
MEMORANDUM

March 27, 2020

To: Governors' Offices

From: Bill McBride, Executive Director

Re: CARES Act & Emergency Appropriations for Coronavirus Health Response and Agency Operations: Workforce Provisions Summary and Analysis

CARES ACT

Note: Title II of the Coronavirus Aid, Relief, and Economic Security Act (CARES Act) contains detailed provisions on the design and implementation of Unemployment Insurance (UI) and other short-term unemployment compensation programs in response to COVID-19. For the purpose of this summary, these provisions are not included, with the exception of provisions related to the development of guidance in implementing these programs. A summary of UI and short-term unemployment compensation provisions is available in a separate memo.

UNEMPLOYMENT COMPENSATION

Title II, Subtitle A, Sec. 2111 ASSISTANCE AND GUIDANCE IN IMPLEMENTING PROGRAMS

- Sec. 2111(a) requires the Secretary of Labor when establishing, qualifying, and implementing short term compensation programs to allow sufficient flexibility by States and participating employers while ensuring accountability and program integrity.
- Sec. 2111(c) requires the Secretary of Labor in developing model legislative language and guidance related to Unemployment Insurance to consult with employers, labor organizations, State workforce agencies, and other program experts.

Analysis: Provisions surrounding the development of language and guidance related to UI are rather weak. Staff may consider working with DOL to recommend a broader group of actors, including relevant state representatives, to participate in UI guidance development. Given the rapid release of these funds, DOL will likely execute its authority under Sec. 553 of the Administrative Procedure Act (5 U.S.C. § 553) which permits agencies to finalize some rules without first publishing a proposed rule in the Federal Register. This expeditious release of funds is necessary; however, NGA and other stakeholders should consider delivering early recommendations to ensure state feedback is included.

HEALTHCARE WORKFORCE DEVELOPMENT

Title II, Part IV, Sec. 3401 REAUTHORIZATION OF HEALTH PROFESSION WORKFORCE PROGRAMS

- Sec. 3401 reauthorizes funding for the Public Health Service Act for each fiscal years 2021 through 2025.

Title II, Part IV, Sec. 3402 HEALTHCARE WORKFORCE COORDINATION

- Sec. 3402(a)(1) directs the Secretary of Health and Human Services, in consultation with the Advisory Committee on Training in Primary Care Medicine and Dentistry and the Advisory Council on Graduate Medical Education, to develop a comprehensive and coordinated plan with respect to the health care workforce development programs of the Department of Health and Human Services, including education and training programs.
- Sec. 3402(b) directs the Secretary to coordinate with the heads of other Federal agencies and departments that fund or administer health care workforce development programs, including education and training programs, to evaluate the performance of training programs to meet healthcare workforce needs and implement improvements to address gaps.

Title II, Part IV, Sec. 3403 EDUCATION AND TRAINING RELATED TO GERIATRICS

- Sec. 3403(a) authorizes the Secretary to make available funding for Geriatrics Workforce Enhancement Programs to support the training of health professionals in geriatrics, including training and fellowships, to address gaps in care for older adults.
- Sec. 3403(a)(2)(B) makes available these funds for the purposes of 1) clinical training on integrated geriatrics and primary care delivery, 2) interprofessional training across disciplines on the care of older adults, 3) establishing or maintaining training-related community-based programs for older adults, 4) providing education on Alzheimer’s disease and related dementias to families and caregivers of older adults.
- Sec. 3403(a)(5)(A)(i) states that priority shall be given to programs which demonstrate coordination with another Federal or State program or another public or private entity, are designed to meet the needs of rural or otherwise underserved older adults, including in Indian Tribes or Tribal organizations. Priority may also be given to any program which has a shortage of geriatric workforce professionals, which aims to integrate geriatrics into primary care, integrates and emphasizes geriatrics into other health care settings, and which supports the training of medical faculty and providers on geriatrics.
- Sec. 3403(d) authorizes \$40,737,000 for FFY 2021 through 2025 for the establishment of a new Geriatric Academic Career Awards program to promote the career development of academic geriatricians or other academic geriatrics health professionals.

Analysis: These provisions are aimed at addressing the unique needs of older Americans who are disproportionately affected by COVID-19. This Sec. offers a unique opportunity to prioritize coordinated care for older Americans, including efforts to prevent and treat Alzheimers. Priority on rural states will ensure that states which maintain the highest percentage of older Americans, however, are smaller and more rural in nature and with fewer COVID-19 cases, still receive funding. This allocation will likely limit the available resources for states facing a larger number of COVID-19 cases, including California and New York.

Title III, Part IV, Sec. 3404 NURSING WORKFORCE DEVELOPMENT

- Sec. 3404 (a)(1)(18) adds to the list of eligible entities for funds for nursing workforce development, “Nurse Managed Health Clinic”, including nurse practice arrangements, managed by advanced practice nurses that provide primary care or wellness services to underserved or vulnerable populations and that is associated with a school, college, university, federally qualified



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health center or independent nonprofit health or social services agency.

Analysis: This provision amends the Nursing Workforce Development programs to bolster nursing education to address the shortage in supply of nurses throughout the United States, particularly in rural and medically underserved communities. This is characteristic of other health crises, as Congress has traditionally used the Title VIII authorities as a mechanism to address nursing shortages.

- Sec. 3404 (a) clarifies that funds may be used to 1) support training and education of nursing students related to the distribution of the nursing workforce and existing or projected nursing workforce shortages in geographic areas that have been identified as having, or that are projected to have, a nursing shortage, 2) increase access and quality to quality nursing services, including supporting the advanced training of nursing professionals, and 3) address the strategic priorities of the Secretary.

Analysis: This provision clarifies use of federal funds under the Nursing Workforce Development programs and is most likely aimed at expanding allowable uses to increase the supply of nurses and align them with healthcare workforce needs, including COVID-19.

WORKFORCE RESPONSE ACTIVITIES

Title III, Part IV, Subtitle B, Sec. 3515 WORKFORCE RESPONSE ACTIVITIES

- Sec. 3515 (a) allows local areas to use up to 20 percent of their program year 2019 Title I Adult, Dislocated Worker, and Youth funds to cover administrative costs if 10 percent or more of administrative costs are used to respond to the qualifying emergency (COVID-19).

Analysis: This provision will help local boards develop the capacity to operationalize and administer funds as well as support the health and safety of workforce services staff, including but not limited to increasing hiring, providing professional development, and enabling technological solutions for providing virtual services. The 10 percent allowance ensures that local areas are expending the additional funding to meet the needs of businesses and workers that have been impacted by COVID-19.

- Sec. 3515 (b)(1) Allows the discretionary use of program year 2019 Governor's WIOA 15 percent discretionary unobligated funds to be used in statewide Rapid Response activities.

Analysis: Unobligated discretionary funding may now be used to bolster Rapid Response activities, such as Layoff Aversion strategies for businesses or provide supportive services and reemployment resources for dislocated workers. This may have little impact for states that have smaller formula funding allocations since most of the Governor's discretionary funding will be obligated to meet State Workforce Board administrative support needs; provide for mandated evaluation and assessment; and be used for pilot or demonstration programs to support continuous system improvement.



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- Sec. 3515 (b)(2) allows for the Governor’s discretionary use of program year 2019 unobligated statewide Rapid Response funds, 30 days following the enactment of the CARES Act, to be allocated to local areas that have been heavily impacted by COVID-19.

Analysis: Governors have discretion in how the Rapid Response statewide funding may be used in response to emergencies, including coordination with state emergency response efforts, as well as the ability to expedite the process for funding to local areas. Coordination efforts may include Governor’s ability to align efforts for competitively applying for Disaster Recovery or Employment Recovery Dislocated Worker Grants (DWGs) as well as allocating funds on an as needed basis to local areas that have been heavily impacted.

Title III, Part III, Sec. 3823 EXTENSION OF DEMONSTRATION PROJECTS TO ADDRESS HEALTH PROFESSIONS WORKFORCE NEEDS

- Sec. 3823 authorizes one year extension of remaining funds to provide eligible individuals with the opportunity to obtain education and training for occupations in the health care field that pay well and are expected to either experience labor shortages or be in high demand.

S. 3548 THE CORONAVIRUS AID, RELIEF, AND ECONOMIC SECURITY ACT

DIVISION B, Title VIII, EMERGENCY APPROPRIATIONS FOR CORONAVIRUS HEALTH RESPONSE AND AGENCY OPERATIONS

Department of Labor - Employment and Training Administration Training and Employment Services

- **Funding for Dislocated Workers** -- \$345M has been appropriated through September 30, 2022, to prevent, prepare, and respond to coronavirus for necessary expenses for the dislocated workers assistance national reserve. These funds may be used by states to provide training and supportive services for dislocated workers, seniors, migrant farmworkers, and homeless veterans.

Analysis: Historically, funds for the three subcomponents of the National Dislocated Worker Grant Program have been appropriated within the Dislocated Worker National Reserve, including WIOA National Dislocated Worker Grants, WIOA Dislocated Worker National Reserve Demonstration Grants, and the WIOA Dislocated Worker National Reserve Technical Assistance and Training Program. Additional guidance on how the Department plans to allocate this appropriation across these programs, including any modifications to the existing funding formula for state grants, is pending.

DIVISION B, TITLE VIII, Departmental Management Salaries and Expenses

- **Funding for Administrative Costs** -- \$15M has been appropriated to assist DOL in the administration of labor law enforcement as well as other required activities in response to COVID-19. (pg. 118)

For questions or concerns related to the contents of this memo, please contact NGA staff:

- Rachael Stephens (rstephens@nga.org; 202.624.3545)



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