STATE OF DELAWARE

EXECUTIVE DEPARTMENT
DOVER

EXECUTIVE ORDER
NUMBER FORTY-THREE

TO: HEADS OF ALL STATE DEPARTMENTS AND AGENCIES
RE: RAPID WORKFORCE TRAINING AND REDEPLOYMENT INITIATIVE

WHEREAS, an outbreak of the novel coronavirus causing the disease "COVID-19" has spread throughout the world resulting in a global pandemic; and

WHEREAS, the Centers for Disease Control and Prevention (CDC) determined that COVID-19 presents a serious public health threat, which consequently impacted the State of Delaware; and

WHEREAS, on March 12, 2020, I issued a State of Emergency (the "COVID-19 State of Emergency") due to the public health threat of COVID-19, and I have issued subsequent COVID-19 State of Emergency modifications due to the increasing occurrence and threat to public health and safety arising from the effects of COVID-19; and

WHEREAS, the COVID-19 crisis has not only created a public health emergency, it has dramatically affected the economy and workforce nationwide and in Delaware, with nearly 100,000 Delawareans filing for unemployment between March and June 2020; and

WHEREAS, as a result of the COVID-19 crisis, a substantial number of unemployed Delawareans are expected not to return to work and will need to secure work in different sectors of the economy, or may be underemployed; and

WHEREAS, the COVID-19 crisis has triggered rapid shifts in the labor market in the State of Delaware causing: Delaware employers to have current unmet needs for employees with particular skills and training, such as nurses, medical assistants, home health aides and pharmacy services; and Delaware workers to be displaced through unemployment or underemployment; and

WHEREAS, there is a need to respond expeditiously to help train and deploy displaced Delaware workers, and the expenditures required for this initiative are due to the COVID-19 public health emergency; and

WHEREAS, the United States government has established the Coronavirus Relief Fund (the "CRF") in section 5001 of the Coronavirus Aid, Relief, and Economic Security Act (the "CARES Act"), which, among other things, authorizes the Governor to direct the expenditure of the CRF funds to cover expenses that: (1) are necessary expenditures incurred due to the COVID-19 public health emergency; (2) were not accounted for in the budget most recently approved as of March 27, 2020 (the date of enactment of the CARES Act) for the State; and (3) were incurred during the period that begins on March 1, 2020, and ends on December 30, 2020; and

WHEREAS, the United States Department of the Treasury subsequently issued "Guidance for State, Territorial, Local, and Tribal Governments" on April 22, 2020 (the "UST Guidance"), "Federal Funds Information for States' Issue Brief 20-10" on April 24, 2020 (the "FFIS Guidance"), and "Coronavirus Relief Fund Frequently Asked Questions" (the "UST CRF FAQs"); and

WHEREAS, the federal guidance states that recipients may use CRF funds to cover employment and training programs for employees impacted by the COVID-19 public health emergency; and

WHEREAS, the Delaware Department of Justice issued an updated guidance memorandum regarding the eligibility of government expenditures for funding or reimbursement from the CRF on June 9, 2020 (the "DOJ Guidance") which states that CRF expenditures may be used to mitigate second order effects of the COVID-19 public health emergency such as expenditures needed for economic support for displaced Delaware workers; and

WHEREAS, I find that the expenditures for economic support for displaced Delaware workers: (1) are necessary expenditures incurred due to the COVID-19 public health emergency; (2) were not accounted for in the State's 2020 Fiscal Year Operating Budget as of March 27, 2020; (3) were incurred, and will be incurred, during the period that begins on March 1, 2020 and ends December 20, 2020, and such expenditures are significantly more than the state funds currently available for such purposes; and

WHEREAS, in consultation with the Delaware business community, members of the Delaware General Assembly, the Attorney General's Office and other stakeholders, I have determined that it is necessary to utilize CRF funds to launch a rapid workforce training and redeployment initiative to provide workforce education and training in particular areas where there

is an identified need, so that Delaware workers displaced during the COVID-19 crisis have a pathway toward gainful employment.

NOW, THEREFORE, I, JOHN C. CARNEY, by virtue of the authority vested in me as Governor of the State of Delaware, do hereby **DECLARE** and **ORDER** the following:

1. The Delaware Department of Labor in consultation with the Delaware Workforce Development Board shall establish a "Rapid Workforce Training and Redeployment Initiative" (the "Initiative") to make available to currently unemployed or underemployed Delawareans as soon as possible but not later than December 30, 2020, certificate programs, certification programs and access to the Today's Reinvestment Around Industry Needs ("TRAIN") program.

2. The criteria for programs to be included in the Initiative shall include: a close nexus between the certificate program curriculum and skill requirements of employers in the State; evidence of the skill needs of an in-demand industry sector or occupation in the State; assurances from employers that individuals applying for employment will receive priority upon completion of a program; the ability to deliver a quality program on an expedited basis; and the job placement rate experience for graduates of the program provider.

3. The Delaware Workforce Development Board, in close consultation with the Delaware Department of Labor, shall:
    a. develop a list of eligible occupations for this Initiative; and
    b. approve the utilization and inclusion of certificate programs, certification programs and industry participants in the TRAIN program that can provide quality and timely training/education for the occupations deemed eligible for this Initiative.

4. Payments under the Initiative shall be in accordance with the following criteria:
    a. payments shall not exceed the full amount of tuition charged by the non-degree credit certificate program; and
    b. payments must be paid on a first-come, first-served basis, based on individuals who meet the minimum educational level for the proposed program.

5. The Initiative is subject to the availability of CRF funds designated for this specific purpose.

6. This Order or any regulation or policy related thereto does not create a right or entitlement in an individual to receive a monetary payment.

7. The Initiative is a critical and time-sensitive need of the State resulting from the emergency conditions triggered by the COVID-19 pandemic such that the Chair of the Delaware Workforce Development Board and the Secretary of the Delaware Department of Labor are hereby authorized to approve contracts for professional services to assist in the expedited demand occupation review/analysis or other professional services contracts required to promptly and timely implement this Initiative.

8. The Initiative shall terminate on December 31, 2020 unless extended by further Executive Order.

APPROVED this 3rd day of August 2020.

John C. Carney
Governor

ATTEST:

Secretary of State