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GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LABOR AND ECONOMIC OPPORTUNITY
LANSING

SUSAN CORBIN
ACTING DIRECTOR

OFFICIAL
Policy Issuance (PI): 20-13, Change 4

Date: July 22, 2021

To: Michigan Works! Agency (MWA) Directors

From: Joe Billig, Division Administrator **SIGNED**
Targeted Services
Workforce Development

Subject: Partnership.Accountability.Training.Hope. (PATH) Post COVID-19
Reengagement Guidance Policy Extension

Programs Affected: PATH Program

Rescissions: PI 20-13 and Changes

References: Reauthorization of the Temporary Assistance for Needy Families (TANF)
Programs Final Rule 45, Code of Federal Regulation Parts 261, 263 and 265

Personal Responsibility and Work Opportunity Reconciliation Act of 1996

PATH Manual dated November 17, 2014, updated January, 2021

Background: Due to the heightened risk of the novel coronavirus (COVID-19) and our commitment to protecting the health and safety of our participants and service delivery staff, the Michigan Department of Labor and Economic Opportunity, Workforce Development (LEO-WD) authorized the temporary suspension of individual employment and training activities for the PATH program effective March 18, 2020. Both PATH and Application Eligibility Period (AEP) activities resumed July 1, 2020. PATH/AEP participants are required to re-engage with activities in accordance with the Governor's directive to limit exposure and in accordance with the Center for Disease Control (CDC) requirements. There will be limited face-to-face contact and MWAs must conduct activities virtually or in accordance with social distancing requirements during this period. WD is aware the MWAs are reopening their offices in phases. This policy guidance is designed to mitigate risk of a COVID-19 resurgence and to protect vulnerable Michigan employees and citizens.

LEO is an equal opportunity employer/program.

Auxiliary aids, services and other reasonable accommodations are available upon request to individuals with disabilities.
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This policy guidance is temporary and is extended to August 31, 2021.

Policy:

COVID-19 has created an unprecedented situation and impacted how the MWAs can deliver services. On July 1, 2020, the MWAs began re-engaging PATH/AEP participants who were temporarily suspended from PATH/AEP activities. Additionally, all new applicants seeking assistance during the suspension of the PATH program were approved and coded as Temporary Exempt (TE) to temporarily relieve them of PATH activities that would have required in-person contact. Starting July 1, 2020, these TE coded recipients began to be referred for PATH orientation and program activities. These participants have been approved for cash assistance and did not need to complete the AEP. All new referrals will need to complete program orientation and other program activities through some means that ensures safe delivery by maintaining social distancing through use of telephone, technology, or scheduling. WD understands the difficulty the MWAs face in engaging PATH participants in PATH related activities and will provide flexibility in meeting Work Participation Rate (WPR) requirements during this guidance period which is being extended to August 31, 2021.

COVID-19 Fact Sheet

WD has created a COVID-19 fact sheet and flyer that the MWAs may utilize for their PATH/AEP participants. The materials were designed to notify PATH participants that the MWAs are here to assist and how to engage with PATH services as required by the Michigan Department of Health and Human Services (MDHHS). MWAs may customize the document as required and necessary such as adding staff contact information, agency logo, etc.

Safety and Personal Protection Equipment (PPE)

Per the United States Department of Labor's Occupational Health and Safety Administration (OSHA) website, the CDC states "Unless otherwise required by federal, state, local tribal, or territorial laws, rules, and regulations, most employers no longer need to take steps to protect their fully vaccinated workers who are not otherwise at-risk from COVID-19 exposure." Retrieved from <https://www.osha.gov/coronavirus/safework>. Vaccines authorized by the U.S. Food and Drug Administration have proven to be highly effective. The CDC continues to provide evidence that fully vaccinated individuals are less likely to have symptomatic infection or transmit the virus to others. For those who are unvaccinated; employers have been encouraged to make it easier for employees to get vaccinated and maintain control to provide the necessary protection for their employees.

The Michigan Occupational Safety and Health Administration (MIOSHA) has aligned with the federal OSHA guidelines identifying the use of face masks as a requirement only for health care workers in the workplace. Employers are no longer obligated to take the steps to protect the exposure of their employees to COVID-19 in the workplace. This includes the requirement to maintain facial masks, daily health screenings, and distance measures. However, a safe and healthy workplace is most important for everyone.

Many employers have established and maintain COVID-19 prevention programs to ensure the safety of all employees. They have been encouraged to continue following the CDC recommendations to prevent the spread of COVID-19.

As the number of COVID-19 cases continues to decline, prevention programs evolve. Employees are becoming more responsible for their own protection against COVID-19. Vaccinations have already been identified as one way to stay protected. Although Personal Protective Equipment (PPE) needed to stay safe while performing job responsibilities, is no longer required; it is another option.

While correctly using PPE can help prevent some exposures, it should not take the place of other prevention strategies. Examples of PPE include gloves, goggles, face shields, face masks, and respiratory protection, when appropriate. During an outbreak of an infectious disease, such as COVID-19, recommendations for PPE specific to occupations or job tasks may change depending on geographic location, updated risk assessments for workers, and information on PPE effectiveness in preventing the spread of COVID-19.

Even though the CDC guidelines and PPE requirements are for employers, the MWAs are encouraged to conduct PATH activities in accordance with the above. MWAs should use their own judgement to maintain a safe and healthy environment for both their employees and participants. PPE may be provided to participants utilizing PATH funding.

Virtual Engagement

To ensure public safety, MWAs should provide alternatives to in-person orientations. Where capability allows during orientation, all referrals must be shown the [PATH Orientation Video](#). This video has replaced the *AEP Introduction Module for Orientation* and the *PATH Introduction Module for Orientation*. In the interest of community safety, MWAs are to explore and develop alternate means to deliver program orientations and other program activities customarily provided at the service center. Options may include, but are not limited to, scheduling by appointment, conducting telephone interviews, virtual orientations, developing virtual or technology-based workshops, or video chat options. When technology is not an option, MWAs should make available small groups or one-on-one appointments as feasible. With the exception of individuals participating in classroom training, the requirement that the MWAs conduct an assessment test with the participants upon referral is being waived through August 31, 2021. However, MWAs should still assess participants for barriers and utilize the barrier removal activity as appropriate after completion of the AEP.

Options to deliver alternate PATH services may include but are not limited to internet services, and the purchase of tablets, laptops, chrome books, smart phones, etc. MWAs should ensure that the participants exhaust all free and low-cost resources before they provide these supportive services.

Additionally, MWAs should ensure that the participant is a good candidate for such additional supportive services. A best practice would be to conduct participant surveys to determine need and feasibility. These costs should be captured under “Other Supportive Services” category and should be case noted in the One-Stop Management Information System (OSMIS).

Effective September 1, 2021, all MWAs must have a reengagement strategy for in-person services for all PATH services including orientations, job search, etc.

Case Management

MWAs will find and deal with many levels of participant program engagement as participants may be dealing with issues not encountered prior to the suspension of activities. Coaching, goal setting, and participant engagement in PATH activities should become a primary focus. Barriers may have developed such as internet connectivity, lack of technology or knowledge of how to use technology, childcare issues, public transportation reliability, and medical issues that may impede total program engagement. Case management experience should aid in sorting through barriers as well as appropriate case notes and documentation in OSMIS. MWAs are granted the flexibility to make good cause decisions before referring participants for non-compliance if the issues are related to COVID-19. Issues could include physical, such as daycare issues, transportation issues, or employment issues, and psychological (with documentation), such as fear or being uncomfortable returning to work or Community Service worksite. The fear of or being uncomfortable with returning to work or engaging in Community Service/Work Experience activities, and social distancing limitations are no longer considered an issue related to COVID-19. The MWA must evaluate a participant’s program engagement to determine whether the issue results in a non-compliance referral.

Participants that express a fear of returning to employment, work experience, or community service due to COVID-19 should be provided extensive case management services to overcome these barriers and documented accordingly. Other options to fulfill their PATH responsibilities should be considered if possible. Participants must demonstrate good faith effort to engage in other forms of activities in order to satisfy program requirements. Consideration for the availability of activity sites, social distancing limitations, and other barriers encountered on an individual basis should be considered before determining the need for noncompliance. Case managers are encouraged to differentiate between good faith efforts and an unwillingness to engage in the program.

As outlined in the PATH Manual, participants who are unable to engage with PATH due to medical reasons may be placed in the following activities with the appropriate documentation:

- OSMIS Code 75: Medical Inactive – 30 days or less
- OSMIS Code 80: Pending Deferral Determination

Documentation and Electronic Signature

MWAs should make an effort to obtain the required document signatures from the participant. If face-to-face contact is not feasible, case managers may accept attestation over the phone, indicating such in case notes and sending the participant a copy with notation that the case manager accepted the client’s authorization on the phone. In addition, MWAs may also utilize electronic signatures. For TANF data validation, all documentation and authorization should be documented in the OSMIS and submitted as requested if participants come up for review.

WPR

MWAs will be allowed flexibility for reaching WPR requirements for the period of July 1, 2020 thru August 31, 2021. WD/MDHHS are aware that PATH customers may not be able to fully engage with PATH activities due to conditions beyond their control. However, they should encourage participants to reach their goals towards self-sufficiency. MWAs can engage participants into PATH activities without focusing on whether the participant will meet work participation requirements. These activities should be documented in the OSMIS.

Action: MWA directors will take appropriate action to comply with the requirements of this policy guidance.

Inquiries: Questions regarding this policy should be directed to your Reemployment Services State Coordinator via email.

This policy is available for downloading from [WD’s website](#).

The information contained in this policy will be made available in alternative formats (large type, audio tape, etc.) upon request to this office. Please contact Ms. Melissa Stebbins by email at stebbinsm@michigan.gov.

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**Expiration
Date:**

August 31, 2021

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