes starting with 62	Healthcare