

## **MEETING NOTICE AND AGENDA**

### **NEVADA LEGISLATURE'S INTERIM FINANCE COMMITTEE**

**Place of Meeting:**

Pursuant to the Governor's Emergency Directive 006, this meeting will be conducted online and there will be no physical location for the meeting. This meeting can be viewed live over the Internet on the Nevada Legislature website at <http://www.leg.state.nv.us>. Click on the link: "[Calendar of Meetings/View](#)." To view the closed captioning for the meeting click on "cc" on the meeting screen.

**Date and Time of Meeting:**

**Monday, May 18, 2020  
9:00 a.m.**



### **Agenda Items Included**

- C. WORK PROGRAM REVISIONS IN ACCORDANCE WITH NRS 353.220(5)(b) – REQUIRES EXPEDITIOUS ACTION WITHIN 15 DAYS.
- D. STATEMENT OF THE ACCOUNT TO STABILIZE THE OPERATION OF THE STATE GOVERNMENT BALANCE.
- E. REQUEST FOR APPROVAL TO TRANSFER FUNDS FROM THE ACCOUNT TO STABILIZE THE OPERATION OF THE STATE GOVERNMENT TO THE STATE GENERAL FUND PURSUANT TO NRS 353.288(7).
- F. REQUEST FOR APPROVAL TO ACCEPT GIFTS AND GRANTS PURSUANT TO NRS 353.335(2)(b) – REQUIRES EXPEDITIOUS ACTION WITHIN 15 DAYS – Department of Education.

STATE OF NEVADA  
LEGISLATIVE COUNSEL BUREAU

LEGISLATIVE BUILDING  
401 S. CARSON STREET  
CARSON CITY, NEVADA 89701-4747  
Fax No.: (775) 684-6600



LEGISLATIVE COMMISSION (775) 684-6800

NICOLE J. CANNIZZARO, *Senator, Chair*

Brenda J. Erdoes, *Director, Secretary*

INTERIM FINANCE COMMITTEE (775) 684-6821

MAGGIE CARLTON, *Assemblywoman, Chair*

Cindy Jones, *Fiscal Analyst*

Mark Krmpotic, *Fiscal Analyst*

BRENDA J. ERDOES, *Director*  
(775) 684-6800

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MICHAEL J. STEWART, *Research Director* (775) 684-6825

**\*\*REVISED\*\***

**MEETING NOTICE AND AGENDA**

Name of Organization: Interim Finance Committee  
(*Nevada Revised Statutes* [NRS] 218E.400)

Date and Time of Meeting: Monday, May 18, 2020  
9 a.m.

Place of Meeting: Pursuant to the Governor's Emergency Directive 006, this meeting will be conducted online and there will be no physical location for the meeting. This meeting can be viewed live over the Internet on the Nevada Legislature website at <http://www.leg.state.nv.us>. Click on the link: "[Calendar of Meetings/View.](#)" To view the closed captioning for the meeting click on "cc" on the meeting screen.

*We are pleased to make reasonable accommodations for members of the public with a disability. If accommodations for the meeting are necessary, please notify Brenda Erdoes, Director of the Legislative Counsel Bureau, at (775) 684-6830 or [Director@lcb.state.nv.us](mailto:Director@lcb.state.nv.us), as soon as possible.*

Please provide the meeting secretary by email (at [NVIFC-PublicComment@lcb.state.nv.us](mailto:NVIFC-PublicComment@lcb.state.nv.us)) or facsimile (at (775) 684-6600) or mail (to address above) testimony and visual presentations if you wish to have complete versions included as exhibits with the minutes.

Items on this agenda may be taken in a different order than listed. Two or more agenda items may be combined for consideration. An item may be removed from this agenda or discussion relating to an item on this agenda may be delayed at any time.

A. ROLL CALL.

B. PUBLIC COMMENT.

(Public Testimony under this item may be presented by phone or written comment. Because of time considerations, each caller offering testimony during this period for public comment will be limited to not more than 2 minutes. A person may also have comments added to the minutes of the meeting by submitting them in writing either in addition to testifying or in lieu of testifying. Written comments may be submitted by email (at [NVIFC-PublicComment@lcb.state.nv.us](mailto:NVIFC-PublicComment@lcb.state.nv.us)) or facsimile (at (775) 684-6600) or mail (to address above) before, during or after the meeting. To dial in to provide testimony during this period of public comment in the meeting, any time after 8:30 a.m. on Monday, May 18, 2020:  
Dial: (669) 900-6833

When prompted to provide your Meeting ID, please enter: 980 3903 5699 then press #

When prompted for a Participant ID, please enter #

To resolve any issues related to dialing in to provide public comment for this meeting, please call (775) 684-6990.)

*For  
Possible  
Action*

C. WORK PROGRAM REVISIONS IN ACCORDANCE WITH  
NRS 353.220(5)(b) – REQUIRES EXPEDITIOUS ACTION WITHIN  
15 DAYS (list C available upon request).

D. STATEMENT OF THE ACCOUNT TO STABILIZE THE OPERATION OF THE STATE GOVERNMENT BALANCE.

*For  
Possible  
Action*

E. REQUEST FOR APPROVAL TO TRANSFER FUNDS FROM THE ACCOUNT TO STABILIZE THE OPERATION OF THE STATE GOVERNMENT TO THE STATE GENERAL FUND PURSUANT TO NRS 353.288(7).

*For  
Possible  
Action*

F. REQUEST FOR APPROVAL TO ACCEPT GIFTS AND GRANTS PURSUANT TO NRS 353.335(2)(b) – REQUIRES EXPEDITIOUS ACTION WITHIN 15 DAYS – Department of Education – CARES ACT Elementary and Secondary **School** Emergency Relief Funds – Request to accept and expend federal Elementary and Secondary School Emergency Relief funds allocated through the Coronavirus Aid, Relief, and Economic Security Act in the amount of \$117,185,045 to assist local educational agencies throughout the state and provide support for remote learning. **REVISED 5-14-20.**

G. PUBLIC COMMENT

(Public Testimony under this item may be presented by phone or written comment. Because of time considerations, each caller offering testimony during this period for public comment will be limited to not more than 2 minutes. A person may also have comments added to the minutes of the meeting by submitting them in writing either in addition to testifying or in lieu of testifying. Written comments may be submitted by email (at [NVIFC-PublicComment@lcb.state.nv.us](mailto:NVIFC-PublicComment@lcb.state.nv.us)) or facsimile (at (775) 684-6600) or mail (to address above) before, during or after the meeting. To dial in to provide testimony during this period of public comment in the meeting, any time after *the Chair announces this second period of public comment* on Monday, May 18, 2020:

Dial: (669) 900-6833

When prompted to provide your Meeting ID, please enter: 980 3903 5699 then press #

When prompted for a Participant ID, please enter: #

To resolve any issues related to dialing in to provide public comment for this meeting, please call (775) 684-6990.)

H. ADJOURNMENT.

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Notice of this meeting was posted on the Internet through the Nevada Legislature's website at [www.leg.state.nv.us](http://www.leg.state.nv.us). Supporting public material provided to Committee members for this meeting may be requested from Cheryl Harvey or Becky Lowe, Fiscal Secretary, Fiscal Analysis Division, Legislative Counsel Bureau, at (775) 684-6821 or by email at [fiscal@lcb.state.nv.us](mailto:fiscal@lcb.state.nv.us) and is/will be available through the Nevada Legislature's website at [www.leg.state.nv.us](http://www.leg.state.nv.us)

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C.

WORK PROGRAM REVISIONS IN ACCORDANCE WITH NRS 353.220(5)(b) –  
REQUIRED EXPEDITIOUS ACTION WITHIN 15 DAYS

**C. WORK PROGRAM REVISIONS IN ACCORDANCE WITH NRS 353.220(5)(b) – REQUIRED EXPEDITIOUS ACTION WITHIN 15 DAYS.**

1. **Office of the Governor – ~~Governor’s Finance Office~~—Budget Division – FY 2020**  
Addition of \$51,442 in federal Coronavirus Aid, Relief and Economic Security Act (CARES) funding transferred from the CARES Act account to support two positions and associated operating costs in coordinating the states response to the COVID-19 pandemic. Requires Interim Finance approval since the Personnel Services category exceeds 10 percent of the legislatively approve amount for that category. **Work Program #C50739. REVISED 5-14-20**
2. **Department of Health and Human Services – Public and Behavioral Health – Communicable Diseases – FY 2020**  
Addition of \$192,626 in federal Health Resources and Services Administration, Ryan White Part B COVID-19 grant funds provided through the Coronavirus Aid, Relief, and Economic Security Act to prevent and minimize the impact of Coronavirus pandemic on people with HIV. Requires Interim Finance approval since the amount added to the Ryan White COVID- 19 category exceeds \$75,000. **Work Program #C50706**
3. **Department of Employment, Training and Rehabilitation – Unemployment Insurance – FY 2020**  
Addition of \$5,073,075 in Pandemic Unemployment Assistance (PUA), \$153,611 in Federal Pandemic Unemployment Compensation (FPUC), and \$191,892 in Pandemic Emergency Unemployment Compensation (PEUC) federal grant funds provided through the Coronavirus Aid, Relief, and Economic Security (CARES) Act to support costs associated with implementing federally-enhanced unemployment compensation programs in response to the COVID-19 pandemic. Requires Interim Finance approval since the amount added to the Pandemic UI Admin – PUA category exceeds \$75,000. **Work Program #C50726**



Steve Sisolak  
*Governor*



Susan Brown  
*Director*

Tiffany Greenameyer  
*Deputy Director*

STATE OF NEVADA  
GOVERNOR'S FINANCE OFFICE  
*Budget Division*

209 E. Musser Street, Room 200 | Carson City, NV 89701-4298  
Phone: (775) 684-0222 | [www.budget.nv.gov](http://www.budget.nv.gov) | Fax: (775) 684-0260

**MEMORANDUM**

May 12, 2020

TO: Brenda Erdoes, Secretary  
Interim Finance Committee

FROM: Tiffany Greenameyer, Deputy Director  
Governor's Finance Office

SUBJECT: Next Interim Finance Committee Meeting

Per NRS 353.220, Section 5(b), the following work program(s) require expeditious action:

**I. WORK PROGRAMS**

**3. GOVERNOR'S OFFICE - FY 20**

Addition of \$51,442 in federal Coronavirus Aid, Relief and Economic Security Act (CARES Act) funding transferred from the CARES Act account to support two positions and associated operating cost in coordinating the states response to the COVID-19 pandemic. Requires Interim Finance approval since the Personnel Services category exceeds 10 percent of the legislatively approve amount for that category. **Work Program #C50739**

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# State of Nevada Work Program

WP Number: C50739

FY 2020

☐ Add Original Work Program

☒ XXX Modify Work Program

BUDGET DIVISION USE ONLY

DATE

APPROVED ON BEHALF OF

THE GOVERNOR BY

DATE	FUND	AGENCY	BUDGET	DEPT/DIV/BUDGET NAME
05/07/20	101	010	1000	OFFICE OF THE GOVERNOR

## Funds Available

Budgetary GLs (2501 - 2599)	Description	WP Amount	Revenue GLs (3000 - 4999)	Description	WP Amount	Current Authority	Revised Authority
			4669	TRANS FROM CARES ACT	51,442	0	51,442
Subtotal Budgetary General Ledgers		0	Subtotal Revenue General Ledgers(RB)		51,442		51,442
Total Budgetary & Revenue GLs					51,442		

## Expenditures

CAT	Amount	CAT	Amount
01	45,311		
08	6,131		

Sub Total Category Expenditures

51,442

## Remarks

The purpose of the this work program is to establish revenue and expenditure authority for the federal Coronavirus Aid, Relief and Economic Security Act (CARES Act) funding transferred from the CARES Act account to support two positions and associated operating cost in coordinating the states response to the COVID-19 pandemic.

Total Budgetary General Ledgers and Category Expenditures (AP)

51,442

mtum1

Authorized Signature

05/08/20

Date

Controller's Office Approval

Requires Interim Finance approval since 15-Day Expedious Action submitted pursuant to NRS 353.220 (5)(b) on May 12, 2020. 15 day clock expires on May 26, 2020.

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**STATE OF NEVADA  
GOVERNOR'S OFFICE**

**Budget Account 1000 - OFFICE OF THE GOVERNOR  
Work Program C50739  
Fiscal Year 2020**

Submitted May 8, 2020

**Budget Account's Primary Purpose, Function and Statutory Authority**

The supreme executive power of the state is vested in the Governor of Nevada and he shall see that all laws are faithfully executed. The Governor serves as chairman of the State Board of Examiners, Board of Directors for the Department of Transportation, Board of Prisons Commissioners, Board of Pardons Commissioners, and Executive Branch Audit Committee. The Governor also serves as the Commander in Chief of the state military forces. The Governor is required to communicate by message on the condition of the state, recommend any legislation he deems necessary, and submit a proposed executive budget at each regular session of the Legislature. Authority: Article 5 of the Nevada Constitution, NRS 223.

**Purpose of Work Program**

The purpose of the this work program is to establish revenue and expenditure authority for the federal Coronavirus Aid, Relief and Economic Security Act (CARES Act) funding transferred from the CARES Act account to support two positions and associated operating cost in coordinating the states response to the COVID-19 pandemic.

**Justification**

This work program requests funding for two temporary positions in the Governor's Office to provide statewide coordination to support the state's response in preparing, sustaining and expanding Nevada healthcare to respond to the COVID-19 pandemic.

The COVID-19 State Response Director will work with federal, state and local governments in coordinating coronavirus contact tracing and testing. This position will also be the liaison for the Governor for the federally supported, state managed and local executed response across both state and federal Health and Human Services and Emergency Management.

The COVID-19 Administrator will identify all federal funding related to the pandemic coming into Nevada. This position will be the point of contact person/manager and will work with agency directors, local government and the Governor's Finance Office in managing the Coronavirus Relief fund.

**Expected Benefits to be Realized**

The approval of this work program will provide the support needed for coordination with federal, state and local governments in preparing, sustain and expanding the response to the COVID-19 pandemic and in managing the Coronavirus Relief fund.

**Explanation of Projections and Documentation**

The attached documentation includes:  
Budget Status Report - showing current authority, revenue, and obligations  
Financial Status Report - showing current and projected budget projections and ending balances  
Fund Map - showing current authority and proposed changes  
NEBS 210 - showing the position and associated cost projections

**New Positions:** No

**Summary of Alternatives and Why Current Proposal is Preferred**

1.3

Office of the Governor  
1000  
Office of the Governor

**FY 20 Revised Authority**

DAWN Check

	2501	4654	4669	Revised Authority
Revenue	Appropriations	Transfer from IFC	Transfer from CARES Act	Total
00 Current Year Revenue	2,733,781	296,072	-	\$ 3,029,853
01 2511 Balance Forward from Previous Year	-	-	-	\$ -
02 2520 Federal Funds from Previous Year	-	-	-	\$ -
<b>Revenue Total</b>	<b>2,733,781</b>	<b>296,072</b>	<b>-</b>	<b>3,029,853</b>
Expenditures				
01 Personnel	2,093,371	230,473	-	\$ 2,323,844
02 Out-of-State Travel	10,752	-	-	\$ 10,752
03 In-State Travel	34,445	-	-	\$ 34,445
04 Operating	435,198	-	-	\$ 435,198
05 Equipment	-	-	-	\$ -
10 Patient Protection Commission	-	65,599	-	\$ 65,599
26 Information Services	99,080	-	-	\$ 99,080
30 Training	285	-	-	\$ 285
82 Department Cost Allocation	59,987	-	-	\$ 59,987
87 Purchasing Assessment	663	-	-	\$ 663
<b>Expenditures Total</b>	<b>\$ 2,733,781</b>	<b>\$ 296,072</b>	<b>\$ -</b>	<b>\$ 3,029,853</b>
DIFFERENCE	\$ -	\$ -	\$ -	\$ -

3,029,853 ✓  
- ✓  
- ✓  
3,029,853 ✓  
2,323,844 ✓  
10,752 ✓  
34,445 ✓  
435,198 ✓  
- ✓  
65,599 ✓  
99,080 ✓  
285 ✓  
59,987 ✓  
663 ✓  
3,029,853 ✓

**Work Program C50739 - CARES Act Positions**

	2501	4654	4669	Work Program
Revenue	Appropriations	Transfer from IFC	Transfer from CARES Act	Total
00 Current Year Revenue	-	-	51,442	\$ 51,442
<b>Revenue Total</b>	<b>-</b>	<b>-</b>	<b>51,442</b>	<b>51,442</b>
Expenditures				
01 Personnel	-	-	45,311	\$ 45,311
02 Out-of-State Travel	-	-	-	\$ -
03 In-State Travel	-	-	-	\$ -
04 Operating	-	-	-	\$ -
05 Equipment	-	-	-	\$ -
08 CARES Act Grant	-	-	6,131	\$ 6,131
10 Patient Protection Commission	-	-	-	\$ -
26 Information Services	-	-	-	\$ -
30 Training	-	-	-	\$ -
82 Department Cost Allocation	-	-	-	\$ -
87 Purchasing Assessment	-	-	-	\$ -
<b>Expenditures Total</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 51,442</b>	<b>\$ 51,442</b>
DIFFERENCE	\$ -	\$ -	\$ -	\$ -

**FY 20 Revised Authority**

DAWN Check

	2501	4654	4669	Revised Authority
Revenue	Appropriations	Transfer from IFC	Transfer from CARES Act	Total
00 Current Year Revenue	2,733,781	296,072	51,442	\$ 3,081,295
<b>Revenue Total</b>	<b>2,733,781</b>	<b>296,072</b>	<b>51,442</b>	<b>3,081,295</b>
Expenditures				
01 Personnel	2,093,371	230,473	45,311	\$ 2,369,155
02 Out-of-State Travel	10,752	-	-	\$ 10,752
03 In-State Travel	34,445	-	-	\$ 34,445
04 Operating	435,198	-	-	\$ 435,198
05 Equipment	-	-	-	\$ -
08 CARES Act Grant	-	-	6,131	\$ 6,131
10 Patient Protection Commission	-	65,599	-	\$ 65,599
26 Information Services	99,080	-	-	\$ 99,080
30 Training	285	-	-	\$ 285
82 Department Cost Allocation	59,987	-	-	\$ 59,987
87 Purchasing Assessment	663	-	-	\$ 663
<b>Expenditures Total</b>	<b>\$ 2,733,781</b>	<b>\$ 296,072</b>	<b>\$ 51,442</b>	<b>\$ 3,081,295</b>
DIFFERENCE	\$ -	\$ -	\$ -	\$ -

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**Governor's Office B/A 1000**  
**FY 2020 CARES Act Response Operations**

PCN	Description	Estimated Start Date	Salary	Benefits	% of Benefit	Total
	COVID-19 State Response					
PCN0006	Director (Non Classified)	1-May	20,000	5,892	0.2946	25,892
	COVID-19 Administrator (Non					
PCN0009	Classified)	18-May	14,667	4,752	0.2946	19,419
<b>Total Category 01</b>						<b>45,311</b>

Category	Description	FY 2020 Cost	
<b>01 Personnel Services</b>		<b>45,311</b>	
	Travel LV over nite stay	772	Airfare 250, Per Diem 106, mileage 30
	Supplies	100	50 each for supplies
	Cell Phone monthly charge	236	\$117.71 * 2 * 2 months =\$235.42
	Cell Phone purchase	800	\$400 * 2
EITS	Phone and VM	47	2 months @ 11.64 each
EITS	Business Productivity Suite	167	2 months @ 41.76 each
	LapTop with operating system	3,158	\$1579 each
	LapTop docking station	163	\$163 each
	Flat Panel Monitor	688	\$172*4
<b>08 CARES Act Grant</b>		<b>6,131</b>	
<b>Total WP Request</b>		<b>51,442</b>	

The annual salary for each position is included at \$120,000  
adjusting the work program amount for the later start date of the second  
position results in a slight difference in the work program amount

1.5





**STATE OF NEVADA  
DHHS - PUBLIC AND BEHAVIORAL HEALTH**

**Budget Account 3215 - HHS-DPBH - COMMUNICABLE DISEASES  
Work Program C50706  
Fiscal Year 2020**

Submitted May 6, 2020

**Budget Account's Primary Purpose, Function and Statutory Authority**

This program works with local health authorities and the public to prevent and control Human Immunodeficiency Virus (HIV)/Acquired Immune Deficiency Syndrome (AIDS) in Nevada. The program includes: HIV Prevention, Ryan White Part B, AIDS Drug Assistance Program (ADAP), and Housing Opportunities for People with AIDS (HOPWA). HIV Prevention includes: community planning and the development of an annual comprehensive prevention plan; training and technical assistance to organizations that offer screening and testing; risk education and counseling; drug treatment; and other community-based wellness activities. The Ryan White program includes medications, care services, and treatment adherence to individuals infected with HIV/AIDS. HOPWA provides housing assistance and supportive services. Statutory Authority: NRS 441A and NRS 439.

**Purpose of Work Program**

This work program requests the addition of Ryan White Care Act COVID-19 federal funds to prevent or minimize the impact of the Coronavirus pandemic on people with HIV.

**Justification**

This award will give the Ryan White HIV/AIDS Program provided under the Coronavirus Aid, Relief, and Economic Securities Act (CARES Act) program recipients the flexibility to meet evolving needs in their respective communities, including extending operational hours, increasing staffing hours, purchasing additional equipment, enhancing workforce training and capacity development, and providing critical services to people with HIV during the Coronavirus pandemic. Funds will be sub-granted to Northern Nevada HOPES and Access for Community and Cultural Education Programs and Training (ACCEPT). The subgrantees will provide direct services, such as home-delivered meals, emergency housing, housing assistance and medical transportation to HIV positive clients and their families. The number of clients served are unknown at this time due to the evolving nature of the COVID-19 pandemic.

There is no match or MOE requirement for this grant.

**Expected Benefits to be Realized**

Additional authority will allow the program to enhance services to meet the changing need of the COVID-19 pandemic.

**Explanation of Projections and Documentation**

Please find attached: Budget Status Reports, Before and After Fund Maps, Grant Reconciliation, Expenditure Schedule, Notice of Grant Award, and File Maintenance Form.

**New Positions:** No

**Summary of Alternatives and Why Current Proposal is Preferred**

The alternative is to not approve the request. The current proposal is preferred to allow enhanced services to address needs arising from the COVID-19 pandemic.

AFTER FUND MAP

Includes: C48264, C48030, C48592, C49439, C50442, C50706

		C50442		C50706			
BA 3215 HHS-DPBH - COMMUNICABLE DISEASES		3527	3528	4218	4749		
Legislative Fund Map		COMPREHENSIVE	RYAN WHITE	REBATE	TRANSFER		
SFY 2020		CARE GRANT	COVID19		FROM YOUTH SRV.		
REVENUE AUTHORITY	3421	3501	3507			Totals	
	FED HUD	FED HIV	HEPATITIS				
	CONTRACT	PREVENTION	Grant				
2511 Balance Forward	369,452	2,690,365	261,328	13,599,086	850,300	34,592,860	
				2,828,323		2,828,323	
Total	369,452	2,690,365	261,328	16,427,409	850,300	37,421,183	
Cat EXPENDITURE CATEGORIES							
01 PERSONNEL SERVICES		173,323				799,036	
04 OPERATING		493				894	
15 AIDS EDUCATION/RISK REDUCTION		2,489,282				2,489,282	
20 HEPATITIS					850,300	850,300	
21 HIV GETTING TO ZERO			261,328			261,328	
22 HOPWA							
24 COMPREHENSIVE CARE	369,452					369,452	
25 RYAN WHITE COVID19				16,423,506		32,396,586	
26 INFORMATION SERVICES				192,626		192,626	
82 COST ALLOCATION		6211				17,995	
86 RESERVE		15,914		3,402		19,316	
87 PUCHASING ASSESMENG				501		501	
88 STATE COST RECOVERY PLAN		1,480				6,100	
		3,662				17,767	
Total Expenditure Categories	369,452	2,690,365	261,328	16,427,409	850,300	37,421,183	
Revenue Over (Short)							

C50442	C50706	CHK
26,887,665	7,512,569	192,626
2,828,323	-	-
29,715,988	7,512,569	192,626
799,036	-	-
894	-	-
2,489,282	-	-
850,300	-	-
261,328	-	-
369,452	-	-
24,839,267	7,557,319	-
0	0	192,626
17,995	-	-
64,066	-44,750	-
501	-	-
6,100	-	-
17,767	-	-
29,715,988	7,512,569	192,626

23

Department of Health and Human Services  
 Division of Public and Behavioral Health  
 Communicable Diseases  
 Grant Reconciliation  
 RGL 3528  
 SFY 20

Job#	Grant Description	Grant Period From To	ID #	Total Amount	Less			Current FY Amount Avail	Expenditure Authority	
					Allocated to Other BA(s)	Allocated To Future State Fiscal Year	Less Prior FY Draws	Less Expired Amounts	CAT 25	Total
9391720C	Ryan White HIV/AIDS Program Part B COVID-19 Response	4/1/2020 3/31/2021	1 X7CHA36923-01-00	192,626	-	-	-	-	192,626	192,626
						Balance Available			192,626	192,626
						Current Leg App Budget			-	-
						Work Program Adjustment Needed			192,626	192,626

NOTES:

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Current FY 2020

Communicable Diseases  
Budget to Actual Schedule  
04/01/2020 - 03/31/2021

**CONCLUSION:** Grant budget revisions are in full compliance with applicable federal regulations.

Notes:

EXPENDITURE SCHEDULE FOR :  
**3215 Communicable Diseases**  
**FISCAL YEAR 2020**

CAT	DESCRIPTION	FY 20 APPROVED BUDGET	EXPENDITURES AS OF: 04/28/20	PROJECTED THROUGH 06/30/20	TOTAL SPENT & PROJECTED	BALANCE AVAILABLE	SUBJECT TO INDIRECT
25	Ryan White COVID-19						
25	8781 Aid To Non-Profit Orgs-A	\$ -	\$ -	\$ 96,313	\$ 96,313	\$ (96,313)	\$ -
Northern Nevada HOPES							
25	8783 Aidto Non-Profit Orgs-C	\$ -	\$ -	\$ 96,313	\$ 96,313	\$ (96,313)	\$ -
Access for Community & Cultural Education Programs & Training (ACCEPT)							
25	Ryan White COVID-19	\$ -	\$ -	\$ 192,626	\$ 192,626	\$ (192,626)	\$ -
TOTALS		\$ -	\$ -	\$ 192,626	\$ 192,626	\$ (192,626)	-
						Indirect Rate	7.90%
						Total Indirect	-

Special Use CAT 25 Breakdown:	9391720C	Total
Travel	\$ -	\$ -
Supplies	\$ -	\$ -
Contractuai	\$ -	\$ -
Sub-Grants	\$ 192,626	\$ 192,626
Other	\$ -	\$ -
Indirect	\$ -	\$ -
Total Cat 25	\$ 192,626	\$ 192,626

1. DATE ISSUED: 04/10/2020		2. PROGRAM CFDA: 93.917		 <p>U.S. Department of Health and Human Services <b>HRSA</b> Health Resources and Services Administration</p> <p><b>NOTICE OF AWARD</b> AUTHORIZATION (Legislation/Regulation) Sections 2611-23 and 2693 of title XXVI of the Public Health Service Act, 42 U.S.C. 300ff-21-300ff-31b and 300ff-121, as amended by the Ryan White HIV/AIDS Treatment Extension Act of 2009 (Public Law 111-87)</p>						
3. SUPERSEDES AWARD NOTICE dated: except that any additions or restrictions previously imposed remain in effect unless specifically rescinded.										
4a. AWARD NO.: 1 X7CHA36923-01-00	4b. GRANT NO.: X7CHA36923	5. FORMER GRANT NO.:								
6. PROJECT PERIOD: FROM: 04/01/2020 THROUGH: 03/31/2021										
7. BUDGET PERIOD: FROM: 04/01/2020 THROUGH: 03/31/2021										
8. TITLE OF PROJECT (OR PROGRAM): Ryan White HIV/AIDS Program Part B COVID-19 Response										
9. GRANTEE NAME AND ADDRESS: HEALTH AND HUMAN SERVICES, NEVADA DEPARTMENT OF 4150 Technology Way Carson City, NV 89706-2026 DUNS NUMBER: 625364849				10. DIRECTOR: (PROGRAM DIRECTOR/PRINCIPAL INVESTIGATOR) Tory Johnson HEALTH AND HUMAN SERVICES, NEVADA DEPARTMENT OF 4150 Technology Way Carson City, NV 89706-2026						
11. APPROVED BUDGET: (Excludes Direct Assistance) <input checked="" type="checkbox"/> Grant Funds Only <input type="checkbox"/> Total project costs including grant funds and all other financial participation				12. AWARD COMPUTATION FOR FINANCIAL ASSISTANCE:						
a. Salaries and Wages : \$0.00 b. Fringe Benefits : \$0.00 c. Total Personnel Costs : \$0.00 d. Consultant Costs : \$0.00 e. Equipment : \$0.00 f. Supplies : \$0.00 g. Travel : \$0.00 h. Construction/Alteration and Renovation : \$0.00 i. Other : \$192,626.00 j. Consortium/Contractual Costs : \$0.00 k. Trainee Related Expenses : \$0.00 l. Trainee Stipends : \$0.00 m. Trainee Tuition and Fees : \$0.00 n. Trainee Travel : \$0.00 o. TOTAL DIRECT COSTS : \$192,626.00 p. INDIRECT COSTS (Rate: % of S&W/TADC) : \$0.00 q. TOTAL APPROVED BUDGET : \$192,626.00 i. Less Non-Federal Share: \$0.00 ii. Federal Share: \$192,626.00				a. Authorized Financial Assistance This Period <b>\$192,626.00</b> b. Less Unobligated Balance from Prior Budget Periods i. Additional Authority \$0.00 ii. Offset \$0.00 c. Unawarded Balance of Current Year's Funds \$0.00 d. Less Cumulative Prior Awards(s) This Budget Period \$0.00 e. AMOUNT OF FINANCIAL ASSISTANCE THIS ACTION <b>\$192,626.00</b>						
				13. RECOMMENDED FUTURE SUPPORT: (Subject to the availability of funds and satisfactory progress of project)						
				<table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 30%;">YEAR</th> <th>TOTAL COSTS</th> </tr> </thead> <tbody> <tr> <td colspan="2" style="text-align: center;">Not applicable</td> </tr> </tbody> </table>			YEAR	TOTAL COSTS	Not applicable	
YEAR	TOTAL COSTS									
Not applicable										
				14. APPROVED DIRECT ASSISTANCE BUDGET: (In lieu of cash)						
				a. Amount of Direct Assistance \$0.00 b. Less Unawarded Balance of Current Year's Funds \$0.00 c. Less Cumulative Prior Awards(s) This Budget Period \$0.00 d. AMOUNT OF DIRECT ASSISTANCE THIS ACTION <b>\$0.00</b>						
15. PROGRAM INCOME SUBJECT TO 45 CFR 75.307 SHALL BE USED IN ACCORD WITH ONE OF THE FOLLOWING ALTERNATIVES: A=Addition B=Deduction C=Cost Sharing or Matching D=Other <span style="float: right;">[A]</span> Estimated Program Income: \$0.00										
16. THIS AWARD IS BASED ON AN APPLICATION SUBMITTED TO, AND AS APPROVED BY HRSA, IS ON THE ABOVE TITLED PROJECT AND IS SUBJECT TO THE TERMS AND CONDITIONS INCORPORATED EITHER DIRECTLY OR BY REFERENCE IN THE FOLLOWING: a. The grant program legislation cited above. b. The grant program regulation cited above. c. This award notice including terms and conditions, if any, noted below under REMARKS. d. 45 CFR Part 75 as applicable. In the event there are conflicting or otherwise inconsistent policies applicable to the grant, the above order of precedence shall prevail. Acceptance of the grant terms and conditions is acknowledged by the grantee when funds are drawn or otherwise obtained from the grant payment system.										
REMARKS: (Other Terms and Conditions Attached <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No)										
Electronically signed by Brad Barney , Grants Management Officer on : 04/10/2020										
17. OBJ. CLASS: 41.15		18. CRS-EIN: 1886000022A9		19. FUTURE RECOMMENDED FUNDING: \$0.00						
FY-CAN	CFDA	DOCUMENT NO.	AMT. FIN. ASST.	AMT. DIR. ASST.	SUB PROGRAM CODE	SUB ACCOUNT CODE				
20 - 377CVDB	93.917	20X7CHA36923C3	\$192,626.00	\$0.00		20-Part B- COVID-19-C3				

# ***Ryan White HIV/AIDS Program Services: Eligible Individuals & Allowable Uses of Funds***

*Policy Clarification Notice (PCN) #16-02 (Revised 10/22/18)  
Replaces Policy #10-02*

**Scope of Coverage:** Health Resources and Services Administration (HRSA) Ryan White HIV/AIDS Program (RWHAP) Parts A, B, C, and D, and Part F where funding supports direct care and treatment services.

## **Purpose of PCN**

This policy clarification notice (PCN) replaces the HRSA HIV/AIDS Bureau (HAB) PCN 10-02: Eligible Individuals & Allowable Uses of Funds. This PCN defines and provides program guidance for each of the Core Medical and Support Services named in statute and defines individuals who are eligible to receive these HRSA RWHAP services.

## **Background**

The Office of Management and Budget (OMB) has consolidated, in 2 CFR Part 200, the uniform grants administrative requirements, cost principles, and audit requirements for all organization types (state and local governments, non-profit and educational institutions, and hospitals) receiving federal awards. These requirements, known as the "Uniform Guidance," are applicable to recipients and subrecipients of federal funds. The OMB Uniform Guidance has been codified by the Department of Health and Human Services (HHS) in 45 CFR Part 75—Uniform Administrative Requirements, Cost Principles, and Audit Requirements for HHS Awards. HRSA RWHAP grant and cooperative agreement recipients and subrecipients should be thoroughly familiar with 45 CFR Part 75. Recipients are required to monitor the activities of its subrecipient to ensure the subaward is used for authorized purposes in compliance with applicable statute, regulations, policies, program requirements and the terms and conditions of the award (see 45 CFR §§ 75.351-352).

45 CFR Part 75, Subpart E—Cost Principles must be used in determining allowable costs that may be charged to a HRSA RWHAP award. Costs must be necessary and reasonable to carry out approved project activities, allocable to the funded project, and allowable under the Cost Principles, or otherwise authorized by the RWHAP statute. The treatment of costs must be consistent with recipient or subrecipient policies and procedures that apply uniformly to both federally-financed and other non-federally funded activities.

HRSA HAB has developed program policies that incorporate both HHS regulations

and program specific requirements set forth in the RWHAP statute. Recipients, planning bodies, and others are advised that independent auditors, auditors from the HHS' Office of the Inspector General, and auditors from the U.S. Government Accountability Office may assess and publicly report the extent to which an HRSA RWHAP award is being administered in a manner consistent with statute, regulation and program policies, such as these, and compliant with legislative and programmatic policies. Recipients can expect fiscal and programmatic oversight through HRSA monitoring and review of budgets, work plans, and subrecipient agreements. HRSA HAB is able to provide technical assistance to recipients and planning bodies, where assistance with compliance is needed.

Recipients are reminded that it is their responsibility to be fully cognizant of limitations on uses of funds as outlined in statute, 45 CFR Part 75, the HHS Grants Policy Statement, and applicable HRSA HAB PCNs. In the case of services being supported in violation of statute, regulation or programmatic policy, the use of RWHAP funds for such costs must be ceased immediately and recipients may be required to return already-spent funds to the Federal Government. Recipients who unknowingly continue such support are also liable for such expenditures.

### **Further Guidance on Eligible Individuals and Allowable Uses of Ryan White HIV/AIDS Program Funds**

The RWHAP statute, codified at title XXVI of the Public Health Service Act, stipulates that "funds received...will not be utilized to make payments for any item or service to the extent that payment has been made, or can reasonably be expected to be made under...an insurance policy, or under any Federal or State health benefits program" and other specified payment sources.<sup>1</sup> At the individual client-level, this means recipients must assure that funded subrecipients make reasonable efforts to secure non-RWHAP funds whenever possible for services to eligible clients. In support of this intent, it is an appropriate use of HRSA RWHAP funds to provide case management (medical or non-medical) or other services that, as a central function, ensure that eligibility for other funding sources is vigorously and consistently pursued (e.g., Medicaid, Children's Health Insurance Program (CHIP), Medicare, or State-funded HIV programs, and/or private sector funding, including private insurance).

In every instance, HRSA HAB expects that services supported with HRSA RWHAP funds will (1) fall within the legislatively-defined range of services, (2) as appropriate, within Part A, have been identified as a local priority by the HIV Health Services Planning Council/Body, and (3) in the case of allocation decisions made by a Part B State/Territory or by a local or regional consortium, meet documented needs and contribute to the establishment of a continuum of care.

HRSA RWHAP funds are intended to support only the HIV-related needs of

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<sup>1</sup> See sections 2605(a)(6), 2617(b)(7)(F), 2664(f)(1), and 2671(i) of the Public Health Service Act.

eligible individuals. Recipients and subrecipients must be able to make an explicit connection between any service supported with HRSA RWHAP funds and the intended client's HIV care and treatment, or care-giving relationship to a person living with HIV (PLWH).

### **Eligible Individuals:**

The principal intent of the RWHAP statute is to provide services to PLWH, including those whose illness has progressed to the point of clinically defined AIDS. When setting and implementing priorities for the allocation of funds, recipients, Part A Planning Councils, community planning bodies, and Part B funded consortia may optionally define eligibility for certain services more precisely, but they may NOT broaden the definition of who is eligible for services. HRSA HAB expects all HRSA RWHAP recipients to establish and monitor procedures to ensure that all funded providers verify and document client eligibility.

Affected individuals (people not identified with HIV) may be eligible for HRSA RWHAP services in limited situations, but these services for affected individuals must always benefit PLWH. Funds awarded under the HRSA RWHAP may be used for services to individuals affected by HIV only in the circumstances described below:

- a. The primary purpose of the service is to enable the affected individual to participate in the care of a PLWH. Examples include caregiver training for in-home medical or support service; psychosocial support services, such as caregiver support groups; and/or respite care services that assist affected individuals with the stresses of providing daily care for a PLWH.
- b. The service directly enables a PLWH to receive needed medical or support services by removing an identified barrier to care. Examples include payment of a HRSA RWHAP client's portion of a family health insurance policy premium to ensure continuity of insurance coverage that client, or childcare for the client's children while they receive HIV-related medical care or support services.
- c. The service promotes family stability for coping with the unique challenges posed by HIV. Examples include psychosocial support services, including mental health services funded by RWHAP Part D only, that focus on equipping affected family members, and caregivers to manage the stress and loss associated with HIV.
- d. Services to affected individuals that meet these criteria may not continue subsequent to the death of the family member who was living with HIV.

### **Unallowable Costs:**

HRSA RWHAP funds may not be used to make cash payments to intended clients of HRSA RWHAP-funded services. This prohibition includes cash incentives and

cash intended as payment for HRSA RWHAP core medical and support services. Where direct provision of the service is not possible or effective, store gift cards,<sup>2</sup> vouchers, coupons, or tickets that can be exchanged for a specific service or commodity (e.g., food or transportation) must be used.

HRSA RWHAP recipients are advised to administer voucher and store gift card programs in a manner which assures that vouchers and store gift cards cannot be exchanged for cash or used for anything other than the allowable goods or services, and that systems are in place to account for disbursed vouchers and store gift cards.<sup>3</sup>

Other unallowable costs include:

- Clothing
- Employment and Employment-Readiness Services, except in limited, specified instances (e.g., Non-Medical Case Management Services or Rehabilitation Services)
- Funeral and Burial Expenses
- Property Taxes
- Pre-Exposure Prophylaxis (PrEP)
- non-occupational Post-Exposure Prophylaxis (nPEP)
- Materials, designed to promote or encourage, directly, intravenous drug use or sexual activity, whether homosexual or heterosexual
- International travel
- The purchase or improvement of land
- The purchase, construction, or permanent improvement of any building or other facility

Allowable Costs:

The following service categories are allowable uses of HRSA RWHAP funds. The HRSA RWHAP recipient, along with respective planning bodies, will make the final decision regarding the specific services to be funded under their grant or cooperative agreement. As with all other allowable costs, HRSA RWHAP recipients are responsible for applicable accounting and reporting on the use of HRSA RWHAP funds.

### **Service Category Descriptions and Program Guidance**

The following provides both a description of covered service categories and program guidance for HRSA RWHAP Part recipient implementation. These service category descriptions apply to the entire HRSA RWHAP. However, for some services, the

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<sup>2</sup> Store gift cards that can be redeemed at one merchant or an affiliated group of merchants for specific goods or services that further the goals and objectives of the HRSA RWHAP are allowable as incentives for eligible program participants.

<sup>3</sup> General-use prepaid cards are considered "cash equivalent" and are therefore unallowable. Such cards generally bear the logo of a payment network, such as Visa, MasterCard, or American Express, and are accepted by any merchant that accepts those credit or debit cards as payment. Gift cards that are cobranded with the logo of a payment network and the logo of a merchant or affiliated group of merchants are general-use prepaid cards, not store gift cards, and therefore are unallowable.

HRSA RWHAP Parts (i.e., A, B, C, and D) must determine what is feasible and justifiable with limited resources. There is no expectation that a HRSA RWHAP Part recipient would provide all services, but recipients and planning bodies are expected to coordinate service delivery across Parts to ensure that the entire jurisdiction/service area has access to services based on needs assessment.

The following core medical and support service categories are important to assist in the diagnosis of HIV infection, linkage to and entry into care for PLWH, retention in care, and the provision of HIV care and treatment. HRSA RWHAP recipients are encouraged to consider all methods or means by which they can provide services, including use of technology (e.g., telehealth). To be an allowable cost under the HRSA RWHAP, all services must:

- Relate to HIV diagnosis, care and support,
- Adhere to established HIV clinical practice standards consistent with U.S. Department of Health and Human Services' Clinical Guidelines for the Treatment of HIV<sup>4</sup> and other related or pertinent clinical guidelines, and
- Comply with state and local regulations, and provided by licensed or authorized providers, as applicable.

Recipients are required to work toward the development and adoption of service standards for all HRSA RWHAP-funded services to ensure consistent quality care is provided to all HRSA RWHAP-eligible clients. Service standards establish the minimal level of service or care that a HRSA RWHAP funded agency or provider may offer within a state, territory or jurisdiction. Service standards related to HRSA RWHAP Core Medical Services must be consistent with U.S. Department of Health and Human Services' Clinical Guidelines for the Treatment of HIV, as well as other pertinent clinical and professional standards. Service standards related to HRSA RWHAP Support Services may be developed using evidence-based or evidence-informed best practices, the most recent HRSA RWHAP Parts A and B National Monitoring Standards, and guidelines developed by the state and local government.

HRSA RWHAP recipients should also be familiar with implementation guidance HRSA HAB provides in program manuals, monitoring standards, and other recipient resources.

HRSA RWHAP clients must meet income and other eligibility criteria as established by HRSA RWHAP Part A, B, C, or D recipients.

## **RWHAP Core Medical Services**

AIDS Drug Assistance Program Treatments

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<sup>4</sup> <https://aidsinfo.nih.gov/guidelines>



# State of Nevada Work Program

WP Number: C50726

FY 2020

☐ Add Original Work Program

☒ XXX Modify Work Program

BUDGET DIVISION USE ONLY

DATE \_\_\_\_\_

APPROVED ON BEHALF OF

THE GOVERNOR BY \_\_\_\_\_

DATE	FUND	AGENCY	BUDGET	DEPT/DIV/BUDGET NAME
05/08/20	205	902	4772	DETR - UNEMPLOYMENT INSURANCE

## Funds Available

Budgetary GLs (2501 - 2599)	Description	WP Amount	Revenue GLs (3000 - 4999)	Description	WP Amount	Current Authority	Revised Authority
			3541	FED PANDEMIC UI ADMIN-FPUC	153,611	0	153,611
			3542	PANDEMIC UI ASSIST-PUA	5,073,075	0	5,073,075
			3543	PANDEMIC EMERGENCY UI-PEUC	191,892	0	191,892
Subtotal Budgetary General Ledgers		0	Subtotal Revenue General Ledgers(RB)		5,418,578		5,418,578
Total Budgetary & Revenue GLs					5,418,578		

## Expenditures

CAT	Amount	CAT	Amount
01	475,186		
21	42,621		
22	4,782,390		
23	118,381		
Sub Total Category Expenditures			5,418,578

## Remarks

The purpose of this work program is to establish revenue and expenditure authority for Federal Pandemic Unemployment Compensation (FPUC) in the amount of \$153,611, Pandemic Unemployment Assistance (PUA) in the amount of \$5,073,075, and Pandemic Emergency Unemployment Compensation (PEUC) in the amount \$191,892. These funds are for the one-time implementation costs for Federal Pandemic Unemployment Compensation, Pandemic Unemployment Assistance, and Pandemic Emergency Unemployment Compensation grant programs.

Total Budgetary General Ledgers and Category Expenditures (AP)

5,418,578

kdesoci1

Authorized Signature

05/08/20

Date

Controller's Office Approval

Requires Interim Finance approval since 15 Day Expeditious Action submitted pursuant to NRS 353.220(5)(b) on May 11, 2020. 15 day clock expires on May 25, 2020.

3.1

#: 2

23

**STATE OF NEVADA  
DETR - EMPLOYMENT SECURITY**

**Budget Account 4772 - DETR - UNEMPLOYMENT INSURANCE  
Work Program C50726  
Fiscal Year 2020**

Submitted May 8, 2020

**Budget Account's Primary Purpose, Function and Statutory Authority**

The mission of the Unemployment Insurance Program is to administer programs that promptly pay unemployment benefits to workers who have lost their jobs, through no fault of their own, to improve the employment stability of those collecting unemployment insurance, and administer an effective tax system.

**Purpose of Work Program**

The purpose of this work program is to establish revenue and expenditure authority for Federal Pandemic Unemployment Compensation (FPUC) in the amount of \$153,611, Pandemic Unemployment Assistance (PUA) in the amount of \$5,073,075, and Pandemic Emergency Unemployment Compensation (PEUC) in the amount \$191,892. These funds are for the one-time implementation costs for Federal Pandemic Unemployment Compensation, Pandemic Unemployment Assistance, and Pandemic Emergency Unemployment Compensation grant programs.

**Justification**

Current economic conditions throughout Nevada and the United States are resulting in historically high unemployment claims due to COVID-19. As a result, DETR has been faced with a significant increase in the number of Unemployment Insurance claims filed and requires additional staff and funding. Funds from these grants will ensure that the department has the necessary resources to fund one-time implementation costs. These new resources will ensure that unemployment insurance claims are processed in an efficient and timely manner.

**Expected Benefits to be Realized**

The expected benefit to be realized is the Division will be able to expand their capacity to handle the projected workload as the unemployment numbers increase. The Division meets the requirements to receive the total amount allotted to the State of Nevada.

**Explanation of Projections and Documentation**

FY20 BA4772 BSR Reports  
FY20 BA4772 Fund Map  
FY20 BA4772 Budget Projections  
UPIL 15-20 for Federal Pandemic UI Admin (FPUC)  
UPIL 16-20 for Pandemic UI Admin (PUA)  
UPIL 17-20 for Pandemic Emergency UI Admin (PEUC)  
SF-424 and SF-424A  
File Maintenance

**New Positions:** No

**Summary of Alternatives and Why Current Proposal is Preferred**

There is no alternative to this work program. The citizens of Nevada must remain the Division's first priority. This work program is preferred as it will allow the Division to help the citizens of Nevada in a more efficient and timely manner.

3.2

Category	Desc	WORK PROGRAM			REVISED AUTHORITY	ACTUAL	PROJECTIONS		ACTUAL PLUS PROJECTIONS		PROJECTED BUDGET BALANCE		Notes
		L01	C48836	C50459	C50726								
00													
	2511 BALANCE FORWARD FROM PREVIOUS YEAR	866	92,618			93,484	93,484.00	-	93,484.00	-	-	-	
	3540 FED ADMIN COST ALLOWANCE	23,568,772				34,253,226	19,043,772.08	15,209,453.92	34,253,226.00	-	-	-	
	3541 FED PANDEMIC UI ADMIN-FPUC	0				153,611	-	153,611.00	153,611.00	-	-	-	
	3542 PANDEMIC UI ADMIN-PUA	0				5,073,075	-	5,073,075.00	5,073,075.00	-	-	-	
	3543 PANDEMIC EMERGENCY UI-PEUC	0				191,892	-	191,892.00	191,892.00	-	-	-	
	3803 CONTRACT SERVICES CHARGE	205,046				205,046	95,095.12	109,950.88	205,046.00	-	-	-	
	3871 CHARGES FOR SERVICES - A	670,340				670,340	3,414.22	666,925.78	670,340.00	-	-	-	
	3872 CHARGES FOR SERVICES - B	0				0	40.00	-	40.00	-	-	-	
	4203 PRIOR YR REFUNDS	0				0	743.68	-	743.68	-	-	-	(40.00)
	4286 BOND PROGRAM INCOME	1,756				1,756	-	1,756.00	1,756.00	-	-	-	(743.68)
	4353 MISCELLANEOUS REFUNDS	0				0	322.00	(322.00)	-	-	-	-	
	4653 TRANS FROM EMPLOY SECURITY	2,372,518				2,372,518	1,554,399.52	818,118.48	2,372,518.00	-	-	-	
	4670 TRANSFER FROM HEALTH DIVISION	3,241				3,241	-	3,241.00	3,241.00	-	-	-	
Total Rev		26,822,539	92,618	10,684,454	5,418,578	43,018,189	20,791,270.62	22,227,702.06	43,018,972.68	-	(783.68)	-	
01	PERSONNEL SERVICES	15,693,969				21,169,155	12,408,765.25	9,582,988.00	21,991,753.25	(822,598.25)	1,2,3		
02	OUT-OF-STATE TRAVEL	12,855				12,855	9,146.19	-	9,146.19	-	3,708.81	4	
03	IN STATE TRAVEL	26,927				26,927	12,418.88	-	12,418.88	-	14,508.12	4	
04	OPERATING	2,810,637				2,810,637	2,691,762.10	118,875.00	2,810,637.10	-	(0.10)	-	
15	TRADE	36,499				36,499	18,392.40	18,106.60	36,499.00	-	-	-	
20	FAMILIES FIRST ACT	0				5,684,454	-	500,000.00	500,000.00	-	5,184,454.00	-	
21	FED PANDEMIC UI ADMIN-FPUC	0				42,621	-	42,621.00	42,621.00	-	-	1	
22	PANDEMIC UI ASSIST-PUA	0				4,782,390	-	4,782,390.00	4,782,390.00	-	-	2	
23	PANDEMIC EMERGENCY UI-PEUC	0				118,381	-	118,381.00	118,381.00	-	-	3	
26	INFORMATION SERVICES	382,016				382,016	260,627.04	121,388.96	382,016.00	-	-	-	
30	TRAINING	11,048				11,048	10,234.98	-	10,234.98	-	813.02	4	
59	UTILITIES	115,312				115,312	91,792.84	29,992.14	121,784.98	-	(6,472.98)	5	
80	DIVISIONAL COST ALLOCATION	676,070				676,070	414,567.38	236,553.00	651,120.38	-	24,949.62	-	
81	DEPT COST ALLOCATION	7,056,340				7,056,340	5,064,906.51	1,991,433.49	7,056,340.00	-	-	-	
86	RESERVE	866				93,484	-	93,484.00	93,484.00	-	-	-	
Total Exp		26,822,539	92,618	10,684,454	5,418,578	43,018,189	20,982,613.57	17,636,213.19	38,618,826.76	-	4,399,362.24	-	

Realized Funding

(191,342.95)

Notes

- 1 UPL 15-20
- 2 UPL 16-20
- 3 UPL 17-20
- 4 All agency memo 2020-08
- 5 Will be reviewed at a later time

3.3

## CATEGORY 01 PERSONNEL SERVICES

GL	Desc	L01	WORK PROGRAM C50459	WORK PROGRAM C50726	REVISED AUTHORITY	ACTUAL	PROJECTIONS	ACTUAL PLUS PROJECTIONS	BUDGET BALANCE	PROJECTED Notes
5100	SALARIES	10,852,656			10,852,656	7,201,480.83	4,582,988.00	11,784,468.83	(931,812.83)	1
5170	SEASONAL	114,558			5,589,744	-	5,589,744.00	5,589,744.00	-	2,3,4
5200	WORKERS COMPENSATION	161,900	5,000,000	475,186	161,900	126,989.07	-	126,989.07	34,910.93	
5300	RET CONT EMPLOYER PAY PLAN	2,189,688			2,189,688	935,891.75	-	935,891.75	1,253,796.25	
5301	RET CONT EMPLOYEE/EMPLOYER PLN	0			5,073,075	775,560.34	-	775,560.34	4,297,514.66	
5400	PERSONNEL ASSESSMENT	52,778			52,778	39,583.50	-	39,583.50	13,194.50	
5420	COLLECTIVE BARGAINING ASSESSMT	0			0	1,278.00	-	1,278.00	(1,278.00)	
5440	PERSONNEL SUBSIDY	21,224			21,224	21,224.00	-	21,224.00	-	
5500	GROUP INSURANCE	1,818,953			1,818,953	1,485,187.89	-	1,485,187.89	333,765.11	
5610	SICK LEAVES	0			0	445,858.53	-	445,858.53	(445,858.53)	
5620	ANNUAL LEAVES	0			0	539,487.38	-	539,487.38	(539,487.38)	
5650	OTHER LEAVES	0			0	131,668.46	-	131,668.46	(131,668.46)	
5700	PAYROLL ASSESSMENT	17,745			17,745	13,308.75	-	13,308.75	4,436.25	
5750	RETIRED EMPLOYEES GROUP INSURA	290,843			290,843	194,651.73	-	194,651.73	96,191.27	
5800	UNEMPLOYMENT COMPENSATION	16,268			16,268	12,920.64	-	12,920.64	3,347.36	
5810	OVERTIME PAY	0			0	266,323.20	-	266,323.20	(266,323.20)	
5830	COMP TIME PAYOFF	0			475,186	1.60	-	1.60	475,184.40	
5840	MEDICARE	157,356			157,356	121,882.13	-	121,882.13	35,473.87	
5901	PAYROLL ADJUSTMENTS	0			0	131.38	-	131.38	(131.38)	
5960	TERMINAL SICK LEAVE PAY	0			0	46,014.03	-	46,014.03	(46,014.03)	
5970	TERMINAL ANNUAL LEAVE PAY	0			0	49,322.84	-	49,322.84	(49,322.84)	
5975	FORFEITED ANNUAL LEAVE PAYOFF	0			0	-	-	-	-	
Total		15,693,969	5,000,000	475,186	42,621	12,408,766.05	10,172,732.00	22,581,498.05	4,135,917.95	

## Notes

- 1 Based on payroll projection 4/8/2020
- 2 UIPL 13-20 for intermittent labor TBD
- 3 UIPL 15-20, 16-20 and 17-20 for intermittent labor TBD
- 4 Amount differs from the budgeted amounts on UIPL 15-20, request for changes will be made at a later date.

CATEGORY 21 - FED PANDEMIC UI ADMIN-FPUC

GL	Desc	L01	WORK PROGRAM C50459	REVISED AUTHORITY	ACTUAL	PROJECTIONS	ACTUAL PLUS PROJECTIONS	PROJECTED BUDGET BALANCE	Notes
7020	OPERATING	0	5,900	5,900	-	5,900.00	5,900.00	-	1
8371	EQUIPMENT	0	36,721	36,721	-	36,721.02	36,721.02	-	1
Total		0	42,621	42,621	-	42,621.02	42,621.02	-	

Notes

1 UIPL 15-20

3.5

## CATEGORY 22 - PANDEMIC UI ASSIST-PUA

GL	Desc	L01	WORK PROGRAM C50459	REVISED AUTHORITY	ACTUAL	PROJECTIONS	ACTUAL PLUS PROJECTIONS	PROJECTED BUDGET BALANCE	Notes
7060	GeoSol Contract		0	4,440,390	0	4,440,390	4,440,390	0	1
7060	Alorica Contract		0	268,000	0	268,000	268,000	0	1
7060	Contract		0	74,000	0	74,000	74,000	0	1
Total			0	4,782,390	0	4,782,390	4,782,390	0	

Notes

1 UIPL 16-20

3.6

CATEGORY 23 - PANDEMIC EMERGENCY UI -PEUC

GL	Desc	L01	WORK PROGRAM C50459	REVISED AUTHORITY	ACTUAL	PROJECTIONS	ACTUAL PLUS PROJECTIONS	PROJECTED BUDGET	
								BALANCE	Notes
7000	OPERATING		0	99,360	0	99,360	99,360	0	1
7060	CONTRACTS		0	19,021	0	19,021	19,021	0	1
Total			0	118,381	0	99,360	99,360	0	

Notes

1 UIPL 17-20

2 Amount differs from the budgeted amounts on UIPL 17-20, request for changes will be made at a later date.

3.7

<b>EMPLOYMENT AND TRAINING ADMINISTRATION</b> <b>ADVISORY SYSTEM</b> <b>U.S. DEPARTMENT OF LABOR</b> <b>Washington, D.C. 20210</b>	<b>CLASSIFICATION</b> Unemployment Insurance
	<b>CORRESPONDENCE SYMBOL</b> OUI/DUIO
	<b>DATE</b> April 4, 2020

**ADVISORY: UNEMPLOYMENT INSURANCE PROGRAM LETTER NO. 15-20**

**TO:** STATE WORKFORCE AGENCIES

**FROM:** JOHN PALLASCH  
Assistant Secretary

**SUBJECT:** Coronavirus Aid, Relief, and Economic Security (CARES) Act of 2020 – Federal Pandemic Unemployment Compensation (FPUC) Program Operating, Financial, and Reporting Instructions

1. **Purpose.** To provide states with operating, financial, and reporting instructions for the FPUC program authorized by Section 2104, Emergency Increase in Unemployment Compensation Benefits, of the CARES Act of 2020, Public Law (Pub. L.) 116-136.
2. **Action Requested.** The Department of Labor's (Department) Employment and Training Administration (ETA) requests that State Workforce Administrators provide the information in this Unemployment Insurance Program Letter (UIPL) and the Attachments I through V to appropriate program and other staff in state workforce systems as they implement the Unemployment Insurance (UI)-related provisions that respond to the economic effects of the Coronavirus Disease 2019 (COVID-19).
3. **Summary and Background.**
  - a. Summary – On March 27, 2020, the President signed into law the CARES Act, which includes the Relief for Workers Affected by Coronavirus Act set out in Title II, Subtitle A. Section 2104 of the CARES Act provides for a temporary emergency increase in unemployment compensation benefits, referred to as FPUC, and includes funding to states for the administration of the program.
  - b. Background – The CARES Act was designed to mitigate the economic effects of the COVID-19 pandemic in a variety of ways. The CARES Act includes provisions for providing certain benefits to individuals who have exhausted their entitlement to regular unemployment compensation (UC) and who are not eligible for regular UC, such as individuals who are self-employed or have limited recent work history.

<b>RESCISSIONS</b> None	<b>EXPIRATION DATE</b> Continuing
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This UIPL focuses on Section 2104 of the CARES Act, which authorizes the temporary FPUC program. This program provides eligible individuals with \$600 per week in addition to the weekly benefit amount they receive from certain other UC programs.

**Importance of Program Integrity.** The programs and provisions in the CARES Act operate in tandem with the fundamental eligibility requirements of the Federal-State UI program which must be adhered to. In addition, some of the CARES Act programs include new eligibility requirements which states will need to apply. These requirements include that individuals are only entitled to benefits if they are no longer working through no fault of their own and that individuals must be able and available to work.

States play a fundamental role in ensuring the integrity of the UI program. While states have been provided some flexibilities as a result of COVID-19, those flexibilities are generally limited to dealing with the effects of COVID-19, as discussed in UIPL Nos. 10-20 and 13-20. States must ensure that individuals only receive benefits in accordance with these statutory provisions.

Further, quitting work without good cause to obtain additional benefits under the regular UI program or the CARES Act qualifies as fraud. Sections 2104(f) and 2107(e) expressly provide that if an individual has obtained these benefits through fraud, the individual is ineligible for any additional benefit payments, must pay back the benefits, and is subject to criminal prosecution under 18 U.S.C. §1001. States are expected to enforce these provisions.

The Department is actively working with states receiving funding under the Act to provide UI benefits only to those who are entitled to such benefits. The Department will also be actively engaged with its Office of the Inspector General (OIG) to ensure program integrity. The Act includes an appropriation of \$26 million to the Department's OIG (Section 2115) to carry out audits, investigations, and other oversight activities related to states' adherence to existing UI laws and policies, as well as the provisions of the Act.

4. **Guidance.** The following section identifies the types of UC benefits that an individual must be receiving to be entitled to receive FPUC and includes important program dates and details about program administration. Refer to **Attachment I** for implementing and operating instructions and **Attachment II** for general provisions for administering FPUC. Section 2104 of the CARES Act is provided in **Attachment III**. **Attachment IV** and **Attachment V** provide the Supplemental Budget Request (SBR) Application and the Instructions for Completing the SF-424 and SF-424A respectively.
  - a. **Programs which entitle an individual to receive FPUC.** This program provides an additional \$600 per week to individuals who are collecting regular UC (including Unemployment Compensation for Federal Employees (UCFE) and Unemployment Compensation for Ex-Servicemembers (UCX)), as well as the following unemployment compensation programs:

- Pandemic Emergency Unemployment Compensation (PEUC);
- Pandemic Unemployment Assistance (PUA);
- Extended Benefits (EB);
- Short-Time Compensation (STC);
- Trade Readjustment Allowances (TRA);
- Disaster Unemployment Assistance (DUA); and
- Payments under the Self-Employment Assistance (SEA) program.

A number of state laws include provisions for extending the potential duration of benefits during periods of high unemployment for individuals in approved training who exhaust benefits, or for a variety of other reasons.<sup>1</sup> Although some state laws call these programs “extended benefits,” the Department uses the term “additional benefits” (AB) to avoid confusion with the Federal-State EB program. FPUC is not payable to individuals who are receiving AB payments.

- b. **Important program dates.** FPUC is payable for weeks of unemployment beginning on or after the date on which the state enters into an agreement with the Department. In states where the week of unemployment ends on a Saturday, the first week for which FPUC may be paid is the week ending April 4, 2020, provided an agreement was in place no later than March 28, 2020. In states where the week of unemployment ends on a Sunday, the first week for which FPUC may be paid is the week ending April 5, 2020, provided an agreement was in place no later than March 29, 2020.

FPUC is not payable for any week of unemployment ending after July 31, 2020. Accordingly, in states where the week of unemployment ends on a Saturday, the last week that FPUC may be paid is the week ending July 25, 2020. For states where the week of unemployment ends on a Sunday, the last week that FPUC is payable is the week ending July 26, 2020.

- c. **Program administration funding for FPUC program.** The cost of these additional \$600 payments to eligible individuals each week is 100% federally funded. States may not charge employers for any FPUC benefits paid.

The FPUC program is administered through a voluntary agreement between a state and the Department. This program is available in the United States, the District of Columbia, Puerto Rico, and the U.S. Virgin Islands, provided the state/territory signs an agreement with the Department. Implementation costs and ongoing administrative costs for this program are also 100% federally funded.

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<sup>1</sup> Reference Table 4-4 of the *Comparison of State Unemployment Insurance Laws* found at <https://oui.doleta.gov/unemploy/statelaws.asp>.

If a state wishes to have the administrative costs for implementation of this program federally funded, the state must submit a SBR detailing such costs. SBRs are limited to one-time costs that are attributable to implementation of FPUC.

Permissible implementation costs include:

- Computer programming and other technology costs;
- Implementation of necessary business processes required for program implementation;
- Training and travel;
- Notices to beneficiaries; and
- Overhead related only to the above.

The basis for these estimated costs must be included in the SBR application. Calculations for costs for state staff and contractors should be shown in accordance with the SBR instructions in ET Handbook No. 336, *Unemployment Insurance State Quality Service Plan Planning and Reporting Guidelines*. States must submit the SBR application for implementation of FPUC, along with required SF-424 and SF-424A forms, by **April 21, 2020**. This may be electronically submitted to the National Office at [covid-19@dol.gov](mailto:covid-19@dol.gov), with a copy to the appropriate Regional Office. For application submission instructions refer to **Attachment IV**, SBR Application Template, and **Attachment V**, Instructions for Completing the SF-424 and SF-424A.

State agencies will be able to request on-going administrative costs for FPUC via the quarterly UI-3 report. More specific information is included in **Attachment I**, Section G, "Reporting Instructions."

5. **Inquiries.** States should direct inquiries to the [covid-19@dol.gov](mailto:covid-19@dol.gov) and copy the appropriate Regional Office.

6. **References.**

- *Coronavirus Aid, Relief, and Economic Security (CARES) Act* (Pub. L. 116-136), including Title II Subtitle A Relief for Workers Affected by Coronavirus Act;
- 5 U.S.C. Chapter 85;
- Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. §3304 note);
- Trade Act of 1974 (19 U.S.C. §2291 et seq.);
- Robert T. Stafford Disaster Relief and Emergency Act (42 U.S.C. §5121 et seq.);
- Section 3304 of the Federal Unemployment Tax Act (FUTA) (26 U.S.C. §3304);
- Section 3306(v), FUTA (26 U.S.C. §3306(v));
- Section 303 of the Social Security Act (42 U.S.C. §503);
- 20 C.F.R. Part 603;
- ET Handbook No. 336 (18<sup>th</sup> Edition), *Unemployment Insurance State Quality Service Plan Planning and Reporting Guidelines*,

**Statutory Language of Section 2104 of the Coronavirus Aid, Relief, and Economic Security (CARES) Act of 2020**

**SEC. 2104. EMERGENCY INCREASE IN UNEMPLOYMENT COMPENSATION BENEFITS.**

(a) Federal-State Agreements.--Any State which desires to do so may enter into and participate in an agreement under this section with the Secretary of Labor (in this section referred to as the "Secretary"). Any State which is a party to an agreement under this section may, upon providing 30 days' written notice to the Secretary, terminate such agreement.

(b) Provisions of Agreement.--

(1) Federal pandemic unemployment compensation.--Any agreement under this section shall provide that the State agency of the State will make payments of regular compensation to individuals in amounts and to the extent that they would be determined if the State law of the State were applied, with respect to any week for which the individual is (disregarding this section) otherwise entitled under the State law to receive regular compensation, as if such State law had been modified in a manner such that the amount of regular compensation (including dependents' allowances) payable for any week shall be equal to--

(A) the amount determined under the State law (before the application of this paragraph), plus

(B) an additional amount of \$600 (in this section referred to as "Federal Pandemic Unemployment Compensation").

(2) Allowable methods of payment.--Any Federal Pandemic

Unemployment Compensation provided for in accordance with paragraph (1) shall be payable either--

(A) as an amount which is paid at the same time and in the same manner as any regular compensation otherwise payable for the week involved; or

(B) at the option of the State, by payments which are made separately from, but on the same weekly basis as, any regular compensation otherwise payable.

(c) Nonreduction Rule.--

(1) In general.--An agreement under this section shall not apply (or shall cease to apply) with respect to a State upon a determination by the Secretary that the method governing the computation of regular compensation under the State law of that State has been modified in a manner such that the number of weeks (the maximum benefit entitlement), or the average weekly benefit amount, of regular compensation which will be payable during the period of the agreement (determined disregarding any Federal Pandemic Unemployment Compensation) will be less than the number of weeks, or the average weekly benefit amount, of the average weekly benefit amount of regular compensation which would otherwise have been payable during such period under the State law, as in effect on January 1, 2020.

(2) Maximum benefit entitlement.--In paragraph (1), the term "maximum benefit entitlement" means the amount of regular unemployment compensation payable to an individual with respect to the individual's benefit year.

(d) Payments to States.--

(1) In general.--

(A) Full reimbursement.--There shall be paid to each State which has entered into an

agreement under this section an amount equal to 100 percent of--

(i) the total amount of Federal Pandemic Unemployment Compensation paid to individuals by the State pursuant to such agreement; and

(ii) any additional administrative expenses incurred by the State by reason of such agreement (as determined by the Secretary).

(B) Terms of payments.--Sums payable to any State by reason of such State's having an agreement under this section shall be payable, either in advance or by way of reimbursement (as determined by the Secretary), in such amounts as the Secretary estimates the State will be entitled to receive under this section for each calendar month, reduced or increased, as the case may be, by any amount by which the Secretary finds that his estimates for any prior calendar month were greater or less than the amounts which should have been paid to the State. Such estimates may be made on the basis of such statistical, sampling, or other method as may be agreed upon by the Secretary and the State agency of the State involved.

(2) Certifications.--The Secretary shall from time to time certify to the Secretary of the Treasury for payment to each State the sums payable to such State under this section.

(3) Appropriation.--There are appropriated from the general fund of the Treasury, without fiscal year limitation, such sums as may be necessary for purposes of this subsection.

(e) Applicability.--An agreement entered into under this section shall apply to weeks of unemployment--

(1) beginning after the date on which such agreement is entered into; and

(2) ending on or before July 31, 2020.

(f) Fraud and Overpayments.--

(1) In general.--If an individual knowingly has made, or caused to be made by another, a false statement or representation of a material fact, or knowingly has failed, or caused another to fail, to disclose a material fact, and as a result of such false statement or representation or of such nondisclosure such individual has received an amount of Federal Pandemic Unemployment Compensation to which such individual was not entitled, such individual--

(A) shall be ineligible for further Federal Pandemic Unemployment Compensation in accordance with the provisions of the applicable State unemployment compensation law relating to fraud in connection with a claim for unemployment compensation; and

(B) shall be subject to prosecution under section 1001 of title 18, United States Code.

(2) Repayment.--In the case of individuals who have received amounts of Federal Pandemic Unemployment Compensation to which they were not entitled, the State shall require such individuals to repay the amounts of such Federal Pandemic Unemployment Compensation to the State agency, except that the State agency may waive such repayment if it determines that--

(A) the payment of such Federal Pandemic Unemployment Compensation was without fault on the part of any such individual; and

(B) such repayment would be contrary to equity and good conscience.

(3) Recovery by state agency.--

(A) In general.--The State agency shall recover the amount to be repaid, or any part thereof, by deductions from any Federal Pandemic Unemployment Compensation payable to such individual or from any unemployment compensation payable to such individual under any State or Federal unemployment compensation law administered by the State agency or under any other State or Federal law administered by the State agency which provides for the payment of any assistance or allowance with respect to any week of unemployment, during the 3-year period after the date such individuals received the payment of the Federal Pandemic Unemployment

Compensation to which they were not entitled, in accordance with the same procedures apply to the recovery of overpayments of regular unemployment benefits paid by the State.

(B) Opportunity for hearing.--No repayment shall be required, and no deduction shall be made, until a determination has been made, notice thereof and an opportunity for a fair hearing has been given to the individual, and the determination has become final.

(4) Review.--Any determination by a State agency under this section shall be subject to review in the same manner and to the same extent as determinations under the State unemployment compensation law, and only in that manner and to that extent.

(g) Application to Other Unemployment Benefits.--Each agreement under this section shall include provisions to provide that the purposes of the preceding provisions of this section shall be applied with respect to unemployment benefits described in subsection (i)(2) to the same extent and in the same manner as if those benefits were regular compensation.

(h) Disregard of Additional Compensation for Purposes of Medicaid and CHIP.--The monthly equivalent of any Federal pandemic unemployment compensation paid to an individual under this section shall be disregarded when determining income for any purpose under the programs established under titles XIX and title XXI of the Social Security Act (42 U.S.C. 1396 et seq., 1397aa et seq.).

(i) Definitions.--For purposes of this section--

(1) the terms "compensation", "regular compensation", "benefit year", "State", "State agency", "State law", and "week" have the respective meanings given such terms under section 205 of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note); and

(2) any reference to unemployment benefits described in this paragraph shall be considered to refer to--

(A) extended compensation (as defined by section 205 of the Federal-State Extended Unemployment Compensation Act of 1970);

(B) regular compensation (as defined by section 85(b) of the Internal Revenue Code of 1986) provided under any program administered by a State under an agreement with the Secretary;

(C) pandemic unemployment assistance under section 2102; and

(D) pandemic emergency unemployment compensation under section 2107.

Application for Federal Assistance SF-424		
<b>* 1. Type of Submission:</b> <input type="checkbox"/> Preapplication <input checked="" type="checkbox"/> Application <input type="checkbox"/> Changed/Corrected Application		
<b>* 2. Type of Application:</b> <input checked="" type="checkbox"/> New <input type="checkbox"/> Continuation <input type="checkbox"/> Revision		
<b>* If Revision, select appropriate letter(s):</b> <input type="text"/> <b>* Other (Specify):</b> <input type="text"/>		
<b>* 3. Date Received:</b> 04/08/2020		<b>4. Applicant Identifier:</b> <input type="text"/>
<b>5a. Federal Entity Identifier:</b> <input type="text"/>		<b>5b. Federal Award Identifier:</b> <input type="text"/>
<b>State Use Only:</b>		
<b>6. Date Received by State:</b> <input type="text"/>		<b>7. State Application Identifier:</b> <input type="text"/>
<b>8. APPLICANT INFORMATION:</b>		
<b>* a. Legal Name:</b> Department of Employment Training and Rehabilitation		
<b>* b. Employer/Taxpayer Identification Number (EIN/TIN):</b> 88-6000022		<b>* c. Organizational DUNS:</b> 8098882410000
<b>d. Address:</b>		
<b>* Street1:</b> 500 East Third Street		
<b>Street2:</b> <input type="text"/>		
<b>* City:</b> Carson City		
<b>County/Parish:</b> <input type="text"/>		
<b>* State:</b> NV: Nevada		
<b>Province:</b> <input type="text"/>		
<b>* Country:</b> USA: UNITED STATES		
<b>* Zip / Postal Code:</b> 89713-0001		
<b>e. Organizational Unit:</b>		
<b>Department Name:</b> <input type="text"/>		<b>Division Name:</b> <input type="text"/>
<b>f. Name and contact information of person to be contacted on matters involving this application:</b>		
<b>Prefix:</b> <input type="text"/>		<b>* First Name:</b> David
<b>Middle Name:</b> <input type="text"/>		
<b>* Last Name:</b> Schmidt		
<b>Suffix:</b> <input type="text"/>		
<b>Title:</b> Acting Deputy Administrator		
<b>Organizational Affiliation:</b> NV DETR - Employment Security Division		
<b>* Telephone Number:</b> 775-684-0387		<b>Fax Number:</b> <input type="text"/>
<b>* Email:</b> deschmidt@detr.nv.gov		

**Application for Federal Assistance SF-424**

**\* 9. Type of Applicant 1: Select Applicant Type:**

A: State Government

Type of Applicant 2: Select Applicant Type:

Type of Applicant 3: Select Applicant Type:

\* Other (specify):

**\* 10. Name of Federal Agency:**

Employment and Training Administration

**11. Catalog of Federal Domestic Assistance Number:**

17.225

CFDA Title:

Unemployment Insurance

**\* 12. Funding Opportunity Number:**

UIPL No. 15-20

\* Title:

Federal Pandemic Unemployment Compensation Implementation Administrative Grants

**13. Competition Identification Number:**

Title:

**14. Areas Affected by Project (Cities, Counties, States, etc.):**

Add Attachment

Use

**\* 15. Descriptive Title of Applicant's Project:**

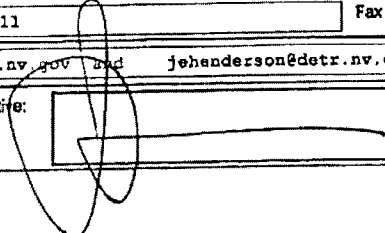
Federal Pandemic Unemployment Compensation Implementation Administrative Grants

Attach supporting documents as specified in agency instructions.

Add Attachments

Use



<b>Application for Federal Assistance SF-424</b>	
<b>16. Congressional Districts Of:</b>	
* a. Applicant: <input type="text" value="Nevada"/>	* b. Program/Project: <input type="text" value="State"/>
Attach an additional list of Program/Project Congressional Districts if needed.	
<input type="text"/>	<input type="button" value="Add Attachment"/> <input type="button" value="Delete Attachment"/> <input type="button" value="View Attachment"/>
<b>17. Proposed Project:</b>	
* a. Start Date: <input type="text" value="04/08/2020"/>	* b. End Date: <input type="text" value="12/31/2020"/>
<b>18. Estimated Funding (\$):</b>	
* a. Federal	<input type="text" value="153,610.12"/>
* b. Applicant	<input type="text" value="0.00"/>
* c. State	<input type="text" value="0.00"/>
* d. Local	<input type="text" value="0.00"/>
* e. Other	<input type="text" value="0.00"/>
* f. Program Income	<input type="text" value="0.00"/>
* g. TOTAL	<input type="text" value="153,610.12"/>
<b>* 19. Is Application Subject to Review By State Under Executive Order 12372 Process?</b> <input type="checkbox"/> a. This application was made available to the State under the Executive Order 12372 Process for review on <input type="text"/> <input checked="" type="checkbox"/> b. Program is subject to E.O. 12372 but has not been selected by the State for review. <input type="checkbox"/> c. Program is not covered by E.O. 12372.	
<b>* 20. Is the Applicant Delinquent On Any Federal Debt? (If "Yes," provide explanation in attachment.)</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If "Yes", provide explanation and attach <input type="text"/> <div style="text-align: right;"> <input type="button" value="Add Attachment"/> <input type="button" value="Delete Attachment"/> <input type="button" value="View Attachment"/> </div>	
<b>21. *By signing this application, I certify (1) to the statements contained in the list of certifications** and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances** and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U.S. Code, Title 218, Section 1001)</b> <input checked="" type="checkbox"/> ** I AGREE ** The list of certifications and assurances, or an internet site where you may obtain this list, is contained in the announcement or agency specific instructions.	
<b>Authorized Representative:</b>	
Prefix: <input type="text" value="Dr."/>	* First Name: <input type="text" value="Tiffany"/>
Middle Name: <input type="text" value="G."/>	
* Last Name: <input type="text" value="Tyler-Garner"/>	
Suffix: <input type="text"/>	
* Title: <input type="text" value="Director DETR"/>	
* Telephone Number: <input type="text" value="775-684-3911"/>	Fax Number: <input type="text"/>
* Email: <input type="text" value="tgtyler-garner@detr.nv.gov"/> and <input type="text" value="jehenderson@detr.nv.gov"/>	
* Signature of Authorized Representative: 	* Date Signed: <input type="text" value="4/8/20"/>

## BUDGET INFORMATION - Non-Construction Programs

OMB Number: 4040-0006  
Expiration Date: 02/28/2022

## SECTION A - BUDGET SUMMARY

Grant Program Function or Activity (a)	Catalog of Federal Domestic Assistance Number (b)	Estimated Unobligated Funds		New or Revised Budget		
		Federal (c)	Non-Federal (d)	Federal (e)	Non-Federal (f)	Total (g)
1. Federal Pandemic Unemployment Compensation Implementation Administrative Grant	17.225	\$	\$	\$ 153,610.12	\$	\$ 153,610.12
2.						
3.						
4.						
5. Totals		\$	\$	\$ 153,610.12	\$	\$ 153,610.12

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# SECTION B - BUDGET CATEGORIES

6. Object Class Categories	GRANT PROGRAM, FUNCTION OR ACTIVITY				Total (5)
	(1)	(2)	(3)	(4)	
	Federal Pandemic Unemployment Compensation Implementation Administrative Grants				
a. Personnel	\$ 88,647.09	\$	\$	\$	\$ 88,647.09
b. Fringe Benefits	25,963.03				25,963.03
c. Travel					
d. Equipment	36,721.02				36,721.02
e. Supplies					
f. Contractual					
g. Construction					
h. Other	5,900				5,900
i. Total Direct Charges (sum of 6a-6h)	153,610.12				\$ 153,610.12
j. Indirect Charges					\$
k. TOTALS (sum of 6i and 6j)	\$ 153,610.12	\$	\$	\$	\$ 153,610.12
7. Program Income	\$	\$	\$	\$	\$

Standard Form 424A (Rev. 7-97)  
Prescribed by OMB (Circular A -102) Page 1A

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3.19

<b>EMPLOYMENT AND TRAINING ADMINISTRATION</b> <b>ADVISORY SYSTEM</b> <b>U.S. DEPARTMENT OF LABOR</b> <b>Washington, D.C. 20210</b>	<b>CLASSIFICATION</b> Unemployment Insurance
	<b>CORRESPONDENCE SYMBOL</b> OUI/DUIO
	<b>DATE</b> April 5, 2020

**ADVISORY: UNEMPLOYMENT INSURANCE PROGRAM LETTER NO. 16-20**

**TO:** STATE WORKFORCE AGENCIES

**FROM:** JOHN PALLASCH  
Assistant Secretary

**SUBJECT:** Coronavirus Aid, Relief, and Economic Security (CARES) Act of 2020 – Pandemic Unemployment Assistance (PUA) Program Operating, Financial, and Reporting Instructions

1. **Purpose.** To provide states with operating, financial, and reporting instructions for the PUA program authorized by Section 2102 of the CARES Act of 2020, Public Law (Pub. L.) 116-136.
2. **Action Requested.** The U.S. Department of Labor's (Department) Employment and Training Administration (ETA) requests that State Workforce Administrators provide the information in this Unemployment Insurance Program Letter (UIPL) and all attachments to appropriate program and other staff in state workforce systems as they implement the Unemployment Insurance (UI)-related provisions in the CARES Act that respond to the economic effects of the Coronavirus Disease 2019 (COVID-19).
3. **Summary and Background.**
  - a. Summary – On March 27, 2020, President signed into law the CARES Act, which includes the Relief for Workers Affected by Coronavirus Act set out in Title II, Subtitle A. Section 2102 of the CARES Act creates a new temporary federal program called Pandemic Unemployment Assistance (PUA) that in general provides up to 39 weeks of unemployment benefits, and provides funding to states for the administration of the program. Individuals receiving PUA benefits may also receive the \$600 weekly benefit amount (WBA) under the Federal Pandemic Unemployment Compensation (FPUC) program if they are eligible for such compensation for the week claimed.
  - b. Background – The CARES Act was designed to mitigate the economic effects of the COVID-19 pandemic in a variety of ways. The CARES Act includes a provision of temporary benefits for individuals who have exhausted their entitlement to regular unemployment compensation (UC) as well as coverage for individuals who are not

<b>RESCISSIONS</b> None	<b>EXPIRATION DATE</b> Continuing
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3.20

eligible for regular UC (such as individuals who are self-employed or who have limited recent work history). These individuals may also include certain gig economy workers, clergy and those working for religious organizations who are not covered by regular unemployment compensation, and other workers who may not be covered by the regular UC program under some state laws.

**Importance of Program Integrity.** The programs and provisions in the CARES Act operate in tandem with the fundamental eligibility requirements of the Federal-State UI program must be adhered to. In addition, some of the CARES Act programs include new eligibility requirements which states will need to apply. These requirements include that individuals are only entitled to benefits if they are no longer working through no fault of their own and that individuals must be able and available to work.

States play a fundamental role in ensuring the integrity of the UI program. While states have been provided some flexibilities as a result of COVID-19, those flexibilities are generally limited to dealing with the effects of COVID-19, as discussed in UIPL Nos. 10-20 and 13-20. States must ensure that individuals only receive benefits in accordance with these statutory provisions.

Further, quitting work without good cause to obtain UI benefits is fraud under PUA. Specifically related to PUA, 20 C.F.R. 625.14 governs overpayments and disqualifications for fraud. States are expected to enforce this provision.

The Department is actively working with states receiving funding under the CARES Act to provide UI benefits only to individuals who are entitled to such benefits. The Department will also be actively engaged with its Office of the Inspector General (OIG) to ensure program integrity. The CARES Act includes an appropriation of \$26 million to the Department's OIG (Section 2115) to carry out audits, investigations, and other oversight activities related to states' adherence to existing UI laws and policies, as well as the provisions of the CARES Act.

**4. Guidance.** An overview of key information about the PUA program is provided below.

**a. Program overview.**

PUA provides benefits to covered individuals, who are those individuals not eligible for regular unemployment compensation or extended benefits under state or Federal law or pandemic emergency unemployment compensation (PEUC), including those who have exhausted all rights to such benefits. Covered individuals also include self-employed, those seeking part-time employment, individuals lacking sufficient work history, and those who otherwise do not qualify for regular unemployment compensation or extended benefits under state or Federal law or PEUC.

PUA is also generally not payable to individuals who have the ability to telework with pay or who are receiving paid sick leave or other paid leave benefits. However, individuals receiving paid sick leave or other paid leave benefits for less than their customary work week may still be eligible for PUA. The state must treat any paid sick leave or paid leave received by a claimant in accordance with the income restrictions set out in Disaster Unemployment Assistance (DUA) at 20 C.F.R. 625.13. Similarly, if an individual has been offered the option of teleworking with pay and does, but works less than the individual worked prior to the COVID-19 pandemic, income from such work must be treated in accordance with the income restrictions set out in DUA at 20 C.F.R. 625.13.

In general, PUA provides up to 39 weeks of benefits to qualifying individuals who are otherwise able to work and available for work within the meaning of applicable state UC law, except that they are unemployed, partially unemployed, or unable or unavailable to work due to one of the COVID-19 related reasons identified in Section 2102(a)(3)(A)(ii)(I) of the CARES Act and listed below:

- The individual has been diagnosed with COVID-19 or is experiencing symptoms of COVID-19 and is seeking a medical diagnosis;
- A member of the individual's household has been diagnosed with COVID-19;
- The individual is providing care for a family member or a member of the individual's household who has been diagnosed with COVID-19;
- A child or other person in the household for which the individual has primary caregiving responsibility is unable to attend school or another facility that is closed as a direct result of the COVID-19 public health emergency and such school or facility care is required for the individual to work;
- The individual is unable to reach the place of employment because of a quarantine imposed as a direct result of the COVID-19 public health emergency;
- The individual is unable to reach the place of employment because the individual has been advised by a health care provider to self-quarantine due to concerns related to COVID-19;
- The individual was scheduled to commence employment and does not have a job or is unable to reach the job as a direct result of the COVID-19 public health emergency;
- The individual has become the breadwinner or major support for a household because the head of the household has died as a direct result of COVID-19;
- The individual has to quit his or her job as a direct result of COVID-19; or
- The individual's place of employment is closed as a direct result of the COVID-19 public health emergency.

For purposes of determining eligibility for PUA, regular UC includes state UC, Unemployment Compensation for Federal Employees (UCFE), Unemployment Compensation for Ex-servicemembers (UCX), Trade Readjustment Allowances (TRA), DUA, Short-Time Compensation (STC), and payments under the Self-Employment Assistance (SEA) programs. 20 C.F.R. 625.2(d)(1). Extended benefits mean compensation provided under the provisions of the Federal-State Extended

Unemployment Compensation Act of 1970. 20 C.F.R. 625.2(d)(3). *See* UIPL No. 14-20 for additional information regarding coordination across programs. PUA is not payable in conjunction with state additional compensation.

The PUA WBA is equal to the WBA authorized under state UC law where the individual was employed. In no case will the amount be less than the minimum WBA described in 20 C.F.R. 625.6. For individuals without reported wages sufficient to establish a WBA, the WBA will be calculated according to processes for DUA benefits set out in 20 C.F.R. 625.6.

For weeks of unemployment beginning on or after March 27, 2020, and ending on or before July 31, 2020, individuals eligible to receive PUA are also eligible to receive FPUC, authorized under section 2104 of the CARES Act. FPUC provides an additional \$600 per week. *See* UIPL No. 15-20 for additional information.

The duration of PUA benefits is generally limited to 39 weeks, minus any weeks of regular UC and Extended Benefits (EB) the individual received. The weeks for which an individual collected PEUC may not be deducted from the individual's PUA entitlement.

- b. **Relationship between PUA and DUA.** Section 2102(h) of the CARES Act provides that regulations at 20 C.F.R. Part 625 shall apply to the PUA program “except as otherwise provided in this section or to the extent there is a conflict” between section 2102 and 20 C.F.R. Part 625. These regulations “shall apply to this section as if (1) the term ‘COVID-19 public health emergency’ were substituted for the term ‘major disaster’ each place it appears in such 20 C.F.R. Part 625; and (2) the term ‘pandemic’ were substituted for the term ‘disaster’ each place it appears in 20 C.F.R. Part 625.”

Like DUA, the PUA program is an emergency program activated in response to a crisis and designed to provide benefits to certain individuals who are ineligible for or who have exhausted entitlement to regular unemployment compensation or extended benefits. Like DUA, PUA has a defined assistance period, and a set minimum WBA which is determined based on each state's WBA. In addition, PUA benefits and the cost of its administration are federally funded. To the extent possible, the PUA program should be administered using the same initial application, weekly certifications, adjudication, and appeal procedures utilized by the state for the DUA program. If an individual is eligible for DUA with respect to a week of unemployment, he or she is not eligible to receive PUA for that week.

- c. **Important program dates.** PUA is payable for weeks of unemployment, partial unemployment, or inability to work caused by the COVID-19 related reasons listed above beginning on or after January 27, 2020. For states where the week of unemployment ends on a Saturday, the first week for which PUA may be paid is the week ending February 8, 2020. In states where the week of unemployment ends on a Sunday, the first week for which PUA may be paid is the week ending February 9, 2020.

PUA is not payable for any week of unemployment ending after December 31, 2020. Accordingly, in states where the week of unemployment ends on a Saturday, the last

week that PUA may be paid is the week ending December 26, 2020. For states where the week of unemployment ends on a Sunday, the last week that PUA is payable is the week ending December 27, 2020.

- d. **Program administration.** The cost of PUA benefits is 100% federally funded. Implementation costs and ongoing administrative costs are also 100% federally funded.

The PUA program is administered through a voluntary agreement between states and the Department. The program is available in all 50 states, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau, provided the state/territory signs an agreement with the Department.

States that have entered into an agreement with the Secretary of Labor (Secretary) to operate a PUA program may enter into agreements to operate the PUA program on behalf of other states that have also entered into agreements with the Secretary.

- e. **PUA Implementation Costs Reimbursement for One Time/Additional Administrative Costs.** Section 2102(f) provides for the payment of all additional administrative expenses, as determined by the Secretary, incurred by the states to implement and operate the PUA program. To aid in the determination of the necessity of additional administrative expenses to implement the program, states requesting payments of such costs are required to submit Supplemental Budget Requests (SBRs) detailing the program startup costs. These SBRs must be limited to one-time costs that are attributable to implementation of the PUA program.

Examples of permissible implementation costs include:

- Computer programming and other technology costs;
- Implementation of necessary business processes required for program implementation;
- Training and travel;
- Notices to beneficiaries; and/or
- Overhead related only to the above.

The estimated cost basis for all items must be included in the SBR Application. Calculations for costs of state staff and contractors must be shown in accordance with the SBR instructions in ET Handbook No. 336. For application submission instructions refer to Attachment IV, Supplemental Budget Request Application; and Attachment V, Instructions for Completing the SF424 and SF424A.

ETA requires a state to submit its PUA implementation SBR Application along with required SF424 and SF424A forms. ETA encourages states to submit these forms by April 30, 2020, by electronic submission to the National Office at [covid-19@dol.gov](mailto:covid-19@dol.gov) with a copy to the appropriate Regional Office.



under each category. These examples and explanations for each of the categories are not an exhaustive list of all COVID-19 related circumstances that may qualify an individual for PUA benefits, however, should other qualifying circumstances be used they must be identified and applied in a manner consistent with the examples below.

- a) The individual has been diagnosed with COVID-19 or is experiencing symptoms of COVID-19 and is seeking a medical diagnosis. Examples may include:
- An individual who has to quit his or her job as a direct result of COVID-19 because the individual has tested positive for the coronavirus or has been diagnosed with COVID-19 by a qualified medical professional, and continuing work activities, such as through telework, is not possible by virtue of such diagnosis or condition;
  - An individual who has to quit his or her job due to coming in direct contact with someone who has tested positive for the coronavirus or has been diagnosed by a medical professional as having COVID-19, and, on the advice of a qualified medical health professional is required to resign from his or her position in order to quarantine.
- b) A member of the individual's household has been diagnosed with COVID-19. For example:
- A member of the individual's household has been diagnosed as having COVID-19 by a qualified medical professional or a member of the individual's household has tested positive for COVID-19 and the individual is unable to work as a result.
- c) The individual is providing care for a family member or a member of the individual's household who has been diagnosed with COVID-19. For example:
- An individual is "providing care" for a family member or a member of the individual's household if the provision of care requires such ongoing and constant attention that the individual's ability to perform other work functions is severely limited. An individual who is assisting a family member who is able to adequately care for him or herself is not "providing care" under this category.
- d) A child or other person in the household for which the individual has primary caregiving responsibility is unable to attend school or another facility that is closed as a direct result of the COVID-19 public health emergency and such school or facility care is required for the individual to work. For example:
- An individual has "primary caregiving responsibility" for a child or other person in the household if he or she is required to remain at home to care for the child or other person.
  - This includes an individual whose job allows for telework, but for whom the provision of care to the child or other person with a closed school or other

facility requires such ongoing and constant attention that it is not possible for the individual to perform work at home.

- e) The individual is unable to reach the place of employment because of a quarantine imposed as a direct result of the COVID-19 public health emergency. For example:
  - An individual who is unable to reach his or her place of employment because doing so would require the violation of a state or municipal order restricting travel that was instituted to combat the spread of COVID-19.
- f) The individual is unable to reach the place of employment because the individual has been advised by a health care provider to self-quarantine due to concerns related to COVID-19. Examples include:
  - An individual who has been advised by a qualified medical professional that he or she may be infected with the coronavirus and that he or she therefore should self-quarantine. For example, an individual had direct contact with another person who has tested positive for the coronavirus or been diagnosed with COVID-19 by a qualified medical professional, and is advised by a health care provider to self-quarantine to prevent further possible spread of the virus. Such circumstances would render the individual unable to reach his or her place of employment.
  - An individual whose immune system is compromised by virtue of a serious health condition and is therefore advised by a health care provider to self-quarantine in order to avoid the greater-than-average health risks that the individual might face if he or she were to become infected by the coronavirus.
- g) The individual was scheduled to commence employment and does not have a job or is unable to reach the job as a direct result of the COVID-19 public health emergency. For example:
  - An individual is unable to reach his or her job because doing so would require the violation of a state or municipal order restricting travel that was instituted to combat the spread of the coronavirus or the employer has closed the place of employment.
  - An individual does not have a job because the employer with whom the individual was scheduled to commence employment has rescinded the job offer as a direct result of the COVID-19 public health emergency.
- h) The individual has become the breadwinner or major support for a household because the head of the household has died as a direct result of COVID-19. For example:
  - An individual whose head of household previously contributed the majority of financial support to the household died as a direct result of COVID-19, and the individual is now the person in the household expected to provide such financial support.

i) The individual has to quit his or her job as a direct result of COVID-19. For example:

- An individual was diagnosed with COVID-19 by a qualified medical professional, and although the individual no longer has COVID-19, the illness caused health complications that render the individual objectively unable to perform his or her essential job functions, with or without a reasonable accommodation.

j) The individual's place of employment is closed as a direct result of the COVID-19 public health emergency. For example:

- If a business is shut down due to an emergency declaration or due to necessary social distancing protocols, the unemployment of individuals who worked in the business would be considered a direct result of COVID-19.

k) The individual meets any additional criteria established by the Secretary for unemployment assistance under this section.

- The Secretary has determined that, in addition to individuals who qualify for benefits under the other criteria described above, an individual who works as an independent contractor with reportable income may also qualify for PUA benefits if he or she is unemployed, partially employed, or unable or unavailable to work because the COVID-19 public health emergency has severely limited his or her ability to continue performing his or her customary work activities, and has thereby forced the individual to suspend such activities. For example, a driver for a ridesharing service who receives an IRS Form 1099 from the ride sharing service may not be eligible for PUA benefits under the other criteria outlined above, because such an individual does not have a "place of employment," and thus cannot claim that he or she is unable to work because his or her place of employment has closed. However, under the additional eligibility criterion established by the Secretary here, the driver may still qualify for PUA benefits if he or she has been forced to suspend operations as a direct result of the COVID-19 public health emergency, such as if an emergency state or municipal order restricting movement makes continued operations unsustainable.

States are required to do the following to ensure the efficacy and integrity of the self-certification process:

- Include information on the self-certification form (either paper or on-line), that the claimant completes, including:
  - Separate from the actual certification, an acknowledgement that the claimant understands that making the certification is under penalty of perjury; and
  - Information that advises the claimant that intentional misrepresentation in self-certifying that he or she falls in one or more of these categories is fraud.
- Provide clear messaging on-line that claimants may be subject to criminal prosecution if they are found to have committed fraud.

States are also required to take reasonable and customary precautions to deter and detect fraud, such as, for example, a random audit of a sample of claims to detect fraud.

States should bear in mind that many of the qualifying circumstances described in section 2102(a)(3)(A)(ii)(I) are likely to be of short term duration. For example, an individual who has been advised to self-quarantine by a health care provider because of the individual's exposure to a person who has tested positive for the coronavirus, and is therefore unable to reach his or her place of employment for purposes of 2102(a)(3)(A)(ii)(I)(ff), may be able to return to his or her place of employment within two weeks of the exposure if he or she has not exhibited symptoms of COVID-19 or tested positive for the coronavirus. Similarly, a school is not closed as a direct result of the COVID-19 public health emergency, for purposes of 2102(a)(3)(A)(ii)(I)(dd), after the date the school year was originally scheduled to end. As such, the expectation is that states will continue to apply their able, available, and actively seeking work standards as outlined in state law.

States should also note that, for purposes of section 2102(a)(3)(A)(ii)(I)(ii), an individual does not have to quit his or her job as a direct result of COVID-19 if paid sick leave or other paid leave benefits are available to the individual. Generally, an employee "has to quit" within the meaning of this section only when ceasing employment is an involuntary decision compelled by the circumstances identified in the section.

In general, a determination about whether actions are a "direct result", as explained above, should be made based on 20 C.F.R. 625.5(c). When making a determination under the regulation, states should take into account specific circumstances unique to the COVID-19 public emergency. For example, if a business is shut down due to an emergency declaration or due to necessary social distancing protocols, the unemployment of individuals who worked in the business would be considered a direct result of COVID-19.

Individuals who meet the following criteria are not eligible for PUA:

- a. Individuals who have the ability to telework with pay. When addressing issues about the availability of paid telework, the state must determine whether the claimant has been offered the option of continuing to work for pay by teleworking. If so, and claimants were offered to continue to work the same number of hours, claimants are not eligible for PUA.
- b. Individuals receiving paid sick leave or other paid leave benefits. If claimants receive such leave for their customary work hours, they are not eligible for PUA. The state must treat any paid sick leave or paid leave received by a claimant in accordance with the income restrictions set out in DUA at 20 C.F.R. 625.13.

If the state has further questions in determining whether an individual's qualifying circumstances are a direct result of the COVID-19 public health emergency (as distinguished from circumstances that are a direct result of COVID-19 under the terms of section 2102), the state should refer to 20 C.F.R. 625.5(c).

Application for Federal Assistance SF-424		
<b>* 1. Type of Submission:</b> <input type="checkbox"/> Preapplication <input checked="" type="checkbox"/> Application <input type="checkbox"/> Changed/Corrected Application		
<b>* 2. Type of Application:</b> <input checked="" type="checkbox"/> New <input type="checkbox"/> Continuation <input type="checkbox"/> Revision		
<b>* If Revision, select appropriate letter(s):</b> <input type="text"/> <b>* Other (Specify):</b> <input type="text"/>		
<b>* 3. Date Received:</b> 04/16/2020		<b>4. Applicant Identifier:</b> <input type="text"/>
<b>5a. Federal Entity Identifier:</b> <input type="text"/>		<b>5b. Federal Award Identifier:</b> <input type="text"/>
<b>State Use Only:</b>		
<b>6. Date Received by State:</b> <input type="text"/>		<b>7. State Application Identifier:</b> <input type="text"/>
<b>8. APPLICANT INFORMATION:</b>		
<b>* a. Legal Name:</b> Department of Employment Training and Rehabilitation		
<b>* b. Employer/Taxpayer Identification Number (EIN/TIN):</b> 88-6000022		<b>* c. Organizational DUNS:</b> 8098882410000
<b>d. Address:</b>		
<b>* Street1:</b> 500 East Third Street		
<b>Street2:</b> <input type="text"/>		
<b>* City:</b> Carson City		
<b>County/Parish:</b> <input type="text"/>		
<b>* State:</b> NV: Nevada		
<b>Province:</b> <input type="text"/>		
<b>* Country:</b> USA: UNITED STATES		
<b>* Zip / Postal Code:</b> 89713-0001		
<b>e. Organizational Unit:</b>		
<b>Department Name:</b> <input type="text"/>		<b>Division Name:</b> <input type="text"/>
<b>f. Name and contact information of person to be contacted on matters involving this application:</b>		
<b>Prefix:</b> <input type="text"/>		<b>* First Name:</b> David
<b>Middle Name:</b> <input type="text"/>		
<b>* Last Name:</b> Schmidt		
<b>Suffix:</b> <input type="text"/>		
<b>Title:</b> Acting Deputy Administrator		
<b>Organizational Affiliation:</b> NV DETR - Employment Security Division		
<b>* Telephone Number:</b> 775-684-0387		<b>Fax Number:</b> <input type="text"/>
<b>* Email:</b> deschmidt@detr.nv.gov		

**Application for Federal Assistance SF-424**

**\* 9. Type of Applicant 1: Select Applicant Type:**

A: State Government

Type of Applicant 2: Select Applicant Type:

Type of Applicant 3: Select Applicant Type:

\* Other (specify):

**\* 10. Name of Federal Agency:**

Employment and Training Administration

**11. Catalog of Federal Domestic Assistance Number:**

17.225

CFDA Title:

Unemployment Insurance

**\* 12. Funding Opportunity Number:**

UIPL NO. 16-20

\* Title:

Pandemic Unemployment Assistance Implementation Grants

**13. Competition Identification Number:**

Title:

**14. Areas Affected by Project (Cities, Counties, States, etc.):**

Add Attachment

Delete Attachment

View Attachment

**\* 15. Descriptive Title of Applicant's Project:**

Pandemic Unemployment Assistance Implementation Grants

Attach supporting documents as specified in agency instructions.

Add Attachments

Delete Attachments

View Attachments

**Application for Federal Assistance SF-424****16. Congressional Districts Of:**\* a. Applicant \* b. Program/Project 

Attach an additional list of Program/Project Congressional Districts if needed.

Add Attachment

Delete Attachment

View Attachment

**17. Proposed Project:**\* a. Start Date: \* b. End Date: **18. Estimated Funding (\$):**

* a. Federal	<input type="text" value="5,073,075.38"/>
* b. Applicant	<input type="text" value="0.00"/>
* c. State	<input type="text" value="0.00"/>
* d. Local	<input type="text" value="0.00"/>
* e. Other	<input type="text" value="0.00"/>
* f. Program Income	<input type="text" value="0.00"/>
* g. TOTAL	<input type="text" value="5,073,075.38"/>

**\* 19. Is Application Subject to Review By State Under Executive Order 12372 Process?**☐ a. This application was made available to the State under the Executive Order 12372 Process for review on ☒ b. Program is subject to E.O. 12372 but has not been selected by the State for review.☐ c. Program is not covered by E.O. 12372.**\* 20. Is the Applicant Delinquent On Any Federal Debt? (If "Yes," provide explanation in attachment.)**☐ Yes ☒ No

If "Yes", provide explanation and attach

Add Attachment

Delete Attachment

View Attachment

**21. \*By signing this application, I certify (1) to the statements contained in the list of certifications\*\* and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances\*\* and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U.S. Code, Title 218, Section 1001)**

☒ \*\* I AGREE

\*\* The list of certifications and assurances, or an internet site where you may obtain this list, is contained in the announcement or agency specific instructions.

**Authorized Representative:**

Prefix:  \* First Name:   
Middle Name:   
\* Last Name:   
Suffix:

\* Title: \* Telephone Number:  Fax Number: \* Email:  and \* Signature of Authorized Representative: \* Date Signed:

## BUDGET INFORMATION - Non-Construction Programs

OMB Number: 4040-0006  
Expiration Date: 02/28/2022

## SECTION A - BUDGET SUMMARY

Grant Program Function or Activity (a)	Catalog of Federal Domestic Assistance Number (b)	Estimated Unobligated Funds		New or Revised Budget		
		Federal (c)	Non-Federal (d)	Federal (e)	Non-Federal (f)	Total (g)
1. Pandemic Unemployment Assistance Implementation Grant	17.225	\$ <input type="text"/>	\$ <input type="text"/>	\$ 5,073,075	\$ <input type="text"/>	\$ 5,073,075
2. <input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
3. <input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
4. <input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
5. Totals		\$ <input type="text"/>	\$ <input type="text"/>	\$ 5,073,075	\$ <input type="text"/>	\$ 5,073,075



# SECTION B - BUDGET CATEGORIES

6. Object Class Categories	GRANT PROGRAM, FUNCTION OR ACTIVITY				Total (5)
	(1)	(2)	(3)	(4)	
	Pandemic Unemployment Assistance Implementation Grant				
a. Personnel	\$ 290,685	\$	\$	\$	\$ 290,685
b. Fringe Benefits					
c. Travel					
d. Equipment					
e. Supplies					
f. Contractual	342,000				342,000
g. Construction					
h. Other	4,440,390				4,440,390
i. Total Direct Charges (sum of 6a-6h)	5,073,075				\$ 5,073,075
j. Indirect Charges					\$
k. TOTALS (sum of 6i and 6j)	\$ 5,073,075	\$	\$	\$	\$ 5,073,075
7. Program Income	\$	\$	\$	\$	\$

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Standard Form 424A (Rev. 7-97)  
Prescribed by OMB (Circular A -102) Page 1A

Application for Federal Assistance SF-424		
<b>* 1. Type of Submission:</b> <input type="checkbox"/> Preapplication <input checked="" type="checkbox"/> Application <input type="checkbox"/> Changed/Corrected Application		
<b>* 2. Type of Application:</b> <input checked="" type="checkbox"/> New <input type="checkbox"/> Continuation <input type="checkbox"/> Revision		
<b>* If Revision, select appropriate letter(s):</b> <input type="text"/> <b>* Other (Specify):</b> <input type="text"/>		
<b>* 3. Date Received:</b> 04/30/2020		<b>4. Applicant Identifier:</b> <input type="text"/>
<b>5a. Federal Entity Identifier:</b> <input type="text"/>		<b>5b. Federal Award Identifier:</b> <input type="text"/>
<b>State Use Only:</b>		
<b>6. Date Received by State:</b> <input type="text"/>		<b>7. State Application Identifier:</b> <input type="text"/>
<b>8. APPLICANT INFORMATION:</b>		
<b>* a. Legal Name:</b> Department of Employment Training and Rehabilitation		
<b>* b. Employer/Taxpayer Identification Number (EIN/TIN):</b> 88-6000022		<b>* c. Organizational DUNS:</b> 8098882410000
<b>d. Address:</b>		
<b>* Street1:</b> 500 East Third Street		
<b>Street2:</b> <input type="text"/>		
<b>* City:</b> Carson City		
<b>County/Parish:</b> <input type="text"/>		
<b>* State:</b> NV: Nevada		
<b>Province:</b> <input type="text"/>		
<b>* Country:</b> USA: UNITED STATES		
<b>* Zip / Postal Code:</b> 89713-0001		
<b>e. Organizational Unit:</b>		
<b>Department Name:</b> <input type="text"/>		<b>Division Name:</b> <input type="text"/>
<b>f. Name and contact information of person to be contacted on matters involving this application:</b>		
<b>Prefix:</b> <input type="text"/>		<b>* First Name:</b> David
<b>Middle Name:</b> <input type="text"/>		
<b>* Last Name:</b> Schmidt		
<b>Suffix:</b> <input type="text"/>		
<b>Title:</b> Acting Deputy Administrator		
<b>Organizational Affiliation:</b> NV DETR - Employment Security Division		
<b>* Telephone Number:</b> 775-684-0387		<b>Fax Number:</b> <input type="text"/>
<b>* Email:</b> deschmidt@detr.nv.gov		

**Application for Federal Assistance SF-424**

**\* 9. Type of Applicant 1: Select Applicant Type:**

A: State Government

**Type of Applicant 2: Select Applicant Type:**

**Type of Applicant 3: Select Applicant Type:**

**\* Other (specify):**

**\* 10. Name of Federal Agency:**

Employment and Training Administration

**11. Catalog of Federal Domestic Assistance Number:**

17.225

**CFDA Title:**

Unemployment Insurance

**\* 12. Funding Opportunity Number:**

UIPL No. 17-20

**\* Title:**

Pandemic Emergency Unemployment Compensation Implementation Grants

**13. Competition Identification Number:**

**Title:**

**14. Areas Affected by Project (Cities, Counties, States, etc.):**

Add Attachment

**\* 15. Descriptive Title of Applicant's Project:**

Pandemic Emergency Unemployment Compensation Implementation Grants

Attach supporting documents as specified in agency instructions.

Add Attachments

# Application for Federal Assistance SF-424

## 16. Congressional Districts Of:

\* a. Applicant

\* b. Program/Project

Attach an additional list of Program/Project Congressional Districts if needed.

## 17. Proposed Project:

\* a. Start Date:

\* b. End Date:

## 18. Estimated Funding (\$):

* a. Federal	<input type="text" value="191,892.00"/>
* b. Applicant	<input type="text" value="0.00"/>
* c. State	<input type="text" value="0.00"/>
* d. Local	<input type="text" value="0.00"/>
* e. Other	<input type="text" value="0.00"/>
* f. Program Income	<input type="text" value="0.00"/>
* g. TOTAL	<input type="text" value="191,892.00"/>

## \* 19. Is Application Subject to Review By State Under Executive Order 12372 Process?

- ☐ a. This application was made available to the State under the Executive Order 12372 Process for review on
- ☒ b. Program is subject to E.O. 12372 but has not been selected by the State for review.
- ☐ c. Program is not covered by E.O. 12372.

## \* 20. Is the Applicant Delinquent On Any Federal Debt? (If "Yes," provide explanation in attachment.)

☐ Yes ☒ No

If "Yes", provide explanation and attach

21. \*By signing this application, I certify (1) to the statements contained in the list of certifications\*\* and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances\*\* and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U.S. Code, Title 218, Section 1001)

☒ \*\* I AGREE

\*\* The list of certifications and assurances, or an internet site where you may obtain this list, is contained in the announcement or agency specific instructions.

## Authorized Representative:

Prefix:  \* First Name:

Middle Name:

\* Last Name:

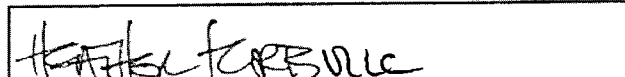
Suffix:

\* Title:

\* Telephone Number:  Fax Number:

\* Email:  and

\* Signature of Authorized Representative:



\* Date Signed:

<b>EMPLOYMENT AND TRAINING ADMINISTRATION ADVISORY SYSTEM U.S. DEPARTMENT OF LABOR Washington, D.C. 20210</b>	<b>CLASSIFICATION</b> UI
	<b>CORRESPONDENCE SYMBOL</b> OUI/DUIO
	<b>DATE</b> April 10, 2020

**ADVISORY: UNEMPLOYMENT INSURANCE PROGRAM LETTER NO. 17-20**

**TO:** STATE WORKFORCE AGENCIES

**FROM:** JOHN PALLASCH /s/  
Assistant Secretary

**SUBJECT:** Coronavirus Aid, Relief, and Economic Security (CARES) Act of 2020—  
Pandemic Emergency Unemployment Compensation (PEUC) Program  
Operating, Financial, and Reporting Instructions

1. **Purpose.** To provide states with operating, financial, and reporting instructions for the PEUC program authorized by Section 2107 of the CARES Act of 2020, Public Law (Pub. L.) 116-136.
2. **Action Requested.** The U.S. Department of Labor's (Department) Employment and Training Administration (ETA) requests that State Workforce Administrators provide the information in this Unemployment Insurance Program Letter (UIPL) and all attachments to appropriate program and other staff in state workforce systems as they implement the Unemployment Insurance (UI)-related provisions in the CARES Act that respond to the economic effects of the Coronavirus Disease 2019 (COVID-19).
3. **Summary and Background.**
  - a. **Summary.** On March 27, 2020, the President signed into law the CARES Act, which includes the Relief for Workers Affected by Coronavirus Act set out in Title II, Subtitle A. Section 2107 of the CARES Act creates a new temporary federal program called Pandemic Emergency Unemployment Compensation (PEUC) that provides up to 13 additional weeks of benefits to individuals who have exhausted their regular unemployment compensation (UC) entitlement and also provides funding to states to administer the program.
  - b. **Background.** The CARES Act was designed to mitigate the economic effects of the COVID-19 pandemic in a variety of ways. The CARES Act includes a provision that provides temporary benefits for individuals who have exhausted their entitlement to regular UC and coverage for individuals who are not eligible for regular UC, such as individuals who are self-employed or have limited recent work history. These

<b>RESCISSIONS</b> None	<b>EXPIRATION DATE</b> Continuing
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individuals may include certain gig economy workers, clergy and those working for religious organizations not covered by regular UC, and other workers who may not be covered by the regular UC program under their respective state laws.

This UIPL focuses on Section 2107 of the CARES Act, which authorizes the temporary PEUC program. In short, this program provides eligible individuals with up to 13 additional weeks of benefits to individuals who have exhausted their regular unemployment compensation (UC) entitlement.

**Importance of Program Integrity.** The programs and provisions within the CARES Act operate in tandem with the fundamental eligibility requirements of the Federal-State UI program, which remain in place and must be adhered to. In addition, some of the CARES Act programs include new eligibility requirements which states will need to apply. These requirements include that individuals are only entitled to benefits if they are no longer working through no fault of their own and that individuals must be able and available to work.

States play a fundamental role in ensuring the integrity of the UI program. While states have been provided some flexibilities as a result of COVID-19, those flexibilities are generally limited to dealing with the effects of COVID-19, as discussed in UIPL Nos. 10-20, 13-20, 14-20, 15-20, and 16-20. States must ensure that individuals only receive benefits in accordance with these statutory provisions.

Further, quitting work without good cause to obtain UI benefits is fraud. Section 2107(e) expressly provides that if an individual has obtained these benefits through fraud, the individual is ineligible for any additional benefit payments, must pay back the benefits, and is subject to criminal prosecution under 18 U.S.C. §1001 and other Federal laws. States are expected to enforce these statutory provisions.

The Department is actively working with states receiving funding under the CARES Act to provide UI benefits only to individuals who are entitled to such benefits. The Department will also be actively engaged with its Office of the Inspector General (OIG) to ensure program integrity. The CARES Act includes an appropriation of \$26 million to the Department's OIG to carry out audits, investigations, and other oversight activities related to states' adherence to existing UI laws and policies, as well as the provisions of the CARES Act.

**4. Guidance.** Key information about the PEUC program is provided below, including an overview of the PEUC program, important program dates, funding of PEUC benefits and administration, and reporting and other instructions.

**a. Program overview.**

PEUC is a temporary program that provides up to 13 weeks of 100% Federally-funded benefits to individuals who:

- have exhausted all rights to regular compensation under state law or Federal law with respect to a benefit year that ended on or after July 1, 2019;
- have no rights to regular compensation with respect to a week under any other state UC law or Federal UC law, or to compensation under any other Federal law;
- are not receiving compensation with respect to a week under the UC law of Canada; and
- are able to work, available to work, and actively seeking work, while recognizing that states must provide flexibility in meeting the “actively seeking work” requirement if individuals are unable to search for work because of COVID-19, including because of illness, quarantine, or movement restriction.

For purposes of PEUC eligibility, an individual is deemed to have exhausted benefits when:

- no payments of regular UC may be made under state law because such individual has received all available regular UC based on employment or wages during such individual’s base period; or
- the individual’s right to such regular UC has been terminated by reason of the expiration of the benefit year with respect to which such rights existed (excluding any benefit year that ended before July 1, 2019).

The payment of Extended Benefits (EB) for which an individual is otherwise eligible must be deferred until after the payment of any PEUC for which the individual is concurrently eligible. Refer to UIPL No. 14-20 for additional information on the coordination of programs.

- b. **Important program dates.** PEUC is payable in a state beginning the week following the week in which an agreement is signed with the Secretary (see definition of “Agreement” in Attachment I, section B). In states where the week of unemployment ends on Saturday, the first possible week for which PEUC may be paid is the week ending April 4, 2020. In states where the week of unemployment ends on Sunday, the first possible week for which PEUC may be paid is the week ending April 5, 2020.

PEUC is not payable for any week of unemployment ending after December 31, 2020. Accordingly, in states where the week of unemployment ends on a Saturday, the last week that PEUC benefits may be paid is the week ending December 26, 2020. For states where the week of unemployment ends on a Sunday, the last week that PEUC is payable is the week ending December 27, 2020.

- c. **Program administration funding for PEUC program.** The PEUC program is available in the 50 states, the District of Columbia, Puerto Rico, and the U.S. Virgin Islands, provided the state/territory signs an agreement with the Department (See definition of “Agreement” in Attachment I, section B).

## **Implementing and Operating Instructions for the Pandemic Emergency Unemployment Compensation (PEUC) Program**

### **A. Introduction.**

On March 27, 2020, the President signed Public Law (Pub. L.) 116-136, the Coronavirus Aid, Relief, and Economic Security (CARES) Act of 2020. Section 2107 creates a new Federal program called Pandemic Emergency Unemployment Compensation (PEUC) and provides funding to states to administer the program.

The PEUC program allows states to enter into an agreement with the Secretary of Labor (Secretary) to pay up to 13 weeks of benefits to individuals who:

- have exhausted all rights to regular unemployment compensation (UC) under state or Federal law;
- have no rights to regular UC under any other state or Federal law;
- are not receiving compensation under the UC laws of Canada; and
- are able to work, available for work, and actively seeking work, while recognizing that states must provide flexibility in meeting the “actively seeking work” requirement if individuals are unable to search for work because of COVID-19, including because of illness, quarantine, or movement restriction.

For purposes of PEUC eligibility, an individual is deemed to have exhausted benefits when:

- no payments of regular UC can be made under state law because such individual has received all available regular UC based on employment or wages during such individual’s base period; or
- the individual’s right to such regular UC has been terminated by reason of the expiration of the benefit year with respect to which such rights existed (excluding any benefit year that ended before July 1, 2019).

Both the costs of the new Federal benefit and the costs of program administration are 100% federally funded. This guidance explains the eligibility requirements and the administrative functions associated with the program.

### **B. Definitions.**

This section contains the definitions of terms used throughout this document.

1. “Act” means the CARES Act, including Title II Subtitle A, The Relief for Workers Affected by Coronavirus Act.
2. “Additional compensation” means compensation fully financed by a state and payable under a state law by reason of conditions of high unemployment or by reason of other special factors, and when so payable, includes compensation payable pursuant to 5



U.S.C. chapter 85.

3. “Agreement” means the agreement between a state and the Secretary under which the state agency makes payments, as the Secretary’s agent, of PEUC in accordance with Section 2107 of the CARES Act as interpreted by the Secretary as set forth in these instructions or any other instructions issued by the Secretary.
4. a. “Benefit Year” means the benefit year as defined in applicable state law.  
b. “Applicable Benefit Year” means, with respect to an individual, the current benefit year if, at the time an initial claim for PEUC is filed, the individual has an unexpired benefit year, ending on or after July 1, 2019, (this means, in general, that an individual’s benefit year must have ended on July 6, 2019, or later) only in the state in which such claim is filed; or, where the individual has more than one unexpired benefit year in one or more states, the individual’s most recent benefit year ending on or after July 1, 2019. For this purpose, the most recent benefit year, for an individual who has unexpired benefit years in more than one state when an initial claim for PEUC is filed, is the benefit year with the latest ending date, or, if such benefit years have the same ending date, the benefit year in which the latest continued claim for regular compensation was filed.
5. “Applicable State” means the state where the individual is an exhaustee for PEUC purposes, and, in the case of a combined wage claim for regular compensation, the term means the “paying state” for such claim as defined in 20 C.F.R. 616.6(e).
6. “Applicable State Law” means the state law of the applicable state for an individual.
7. “Base Period” means the base period as determined under the applicable state law for the individual’s applicable benefit year.
8. “Compensation” means cash benefits (including dependents’ allowances) payable to individuals with respect to their unemployment. “Compensation” is also referred to as “Unemployment Compensation” or “UC.”
9. “Extended compensation” means compensation payable to an individual for weeks of unemployment beginning in an extended benefit period, under those provisions of the state law which satisfy the requirements of the Federal-State Extended Unemployment Compensation Act of 1970 (Pub. L. 91-373), and when so payable includes additional compensation and compensation payable pursuant to 5 U.S.C. chapter 85. Extended compensation is referred to as Extended Benefits or EB.
10. “Pandemic Emergency Unemployment Compensation” means the compensation payable under Section 2107 of the CARES Act, and which is referred to as PEUC.
11. “Regular compensation” means compensation payable to an individual under any state law, and, when so payable, includes compensation payable under 5 U.S.C. chapter 85, but does not include extended compensation and additional compensation.
12. “Secretary” means the U.S. Secretary of Labor.
13. “State” means the states of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and the U.S. Virgin Islands.
14. “State Agency” means the unemployment compensation agency of the state administering the state law.
15. “State Law” means the unemployment compensation law of a state approved by the Secretary under Section 3304(a) of the Internal Revenue Code of 1986 (26 U.S.C. §3304(a)).
16. “Week” means a week as defined in the applicable State’s UC law.
17. “Week of Unemployment” means a week of total, part-total, or partial unemployment as

**Statutory Language of Title II, Subtitle A, Section 2107 of the Coronavirus Aid, Relief, and Economic Security (CARES) Act of 2020**

**SEC. 2107. PANDEMIC EMERGENCY UNEMPLOYMENT COMPENSATION.**

(a) Federal-State Agreements.--

(1) In general.--Any State which desires to do so may enter into and participate in an agreement under this section with the Secretary of Labor (in this section referred to as the "Secretary"). Any State which is a party to an agreement under this section may, upon providing 30 days' written notice to the Secretary, terminate such agreement.

(2) Provisions of agreement.--Any agreement under paragraph (1) shall provide that the State agency of the State will make payments of pandemic emergency unemployment compensation to individuals who--

(A) have exhausted all rights to regular compensation under the State law or under Federal law with respect to a benefit year (excluding any benefit year that ended before July 1, 2019);

(B) have no rights to regular compensation with respect to a week under such law or any other State unemployment compensation law or to compensation under any other Federal law;

(C) are not receiving compensation with respect to such week under the unemployment compensation law of Canada; and

(D) are able to work, available to work, and actively seeking work.

(3) Exhaustion of benefits.--For purposes of paragraph (2)(A), an individual shall be deemed to have exhausted such individual's rights to regular compensation under a State law when--

(A) no payments of regular compensation can be made under such law because such individual has received all regular compensation available to such individual based on employment or wages during such individual's base period; or

(B) such individual's rights to such compensation have been terminated by reason of the expiration of the benefit year with respect to which such rights existed.

(4) Weekly benefit amount, etc.--For purposes of any agreement under this section--

(A) the amount of pandemic emergency unemployment compensation which shall be payable to any individual for any week of total unemployment shall be equal to--

(i) the amount of the regular compensation (including dependents' allowances) payable to such individual during such individual's benefit year under the State law for a week of total unemployment; and

(ii) the amount of Federal Pandemic Unemployment Compensation under section 2104;

(B) the terms and conditions of the State law which apply to claims for regular compensation and to the payment thereof (including terms and conditions relating to availability for work, active search for work, and refusal to accept work) shall apply to claims for pandemic emergency unemployment compensation and the payment thereof, except where otherwise inconsistent with the provisions of this section or with the regulations or operating instructions of the Secretary promulgated to carry out this section;

(C) the maximum amount of pandemic emergency unemployment compensation payable to any individual for whom an pandemic emergency unemployment compensation account is

established under subsection (b) shall not exceed the amount established in such account for such individual; and

(D) the allowable methods of payment under section 2104(b)(2) shall apply to payments of amounts described in subparagraph (A)(ii).

(5) Coordination rule.--An agreement under this section shall apply with respect to a State only upon a determination by the Secretary that, under the State law or other applicable rules of such State, the payment of extended compensation for which an individual is otherwise eligible must be deferred until after the payment of any pandemic emergency unemployment compensation under subsection (b) for which the individual is concurrently eligible.

(6) Nonreduction rule.--

(A) In general.--An agreement under this section shall not apply (or shall cease to apply) with respect to a State upon a determination by the Secretary that the method governing the computation of regular compensation under the State law of that State has been modified in a manner such that the number of weeks (the maximum benefit entitlement), or the average weekly benefit amount, of regular compensation which will be payable during the period of the agreement will be less than the number of weeks, or the average weekly benefit amount, of the average weekly benefit amount of regular compensation which would otherwise have been payable during such period under the State law, as in effect on January 1, 2020.

(B) Maximum benefit entitlement.--In subparagraph (A), the term "maximum benefit entitlement" means the amount of regular unemployment compensation payable to an individual with respect to the individual's benefit year.

(7) Actively seeking work.--

(A) In general.--Subject to subparagraph (C), for purposes of paragraph (2)(D), the term "actively seeking work" means, with respect to any individual, that such individual--

(i) is registered for employment services in such a manner and to such extent as prescribed by the State agency;

(ii) has engaged in an active search for employment that is appropriate in light of the employment available in the labor market, the individual's skills and capabilities, and includes a number of employer contacts that is consistent with the standards communicated to the individual by the State;

(iii) has maintained a record of such work search, including employers contacted, method of contact, and date contacted; and

(iv) when requested, has provided such work search record to the State agency.

(B) Flexibility.--Notwithstanding the requirements under subparagraph (A) and paragraph (2)(D), a State shall provide flexibility in meeting such requirements in case of individuals unable to search for work because of COVID-19, including because of illness, quarantine, or movement restriction.

(b) Pandemic Emergency Unemployment Compensation Account.--

(1) In general.--Any agreement under this section shall provide that the State will establish, for each eligible individual who files an application for pandemic emergency unemployment compensation, an pandemic emergency unemployment compensation account with respect to such individual's benefit year.

(2) Amount in account.--The amount established in an account under subsection (a) shall be equal to 13 times the individual's average weekly benefit amount, which includes the amount of Federal Pandemic Unemployment Compensation under section 2104, for the benefit year.

(3) Weekly benefit amount.--For purposes of this subsection, an individual's weekly benefit

amount for any week is the amount of regular compensation (including dependents' allowances) under the State law payable to such individual for such week for total unemployment plus the amount of Federal Pandemic Unemployment Compensation under section 2104.

(c) Payments to States Having Agreements for the Payment of Pandemic Emergency Unemployment Compensation.--

(1) In general.--There shall be paid to each State that has entered into an agreement under this section an amount equal to 100 percent of the pandemic emergency unemployment compensation paid to individuals by the State pursuant to such agreement.

(2) Treatment of reimbursable compensation.--No payment shall be made to any State under this section in respect of any compensation to the extent the State is entitled to reimbursement in respect of such compensation under the provisions of any Federal law other than this section or chapter 85 of title 5, United States Code. A State shall not be entitled to any reimbursement under such chapter 85 in respect of any compensation to the extent the State is entitled to reimbursement under this section in respect of such compensation.

(3) Determination of amount.--Sums payable to any State by reason of such State having an agreement under this section shall be payable, either in advance or by way of reimbursement (as may be determined by the Secretary), in such amounts as the Secretary estimates the State will be entitled to receive under this section for each calendar month, reduced or increased, as the case may be, by any amount by which the Secretary finds that the Secretary's estimates for any prior calendar month were greater or less than the amounts which should have been paid to the State. Such estimates may be made on the basis of such statistical, sampling, or other method as may be agreed upon by the Secretary and the State agency of the State involved.

(d) Financing Provisions.--

(1) Compensation.--

(A) In general.--Funds in the extended unemployment compensation account (as established by section 905(a) of the Social Security Act (42 U.S.C. 1105(a)) of the Unemployment Trust Fund (as established by section 904(a) of such Act (42 U.S.C. 1104(a))) shall be used for the making of payments to States having agreements entered into under this section.

(B) Transfer of funds.--Notwithstanding any other provision of law, the Secretary of the Treasury shall transfer from the general fund of the Treasury (from funds not otherwise appropriated) to the extended unemployment compensation account such sums as the Secretary of Labor estimates to be necessary to make payments described in subparagraph (A). There are appropriated from the general fund of the Treasury, without fiscal year limitation, the sums referred to in the preceding sentence and such sums shall not be required to be repaid.

(2) Administration.--

(A) In general.--There are appropriated out of the employment security administration account (as established by section 901(a) of the Social Security Act (42 U.S.C. 1101(a)) of the Unemployment Trust Fund, without fiscal year limitation, such funds as may be necessary for purposes of assisting States (as provided in title III of the Social Security Act (42 U.S.C. 501 et seq.)) in meeting the costs of administration of agreements under this section.

(B) Transfer of funds.--Notwithstanding any other provision of law, the Secretary of the Treasury shall transfer from the general fund of the Treasury (from funds not otherwise appropriated) to the employment security administration account such sums as the Secretary of Labor estimates to be necessary to make payments described in subparagraph (A). There are appropriated from the general fund of the Treasury, without fiscal year limitation, the sums

referred to in the preceding sentence and such sums shall not be required to be repaid.

(3) Certification.--The Secretary shall from time to time certify to the Secretary of the Treasury for payment to each State the sums payable to such State under this subsection. The Secretary of the Treasury, prior to audit or settlement by the Government Accountability Office, shall make payments to the State in accordance with such certification, by transfers from the extended unemployment compensation account (as so established) to the account of such State in the Unemployment Trust Fund (as so established).

(e) Fraud and Overpayments.--

(1) In general.--If an individual knowingly has made, or caused to be made by another, a false statement or representation of a material fact, or knowingly has failed, or caused another to fail, to disclose a material fact, and as a result of such false statement or representation or of such nondisclosure such individual has received an amount of pandemic emergency unemployment compensation under this section to which such individual was not entitled, such individual--

(A) shall be ineligible for further pandemic emergency unemployment compensation under this section in accordance with the provisions of the applicable State unemployment compensation law relating to fraud in connection with a claim for unemployment compensation; and

(B) shall be subject to prosecution under section 1001 of title 18, United States Code.

(2) Repayment.--In the case of individuals who have received amounts of pandemic emergency unemployment compensation under this section to which they were not entitled, the State shall require such individuals to repay the amounts of such pandemic unemployment compensation to the State agency, except that the State agency may waive such repayment if it determines that--

(A) the payment of such pandemic emergency unemployment compensation was without fault on the part of any such individual; and

(B) such repayment would be contrary to equity and good conscience.

(3) Recovery by state agency.--

(A) In general.--The State agency shall recover the amount to be repaid, or any part thereof, by deductions from any pandemic emergency unemployment compensation payable to such individual under this section or from any unemployment compensation payable to such individual under any State or Federal unemployment compensation law administered by the State agency or under any other State or Federal law administered by the State agency which provides for the payment of any assistance or allowance with respect to any week of unemployment, during the 3-year period after the date such individuals received the payment of the pandemic emergency unemployment compensation to which they were not entitled, in accordance with the same procedures as apply to the recovery of overpayments of regular unemployment benefits paid by the State.

(B) Opportunity for hearing.--No repayment shall be required, and no deduction shall be made, until a determination has been made, notice thereof and an opportunity for a fair hearing has been given to the individual, and the determination has become final.

(4) Review.--Any determination by a State agency under this section shall be subject to review in the same manner and to the same extent as determinations under the State unemployment compensation law, and only in that manner and to that extent.

(f) Definitions.--In this section, the terms "compensation", "regular compensation", "extended compensation", "benefit year", "base period", "State", "State agency", "State law", and "week" have the respective meanings given such terms under section 205 of the Federal-

State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note).

(g) Applicability.--An agreement entered into under this section shall apply to weeks of unemployment--

- (1) beginning after the date on which such agreement is entered into; and
- (2) ending on or before December 31, 2020.

# BUDGET INFORMATION - Non-Construction Programs

## SECTION A - BUDGET SUMMARY

Grant Program Function or Activity (a)	Catalog of Federal Domestic Assistance Number (b)	Estimated Unobligated Funds		New or Revised Budget		
		Federal (c)	Non-Federal (d)	Federal (e)	Non-Federal (f)	Total (g)
1. Pandemic Emergency Unemployment Compensation Implementation Grant	17.225	\$	\$	\$ 191,892	\$	\$ 191,892
2.						
3.						
4.						
5. Totals		\$	\$	\$ 191,892	\$	\$ 191,892

3.47

## SECTION B - BUDGET CATEGORIES

6. Object Class Categories	GRANT PROGRAM, FUNCTION OR ACTIVITY				Total (5)
	(1)	(2)	(3)	(4)	
	Pandemic Unemployment Assistance Implementation Grant				
a. Personnel	\$ 73,512	\$	\$	\$	\$ 73,512
b. Fringe Benefits					
c. Travel					
d. Equipment					
e. Supplies					
f. Contractual	18,750				18,750
g. Construction					
h. Other	99,360				99,360
i. Total Direct Charges (sum of 6a-6h)	191,892				\$ 191,892
j. Indirect Charges					\$
k. TOTALS (sum of 6i and 6j)	\$ 191,892	\$	\$	\$	\$ 191,892
7. Program Income	\$	\$	\$	\$	\$

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D.

STATEMENT OF THE ACCOUNT TO STABILIZE THE OPERATION OF  
THE STATE GOVERNMENT BALANCE

Statement of the Account to Stabilize the Operation of the State Government  
(Rainy Day Account)

FY 2020

May 18, 2020, Interim Finance Committee Meeting

		Account Balance
Beginning balance of the Account to Stabilize the Operation of the State Government balance as of July 1, 2019		\$ 331,694,833
1/31/20	Transfer to the Account to Stabilize the Operation of the State Government pursuant to NRS 353.288(1)(a)	\$ 25,028,566
8/29/19	Transfer to the Account to Stabilize the Operation of the State Government pursuant to NRS 353.288(1)(b)	\$ 44,462,821
Current Account to Stabilize the Operation of the State Government balance as of May 14, 2020		\$ 401,186,220



REQUEST FOR APPROVAL TO TRANSFER FUNDS FROM THE ACCOUNT TO STABILIZE  
THE OPERATION OF THE STATE GOVERNMENT TO THE STATE GENERAL FUND  
PURSUANT TO NRS 353.288(7)

E.

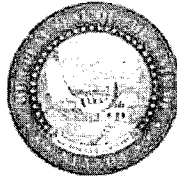
**NRS 353.288** Creation; annual deposit of state revenue required; annual transfer of percentage of total anticipated revenue required; limitation on balance; transfer of percentage of balance to Disaster Relief Account; uses.

7. If the Interim Finance Committee finds that a transfer recommended by the State Board of Examiners should and may lawfully be made, the Committee shall by resolution establish the amount and direct the State Controller to transfer that amount to the State General Fund. The State Controller shall thereupon make the transfer.



REQUEST FOR APPROVAL TO ACCEPT GIFTS AND GRANTS PURSUANT TO  
NRS 353.335(2)(b) – REQUIRES EXPEDITIOUS ACTION WITHIN 15 DAYS –  
Department of Education

Steve Sisolak  
*Governor*



Susan Brown  
*Director*

Tiffany Greenameyer  
*Deputy Director*

STATE OF NEVADA  
GOVERNOR'S FINANCE OFFICE

*Budget Division*

209 E. Musser Street, Room 200 | Carson City, NV 89701-4298  
Phone: (775) 684-0222 | [www.budget.nv.gov](http://www.budget.nv.gov) | Fax: (775) 684-0260

**MEMORANDUM**

May 12, 2020

TO: Brenda Erdoes, Secretary  
Interim Finance Committee

FROM: Tiffany Greenameyer, Deputy Director  
Governor's Finance Office

SUBJECT: Next Interim Finance Committee Meeting

Per NRS 353.335, Section 2(b), the following work program(s) require expeditious action:

**II. ACTION ITEM**

- A. NEVADA DEPARTMENT OF EDUCATION- CARES ACT ELEMENTARY AND SECONDARY SCHOOL EMERGENCY RELIEF FUNDS – FY20** - Pursuant to NRS 353.335(2)(b), the division is requesting an expeditious approval to receive and expend federal Elementary and Secondary School Emergency Relief funds allocated through the Coronavirus Aid, Relief, and Economic Security Act in the amount of \$117,185,045 to assist local education agencies throughout the state and provide support for remote learning.

F. 1.1



Steve Sisolak  
Governor

Jhone M. Ebert  
Superintendent of  
Public Instruction



Southern Nevada Office  
2080 East Flamingo Rd,  
Suite 210  
Las Vegas, Nevada 89119-0811  
(702) 486-6458  
Fax: (702) 486-6450

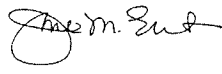
**STATE OF NEVADA**  
**DEPARTMENT OF EDUCATION**

700 E. Fifth Street | Carson City, Nevada 89701-5096  
Phone: (775) 687-9200 | [www.doe.nv.gov](http://www.doe.nv.gov) | Fax: (775) 687-9101

April 30, 2020

**MEMORANDUM**

**TO:** Susan Brown, Clerk of the Board  
Governor's Finance Office

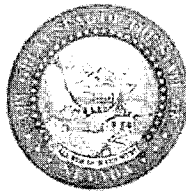
**FROM:** Jhone M. Ebert, Superintendent of Public Instruction  
Department of Education 

**SUBJECT:** Emergency Work Program: Elementary and Secondary School Emergency Relief Fund, Coronavirus Aid, Relief, and Economic Security (CARES) Act

The Nevada Department of Education is seeking emergency approval to receive and allocate federal funding received through the US Department of Education's Elementary and Secondary School Emergency Relief Fund (ESSER). The US Department of Education has indicated that State education agencies will have access to these funds within three (3) business days of the approval of their respective Certification and Agreement. The Nevada Department of Education wishes to honor this commitment to urgency by making funds available to local education agencies as quickly as possible.


Through ESSER, the US Department of Education is awarding grants to State education agencies to assist state and local education agencies with emergency relief funding to address the impact of COVID 19 on schools across the nation. The Nevada Department of Education has been awarded a total of \$117,185,045, which must be allocated as follows:  
\$105,466,541 to local education agencies, including charter schools and  
\$11,718,504 to the state education agency

Emergency approval of these work programs will allow NDE to grant funds in compliance with ESSER to address the impact COVID 19 has had and continues to have on elementary and secondary schools across the state.



**STATE OF NEVADA  
GOVERNOR'S FINANCE OFFICE  
Budget Division**

209 E. Musser Street, Suite 200 | Carson City, NV 89701-4298  
Phone: (775) 684-0222 | [www.budget.nv.gov](http://www.budget.nv.gov) | Fax: (775) 684-0260

Date: May 12, 2020  
To: Susan Brown, Director  
Governor's Finance Office  
From: Catherine Bartlett, Executive Branch Budget Officer   
Budget Division  
Subject: INTERIM FINANCE COMMITTEE **ACTION** ITEM

The following describes an action item submitted for placement on the agenda of the next Interim Finance Committee meeting.

**NEVADA DEPARTMENT OF EDUCATION**

Agenda Item Write-up:

Pursuant to NRS 353.335(2)(b), the Nevada Department of Education requests approval to receive and expend federal Elementary and Secondary School Emergency Relief funds allocated through the Coronavirus Aid, Relief, and Economic Security Act in the amount of \$117,185,045 to assist local education agencies throughout the state and provide support for remote learning.


Additional Information:

On March 13, 2020, the President of the United States declared a national state of emergency in response to the COVID-19 outbreak. In response to the unprecedented pandemic, the federal government established various funds to deal with this outbreak. One of those funds established is the Elementary and Secondary School Emergency Relief (ESSER) funds. The fund allows state educational agencies (SEAs) to provide local education agencies (LEAs) with emergency relief to address the impact COVID-19 has had and continues to have on elementary and secondary schools.

90 percent of the funds must be distributed by the SEA to the LEAs based on the amount of funds received under part A of Title I in fiscal year 2019. The remaining funding may be reserved by the SEA for grants and contracts to address emergency needs and administrative expenses. A maximum of \$585,925 of the SEA reserve funds may be used for administrative expenses. Upon development of a plan, the SEA reserve funds will be transferred to an executive budget account with a future work program.

Statutory Authority:

NRS 353.335(2)(b)

REVIEWED: 

ACTION ITEM: \_\_\_\_\_

# State of Nevada Work Program

**WP Number: C50756**

**FY 2020**

☐ **XXX** Add Original Work Program

☐ Modify Work Program

BUDGET DIVISION USE ONLY
DATE _____
APPROVED ON BEHALF OF THE GOVERNOR BY _____

DATE	FUND	AGENCY	BUDGET	DEPT/DIV/BUDGET NAME
05/11/20	101	300	2710	NDE - CARES ACT ESSER

## Funds Available

Budgetary GLs (2501 - 2599)	Description	WP Amount	Revenue GLs (3000 - 4999)	Description	WP Amount	Current Authority	Revised Authority
			3527	FED COMPREHENSIVE CARE GRANT	117,185,045	0	117,185,045
Subtotal Budgetary General Ledgers		0	Subtotal Revenue General Ledgers(RB)		117,185,045		117,185,045
Total Budgetary & Revenue GLs					117,185,045		

## Expenditures

CAT	Amount	CAT	Amount
10	105,466,541		
11	11,718,504		
<b>Sub Total Category Expenditures</b>			<b>117,185,045</b>

<b>Remarks</b> The purpose of this work program is to accept \$117,185,045 in federal Elementary and Secondary School Emergency Relief funds allocated to the state through the Coronavirus Aid, Relief, and Economic Security Act.
--

Total Budgetary General Ledgers and Category Expenditures (AP) **117,185,045**

\_\_\_\_\_  
**cbrekken**  
 Authorized Signature  
  
 \_\_\_\_\_  
**05/11/20**  
 Date  
  
 \_\_\_\_\_  
 Controller's Office Approval

Does not require Interim Finance approval since WP is for a non-executive budget account

**STATE OF NEVADA  
NDE - DEPARTMENT OF EDUCATION**

**Budget Account 2710 - NDE - CARES ACT ESSER  
Work Program C50756  
Fiscal Year 2020**

Submitted May 11, 2020

**Budget Account's Primary Purpose, Function and Statutory Authority**

The purpose of the CARES Act Secondary Education Relief Funds Account is to administer the funding received in accordance with Elementary and Secondary School Emergency Relief (ESSER) Fund and the Coronavirus Aid, Relief, and Economic Security (CARES) Act.

**Purpose of Work Program**

The purpose of this work program is to accept \$117,185,045 in federal Elementary and Secondary School Emergency Relief funds allocated to the state through the Coronavirus Aid, Relief, and Economic Security Act.

**Justification**

\$117,185,045 has been allocated to the State of Nevada through the Coronavirus Aid, Relief, and Economic Security (CARES) Act, Elementary and Secondary School Emergency Relief (ESSER) Fund. In order to administer coronavirus relief funds to LEAs throughout the state this work program is needed.

Per Appendix B: State Allocation Table: \$105,466,541 will be allocated directly to LEAs and \$11,718,504 may be reserved by the SEA for grants and contracts to address emergency needs and administrative expenses. Of the SEA reserve funds the SEA may use up to \$585,925 for administrative expenses. Upon development of a plan, the SEA reserve funds will be transferred to an executive budget account in a future work program.

**Expected Benefits to be Realized**

The expected benefit is to provide emergency financial relief to school districts and charter schools to address the impact of COVID-19. The financial relief may include continuing to provide educational services, such as remote learning, and developing and implementing plans for the return to more normal operation. This funding will also allow the Department to issue funds to support technological capacity and access - including hardware and software, connectivity, and instructional expertise to support remote learning. Additionally, these funds may be used to support remote learning by developing new informational and academic resources and expanding awareness of, and access to, best practices and innovations in remote learning and support for students, families, and educators.

**Explanation of Projections and Documentation**

BSRs  
Fund Map  
Grant Certification and Agreement  
LEA Allocation  
File Maintenance  
Emergency approval Request

**New Positions:** No

**Summary of Alternatives and Why Current Proposal is Preferred**

The alternative would be to place this funding in various other Executive Budget Accounts under the Department of Education. This work program is preferred as it will allow clear tracking of the funding received from ESSER fund.

**FY20 FUND MAP BA 2710**  
**CARES ACT ESSER FUNDS**

REV GL / EXP CAT	LINE ITEM DESCRIPTION	Current Auth	RGL 3527	REVISED AUTH
3527	FEDERAL COMPREHENSIVE CARE GRANT	-	117,185,045	117,185,045
<b>TOTAL REVENUES:</b>		-	117,185,045	117,185,045
10	CARES ACT LEA DISTRIBUTIONS	-	105,466,541	105,466,541
11	CARES ACT SEA RESERVE FUNDS	-	11,718,504	11,718,504
<b>TOTAL EXPENDITURES:</b>		-	117,185,045	117,185,045
DIFFERENCE:		-	-	-

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## **PROGRAM BACKGROUND INFORMATION**

### **Purpose**

Under the Elementary and Secondary School Emergency Relief Fund (ESSER Fund), the Department awards grants to State educational agencies (SEAs) for the purpose of providing local educational agencies (LEAs), including charter schools that are LEAs, with emergency relief funds to address the impact that Novel Coronavirus Disease 2019 (COVID-19) has had, and continues to have, on elementary and secondary schools across the nation. LEAs must provide equitable services to students and teachers in non-public schools as required under the Coronavirus Aid, Relief, and Economic Security Act (CARES Act).

### **Eligibility**

SEAs in any of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

### **Timeline**

The SEA will have one year, from the date of its ESSER award, to award funds. Any funds not awarded by the SEA within one year of receiving its award will be returned to the Department to be reallocated to other States consistent with the CARES Act.

### **Uses of Funds**

#### **SEAs:**

The SEA must use no less than 90 percent of its allocation to make subgrants to LEAs, including charter schools that are LEAs, based on each LEA's share of funds received under part A of title I of the ESEA in fiscal year 2019. With the funds not subgranted to LEAs, the SEA may reserve up to an amount equal to  $\frac{1}{2}$  of 1 percent of the total allocation for administrative costs, and the remaining funds may be used for emergency needs as determined by the SEA to address issues responding to COVID-19. These emergency needs may be addressed through the use of grants or contracts.

#### **LEAs:**

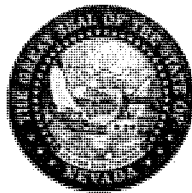
LEAs may use funds for any purposes listed in section 18003(d) of the CARES Act. (See Appendix A.)

### **Program Contact**

For additional information, please contact Christopher Tate by telephone at (202) 453-6047 or by email at [ESSERF@ed.gov](mailto:ESSERF@ed.gov).

Steve Sisolak  
Governor

Jhone M. Ebert  
Superintendent of  
Public Instruction



Southern Nevada Office  
2080 East Flamingo Rd,  
Suite 210  
Las Vegas, Nevada 89119-0811  
Phone: (702) 486-6458  
Fax: (702) 486-6450

**STATE OF NEVADA**  
**DEPARTMENT OF EDUCATION**  
700 E. Fifth Street | Carson City, Nevada 89701-5096  
Phone: (775) 687-9200 | [www.doe.nv.gov](http://www.doe.nv.gov) | Fax: (775) 687-9101

April 27, 2020

Elementary and Secondary School Emergency Relief Fund  
State Educational Agency Certification and Agreement Cover Sheet

Applicant Information:

State: Nevada  
Legal Name: Nevada Department of Education  
CFDA Number: 84.425D  
DUNS Number: 809887722  
Chief State School Officer: Jhone M. Ebert  
Mailing Address: 700 E. 5<sup>th</sup> St, Ste. 100, Carson City, NV 89701  
Telephone: 775-687-9217

State Contact for ESSER Fund: Dr. Jonathan Moore  
Position and Office: Deputy Superintendent of Student Achievement, Student Achievement  
Division, Nevada Department of Education  
Mailing Address: 700 E 5<sup>th</sup> St, Ste 100, Carson City, NV 89701  
Telephone: 775-687-9223  
Email Address: [jpmoore@doe.nv.gov](mailto:jpmoore@doe.nv.gov)

To the best of my knowledge and belief, all the information and data in this agreement are true and correct. I acknowledge and agree that the failure to comply with all Assurances and Certifications in this Agreement, all relevant provisions and requirements of the CARES Act, Pub. L. No. 116-136 (March 27, 2020), or any other applicable law or regulation may result in liability under the False Claims Act, 31 U.S.C. § 3729, *et seq.*; OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement) in 2 CFR part 180, as adopted and amended as regulations of the Department in 2 CFR part 3485; and 18 USC § 1001, as appropriate.

Sincerely,

A handwritten signature in black ink, appearing to read "Jhone M. Ebert", written over a circular stamp.

Jhone M. Ebert  
Superintendent of Public Instruction  
Nevada Department of Education  
Chief State School Officer

With this signature, I am affirming submission  
of this application on behalf of the State of Nevada,  
dated April 27, 2020

1.8

## **PART C: USES OF ELEMENTARY AND SECONDARY SCHOOL EMERGENCY RELIEF FUNDS**

Section 18003 of Division B of the CARES Act provides in relevant part that grants awarded under the Elementary and Secondary School Emergency Relief Fund be used to support the ability of local educational agencies (LEAs) to continue to provide educational services to their students. The Department requests the following:

1. Information that the SEA may request LEAs to include in their subgrant applications to the SEA. For example, an SEA might propose to include the following in developing its subgrant application:
  - How the LEA will determine its most important educational needs as a result of COVID-19.
  - The LEA's proposed timeline for providing services and assistance to students and staffing both public and non-public schools.
  - The extent to which the LEA intends to use ESSER funds to promote remote learning.
  - How the LEA intends to assess and address student learning gaps resulting from the disruption in educational services.

The above considerations are in addition to the application information requirements from sections 442 and 427 of the General Education Provisions Act (GEPA) (20 U.S.C. § 1232e and §1228a).

The Nevada Department of Education will include five sections within the LEA subgrant application. The first section will consist of a history log. The history log will track correspondence between the SEA and LEA. It will also serve as a place to provide necessary updates related to funding. The second section will include the ESSER Allocations. The section will contain the allocations that each LEA receives and also the reporting mechanism for their quarterly expenditures. The third section will include the LEA's ESSER Plan. This plan is inclusive of the LEA's COVID-19 Needs Assessment, Allowabilities and Priorities, and a Budget Matrix. The fourth section will include the ESSER Budget. This section will contain the LEA's budget, a budget overview, nonpublic school service, set asides, related documents and the LEA contact(s). The fifth section will contain the ESSER assurances to ensure each LEA is expending funds in compliance with the law and in a manner that is necessary, reasonable, and allocable.

2. The extent to which the SEA intends to use any portion of its SEA reserve (up to 10 percent of its ESSER Fund award) to support:
  - technological capacity and access – including hardware and software, connectivity, and instructional expertise – to support remote learning. If so, please describe the strategies the SEA intends to use to serve disadvantaged populations listed in Sec. 18003(d)(4) of the CARES Act; and



- remote learning by developing new informational and academic resources and expanding awareness of, and access to, best practices and innovations in remote learning and support for students, families, and educators.

The Nevada Department of Education intends to reserve the full 10% of its allocation to support statewide activities regarding distance learning funding will be prioritized for services, resources and tools that will support remote learning for some of our most vulnerable and underserved populations, which include low-income children or students, children with disabilities, English learners, racial and ethnic minorities, students experiencing homelessness, foster care youths and neglected and delinquent youth in detention centers and prisons. We will expand remote learning avenues for our lowest performing schools by providing alternative pathways for our students to meet learning objectives and for students who are not finding success in traditional brick and mortar settings. For example, we will support our districts in providing asynchronous learning and self-paced modules with high-quality content that meet the diverse, unique needs of our students and families. Support efforts may include using funds to assist LEA's, charter schools and private schools in obtaining the needed equipment. In addition, NDE will coordinate with other state agencies, multi-state consortiums, and local and national non-profits and businesses to leverage agreements with cellular and WiFi service providers to expand and support connectivity across the state (in areas not currently served). To ensure that students and educators have access to high-quality content, the NDE has established the Nevada Distance Learning Collaborative (NvDLC) that will be composed of selected educators who will assist in developing and/or selecting standards-aligned, high-quality instructional materials to assist teachers in providing distance learning opportunities for all students. State and Federal funding will be prioritized to address the urgent needs, as well as the short- and long-term impacts of COVID-19 on Nevada's education system. Specifically, that means prioritizing targeted professional development to those educators with the greatest needs: by content; by grade levels; and for targeted student populations that include, PreK, low-income students, English Learners, students with disabilities, homeless youth, and foster youth. NDE will build on existing partnerships with the Regional Professional Development Programs (RPDP), Nevada's System of Higher Education (NSHE), and other local and national community and education organizations (e.g., CCSSO, Results for America, WestEd, Public Education Foundation, Guinn Center) to maximize the collaborative efforts to provide effective and evidence-based professional development for teachers and educators, as well as professional development for parents and to families. NDE will also expand on its partnerships with state and national experts. The State will invest funding in credible and reputable research and evaluation partners to conduct a rigorous evaluation to ensure the following: 1) that professional development is evidence-based and meets the federal and national standards for effectiveness; and 2) that data is collected and leveraged to inform continuous improvement. This will be in collaboration with multiple offices within the NDE.

## ASSISTANCE TO NON-PUBLIC SCHOOLS

SEC. 18005. (a) IN GENERAL.—A local educational agency receiving funds under sections 18002 or 18003 of this title shall provide equitable services in the same manner as provided under section 1117 of the ESEA of 1965 to students and teachers in non-public schools, as determined in consultation with representatives of non-public schools.

(b) PUBLIC CONTROL OF FUNDS.—The control of funds for the services and assistance provided to a non-public school under subsection (a), and title to materials, equipment, and property purchased with such funds, shall be in a public agency, and a public agency shall administer such funds, materials, equipment, and property and shall provide such services (or may contract for the provision of such services with a public or private entity).

## CONTINUED PAYMENT TO EMPLOYEES

SEC. 18006. A local educational agency, State, institution of higher education, or other entity that receives funds under “Education Stabilization Fund”, shall to the greatest extent practicable, continue to pay its employees and contractors during the period of any disruptions or closures related to coronavirus.

## DEFINITIONS

SEC. 18007. Except as otherwise provided in sections 18001– 18006 of this title, as used in such sections—

- (1) the terms “elementary education” and “secondary education” have the meaning given such terms under State law;
- (2) the term “institution of higher education” has the meaning given such term in title I of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.);
- (3) the term “Secretary” means the Secretary of Education;
- (4) the term “State” means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico;
- (5) the term “cost of attendance” has the meaning given such term in section 472 of the Higher Education Act of 1965.
- (6) the term “Non-public school” means a non-public elementary and secondary school that (A) is accredited, licensed, or otherwise operates in accordance with State law; and (B) was in existence prior to the date of the qualifying emergency for which grants are awarded under this section;
- (7) the term “public school” means a public elementary or secondary school; and
- (8) any other term used that is defined in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801) shall have the meaning given the term in such section.

## MAINTENANCE OF EFFORT

SEC. 18008. (a) A State’s application for funds to carry out sections 18002 or 18003 of this title shall include assurances that the State will maintain support for elementary and secondary education, and State support for higher education (which shall include State funding to institutions of higher education and state need based financial aid, and shall not include support for capital projects or for research and development or tuition and fees paid by students) in fiscal years 2020 and 2021 at least at the levels of such support that is the average of such State’s support for elementary and secondary education and for higher education provided in the 3 fiscal years preceding the date of enactment of this Act.

(b) The secretary may waive the requirement in subsection (a) for the purpose of relieving fiscal burdens on States that have experienced a precipitous decline in financial resources.

## APPENDIX B: STATE ALLOCATION TABLE

### Elementary and Secondary School Emergency Relief Fund

STATE	STATE TOTAL	Minimum LEA Distribution <sup>1</sup>	Maximum SEA Reservation	Maximum for SEA Administration <sup>2</sup>
<b>TOTAL</b>	<b>13,229,265,000</b>	<b>11,906,338,500</b>	<b>1,322,926,500</b>	<b>66,146,325</b>
ALABAMA	216,947,540	195,252,786	21,694,754	1,084,738
ALASKA	38,407,914	34,567,123	3,840,791	192,040
ARIZONA	277,422,944	249,680,650	27,742,294	1,387,115
ARKANSAS	128,758,638	115,882,774	12,875,864	643,793
CALIFORNIA	1,647,306,127	1,482,575,514	164,730,613	8,236,531
COLORADO	120,993,782	108,894,404	12,099,378	604,969
CONNECTICUT	111,068,059	99,961,253	11,106,806	555,340
DELAWARE	43,492,753	39,143,478	4,349,275	217,464
DISTRICT OF COLUMBIA	42,006,354	37,805,719	4,200,635	210,032
FLORIDA	770,247,851	693,223,066	77,024,785	3,851,239
GEORGIA	457,169,852	411,452,867	45,716,985	2,285,849
HAWAII	43,385,229	39,046,706	4,338,523	216,926
IDAHO	47,854,695	43,069,226	4,785,470	239,273
ILLINOIS	569,467,218	512,520,496	56,946,722	2,847,336
INDIANA	214,472,770	193,025,493	21,447,277	1,072,364
IOWA	71,625,561	64,463,005	7,162,556	358,128
KANSAS	84,529,061	76,076,155	8,452,906	422,645
KENTUCKY	193,186,874	173,868,187	19,318,687	965,934
LOUISIANA	286,980,175	258,282,158	28,698,018	1,434,901
MAINE	43,793,319	39,413,987	4,379,332	218,967
MARYLAND	207,834,058	187,050,652	20,783,406	1,039,170
MASSACHUSETTS	214,894,317	193,404,885	21,489,432	1,074,472
MICHIGAN	389,796,984	350,817,286	38,979,698	1,948,985
MINNESOTA	140,137,253	126,123,528	14,013,725	700,686
MISSISSIPPI	169,883,002	152,894,702	16,988,300	849,415
MISSOURI	208,443,300	187,598,970	20,844,330	1,042,217
MONTANA	41,295,230	37,165,707	4,129,523	206,476
NEBRASKA	65,085,085	58,576,577	6,508,509	325,425
NEVADA	117,185,045	105,466,541	11,718,505	585,925
NEW HAMPSHIRE	37,641,372	33,877,235	3,764,137	188,207
NEW JERSEY	310,371,213	279,334,092	31,037,121	1,551,856
NEW MEXICO	108,574,786	97,717,307	10,857,479	542,874
NEW YORK	1,037,045,603	933,341,043	103,704,560	5,185,228
NORTH CAROLINA	396,311,607	356,680,446	39,631,161	1,981,558
NORTH DAKOTA	33,297,699	29,967,929	3,329,770	166,489
OHIO	489,205,200	440,284,680	48,920,520	2,446,026
OKLAHOMA	160,950,476	144,855,428	16,095,048	804,752

<sup>1</sup> The totals in the Minimum LEA Distribution, Maximum SEA Reservation, and Maximum for SEA Administration columns have been rounded to the nearest whole dollar.

<sup>2</sup> With the funds not subgranted to LEAs, the SEA may reserve up to an amount equal to ½ of 1 percent of the total allocation for administrative costs.

ESSER Allocations to Nevada School Districts  
using 5 step process included in the "USDOE Frequently Asked Questions"  
received on May 8, 2020

Step 1

Row	Category	Amount
1	SEA's ESSER Allocation	\$ 117,185,045.00
2	SEA Reserve (10 percent of Row 1)	\$ 11,718,504.50
3	Amount of ESSER funds for LEA subgrants (Row 1 minus Row 2)	\$ 105,466,540.50
4	Funds retained for new/significantly expanded charter school LEA subgrants	\$ -
5	Total amount available to allocate to LEAs (Row 3 minus Row 4)	\$ 105,466,540.50
6	Allocation amount rounded to the closes whole dollar amount	\$ 105,466,541.00

Step 2 & Step 3		
Row	LEA operating in School year 2019-2020	FY 2019 Title I, Part A subgrant amount
1	Carson City School District	\$ 1,322,139.21
2	Churchill County School District	\$ 602,706.38
3	Clark County School District	\$ 99,506,607.84
4	Douglas County School District	\$ 628,387.54
5	Elko County School District	\$ 865,619.05
6	Esmeralda County School District	\$ 20,881.46
7	Eureka County School District	\$ -
8	Humboldt County School District	\$ 411,552.55
9	Lander County School District	\$ 118,025.63
10	Lincoln County School District	\$ 122,453.29
11	Lyon County School District	\$ 1,466,983.36
12	Mineral County School District	\$ 170,677.76
13	Nye County School District	\$ 1,359,854.06
14	Pershing County School District	\$ 144,415.63
15	Storey County School District	\$ 32,275.96
16	Washoe County School District	\$ 11,741,998.64
17	White Pine County School District	\$ 214,449.63
18	SPCSA	\$ 5,487,004.72
19	Democracy Prep	\$ 434,367.16
20	Futuro Academy	\$ 144,789.05
21	Nevada Rise Academy	\$ 96,526.03
22	Nevada Prep Charter School	\$ 90,675.97
	<b>TOTAL</b>	<b>\$ 124,982,390.92</b>

1.14

Step 4			
LEA operating in School year 2019-2020	FY 2019 Title I, Part A subgrant amount	Total amount of FY 2019 Title I, Part A LEA subgrants	Proportion of ESSER formula funds that the LEA receives
Carson City School District	\$ 1,322,139.21	\$ 124,982,390.92	1.0579%
Churchill County School District	\$ 602,706.38	\$ 124,982,390.92	0.4822%
Clark County School District	\$ 99,506,607.84	\$ 124,982,390.92	79.6165%
Douglas County School District	\$ 628,387.54	\$ 124,982,390.92	0.5028%
Elko County School District	\$ 865,619.05	\$ 124,982,390.92	0.6926%
Esmeralda County School District	\$ 20,881.46	\$ 124,982,390.92	0.0167%
Eureka County School District	\$ -	\$ 124,982,390.92	0.0000%
Humboldt County School District	\$ 411,552.55	\$ 124,982,390.92	0.3293%
Lander County School District	\$ 118,025.63	\$ 124,982,390.92	0.0944%
Lincoln County School District	\$ 122,453.29	\$ 124,982,390.92	0.0980%
Lyon County School District	\$ 1,466,983.36	\$ 124,982,390.92	1.1738%
Mineral County School District	\$ 170,677.76	\$ 124,982,390.92	0.1366%
Nye County School District	\$ 1,359,854.06	\$ 124,982,390.92	1.0880%
Pershing County School District	\$ 144,415.63	\$ 124,982,390.92	0.1155%
Storey County School District	\$ 32,275.96	\$ 124,982,390.92	0.0258%
Washoe County School District	\$ 11,741,998.64	\$ 124,982,390.92	9.3949%
White Pine County School District	\$ 214,449.63	\$ 124,982,390.92	0.1716%
SPCSA	\$ 5,487,004.72	\$ 124,982,390.92	4.3902%
Democracy Prep	\$ 434,367.16	\$ 124,982,390.92	0.3475%
Futuro Academy	\$ 144,789.05	\$ 124,982,390.92	0.1158%
Nevada Rise Academy	\$ 96,526.03	\$ 124,982,390.92	0.0772%
Nevada Prep Charter School	\$ 90,675.97	\$ 124,982,390.92	0.0726%
<b>TOTAL</b>	<b>\$ 124,982,390.92</b>	<b>\$ 124,982,390.92</b>	<b>100.0000%</b>

1.15

Step 5		
LEAs receiving Title 1, Part A Funds in 2019-2020 School Year	% Title I, Part A funds FFY 2019	ESSER Allocation
Carson City School District	1.0579%	\$ 1,115,689.00
Churchill County School District	0.4822%	\$ 508,595.00
Clark County School District	79.6165%	\$ 83,968,770.00
Douglas County School District	0.5028%	\$ 530,266.00
Elko County School District	0.6926%	\$ 730,454.00
Esmeralda County School District	0.0167%	\$ 17,621.00
Eureka County School District	0.0000%	\$ -
Humboldt County School District	0.3293%	\$ 347,289.00
Lander County School District	0.0944%	\$ 99,596.00
Lincoln County School District	0.0980%	\$ 103,332.00
Lyon County School District	1.1738%	\$ 1,237,916.00
Mineral County School District	0.1366%	\$ 144,027.00
Nye County School District	1.0880%	\$ 1,147,514.00
Pershing County School District	0.1155%	\$ 121,865.00
Storey County School District	0.0258%	\$ 27,236.00
Washoe County School District	9.3949%	\$ 9,908,499.00
White Pine County School District	0.1716%	\$ 180,964.00
SPCSA	4.3902%	\$ 4,630,216.00
Democracy Prep	0.3475%	\$ 366,541.00
Futuro Academy	0.1158%	\$ 122,180.00
Nevada Rise Academy	0.0772%	\$ 81,454.00
Nevada Prep Charter School	0.0726%	\$ 76,517.00
<b>TOTAL</b>	<b>100.0000%</b>	<b>\$ 105,466,541.00</b>

1.16

## *Elementary and Secondary School Emergency Relief Fund*

### **Frequently Asked Questions about the Elementary and Secondary School Emergency Relief Fund (ESSER Fund)**

#### **PURPOSE OF THIS DOCUMENT**

The purpose of this document is to answer Frequently Asked Questions related to the Elementary and Secondary School Emergency Relief Fund (ESSER Fund). Under the ESSER Fund, established as part of the Education Stabilization Fund in the CARES Act,<sup>1</sup> State educational agencies (SEAs) will award subgrants to local educational agencies (LEAs) to address the impact that the Novel Coronavirus Disease 2019 (COVID-19) has had, and continues to have, on elementary and secondary schools across the Nation.

This Frequently Asked Questions document seeks to answer questions that are not easily understood from a plain reading of Section 18003 and other parts of the CARES Act or the ESSER Fund Certification and Agreement (C&A). It was developed in direct response to questions that the Department has received from SEA and LEA grant administrators implementing the ESSER Fund program.

#### **Disclaimer**

Other than statutory and regulatory requirements included in the document, such as those pursuant to the authorizing statute and other applicable laws and regulations, the contents of this document do not have the force and effect of law and are not meant to bind the public in any way. This document is intended only to provide clarity to the public regarding existing requirements under the law or agency policies. In addition, it does not create or confer any rights for or on any person.

The U.S. Department of Education (Department) may provide additional or updated information, as necessary, on the Department's website at: <https://oese.ed.gov/offices/education-stabilization-fund/elementary-secondary-school-emergency-relief-fund/>.

If you have questions that are not answered in this document, please e-mail ESSERF@ed.gov.

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<sup>1</sup> The Coronavirus Aid, Relief, and Economic Security Act (CARES Act), Public Law 116-136, 134 Stat. 281 (Mar. 27, 2020). All citations in this document are to the CARES Act, unless otherwise indicated. The provisions of the CARES Act relevant to the ESSER Fund and other Department of Education programs are available on the Department's website at <https://oese.ed.gov/offices/education-stabilization-fund/>.



## **1. Who applies to the Department for ESSER formula funds?**

Only SEAs in the 50 States, Puerto Rico, and the District of Columbia apply directly to the Department for ESSER Funds. An SEA is the agency primarily responsible for the State supervision of public elementary schools and secondary schools.<sup>2</sup> For example, an SEA may be called the [State name] Department of Education or the [State name] Office of Public Instruction.

The Bureau of Indian Education and the Outlying Areas are not eligible to receive ESSER formula funds. Congress provided a separate set aside in the Education Stabilization Fund to provide funds to those entities.

## **2. How do school districts or other entities access ESSER formula funds?**

School districts (LEAs) must apply to the relevant SEA. Every SEA must use at least 90 percent of its ESSER Fund grant to make subgrants to LEAs by formula based on FY 2019 Title I, Part A allocations. (For more information on allocating funds to LEAs, see the Technical Appendix.)

## **3. What happens to the other 10 percent of ESSER funds?**

An SEA may retain 10 percent or less of its ESSER Fund grant (the “SEA Reserve”), to address emergency needs as determined by the SEA resulting from COVID-19, which may be addressed through the use of subgrants or contracts. As described below, from the SEA Reserve, the SEA may also use one-half of one percent of its total grant for administrative costs.

## **4. Who is eligible to receive ESSER funds from the SEA Reserve?**

A wide range of entities, including LEAs and organizations serving students and families, may be a “subrecipient” of funds from the SEA Reserve. A “subrecipient” includes any entity that receives a subgrant or contract consistent with applicable State and Federal subgrant and procurement standards. Entities interested in learning more about an SEA’s intended use of its reserve should contact the SEA.

## **5. May an SEA reserve ESSER funds for administrative costs?**

Yes. An SEA may reserve  $\frac{1}{2}$  of 1 percent or less of its total ESSER allocation for administrative costs, including both direct and indirect administrative costs. This reservation must come from the SEA Reserve and is not subject to the requirement that funds be “awarded” within one year. Funds for administrative costs remain available to the SEA for obligation through September 30, 2022.

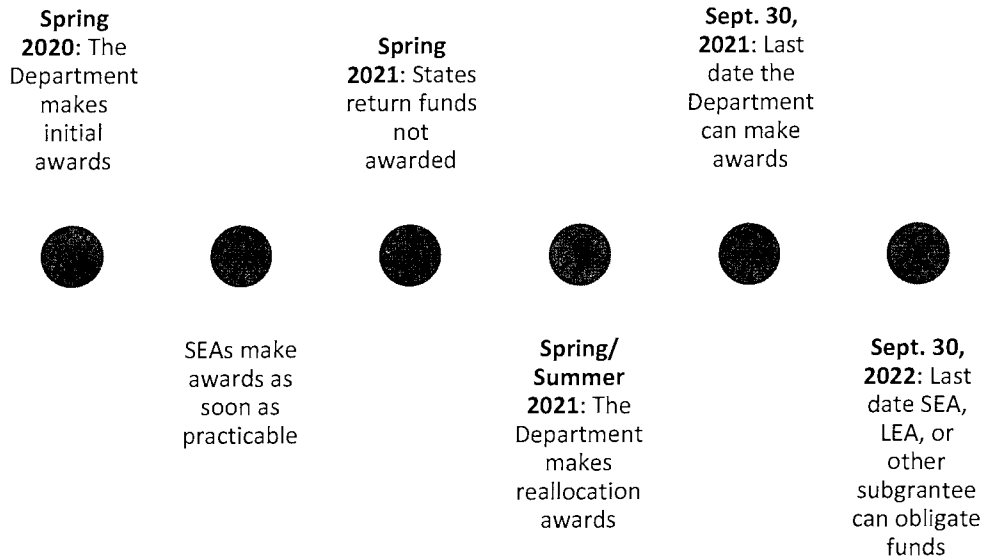
## **6. Are ESSER funds a supplement to an LEA’s ESEA Title I, Part A grant award?**

No. The ESSER Fund is a separate Federal program. ESSER funds must be awarded and tracked separately from Title I, Part A funds.

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<sup>2</sup> The definition of SEA is from ESEA section 8101(49).

## 7. What is the overall timeline for using ESSER funds?



## 8. Is there a deadline by which an SEA must award ESSER funds to subrecipients?

Yes. SEAs must award ESSER formula subgrants to LEAs within one year of receiving the State allocation. An SEA must also make awards with its SEA Reserve within one year of receiving the State allocation. Any funds that the SEA fails to award by the one-year deadline must be returned to the Department for reallocation consistent with the CARES Act.

## 9. How long are ESSER funds available for obligation by subrecipients?

ESSER funds are available for obligation by LEAs and other subrecipients through September 30, 2022, which includes the Tydings period (General Education Provisions Act §421(b)(1)).

## 10. What is the difference between “awarding” and “obligating” funds?

An SEA awards funds when it makes a subgrant to an LEA or, in the case of the SEA Reserve, when it enters into a subgrant or contract with a subrecipient. ESSER funds are obligated when the subrecipient commits those funds to specific purposes consistent with 34 C.F.R. § 76.707. If an SEA awards a contract from the SEA reserve, that is an obligation. In contrast, subgranting funds to an LEA or other subrecipient is not an obligation; rather, these funds are not obligated until the LEA or other subrecipient commits the funds to specific purposes.

**11. Is a charter school eligible to receive ESSER formula funds?**

A charter school that is an LEA, as defined in section 8101(30) of the ESEA, may receive an ESSER formula subgrant like any other LEA. A new or significantly expanded charter school LEA in the 2020-2021 school year is eligible to receive an ESSER formula subgrant in accordance with ESEA section 4306 and 34 CFR §76.792. (For more information on allocating funds to new charter schools, see the Technical Appendix.) A charter school that is not an LEA may not receive a formula subgrant, but it may receive support under ESSER through the LEA of which it is a part.

**12. If an LEA did not receive an FY 2019 Title I, Part A subgrant for school year 2019-2020, is it eligible to receive ESSER formula funds?**

No, the LEA is not eligible to receive a formula subgrant. The only exception is a new charter school LEA that did not exist in the 2019-2020 school year or a charter school LEA whose significant expansion makes it eligible for Title I, Part A funds in the 2020-2021 school year (see question 11 and the Technical Appendix). However, any LEA may receive ESSER funds from an SEA's Reserve, including those LEAs that are not eligible for a formula subgrant under the ESSER Fund.

**13. Must an LEA submit a local application to the SEA in order to receive ESSER formula funds?**

Yes. An LEA must file a local application with the SEA in order to receive an ESSER formula subgrant.<sup>3</sup> For information about what an SEA must include in its local application for an ESSER formula subgrant, please refer to the ESSER Fund Certification and Agreement.

**14. May an SEA restrict or limit LEA uses of ESSER formula funds?**

No. The ESSER Fund provides a broad, permissive list of allowable LEA activities in Section 18003(d). SEAs do not have the authority to limit the uses of ESSER formula funds.

**15. How much flexibility does an LEA have in determining the activities to support with ESSER funds?**

The ESSER Fund provides LEAs considerable flexibility in determining how best to use ESSER funds (see Section 18003(d)). For example, LEAs may use ESSER funds for personal protective equipment (PPE), cleaning and sanitizing materials, and similar supplies necessary to maintain school operations during and after the COVID-19 pandemic. Since learning can and should continue, the Department encourages LEAs to target ESSER funding on activities that will support remote learning for all students, especially disadvantaged or at-risk students, and their teachers.

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<sup>3</sup> For further information, please see 34 C.F.R. § 76.301.

**16. Are an LEA's ESSER formula funds subject to the requirements of Title I, Part A of the ESEA (or other Federal education program requirements), if an LEA uses ESSER formula funds for an allowable activity under such program?**

No. Although an LEA receives ESSER formula funds via the Title I, Part A formula, ESSER formula funds are not Title I, Part A funds and are not subject to Title I, Part A requirements. The CARES Act authorizes a broad array of potential uses of ESSER formula funds under a number of Federal education statutes; no associated statutory requirements of any of those programs apply to ESSER funds.

**17. May an LEA use its ESSER formula funds to support any school in the district, regardless of a school's Title I, Part A status?**

Yes. The CARES Act does not define how an LEA distributes funds to schools. An LEA may support any school in the district or it may target funds based on poverty, indication of school needs, or other targeting measures.

**18. Is there any difference in the amount of funds, or allowable uses of funds, for a school that implements a schoolwide program under Title I, Part A as compared to a school that provides targeted support under Title I, Part A?**

No. The requirements of Title I, Part A do not apply to ESSER funds. An LEA may support any of its schools using ESSER funds for any allowable activities under 18003(d) without regard to Title I eligibility, program type, or funding.

**19. Are LEAs required to provide equitable services to nonpublic schools with ESSER funds?**

Yes. Please see the document ["Providing Equitable Services to Students and Teachers in Non-Public Schools under the CARES Act Programs"](#) for more information.

**20. Are ESSER funds subject to a supplanting prohibition?**

No. The ESSER Fund does not contain a supplanting prohibition. As a result, ESSER funds may take the place of State or local funds for allowable activities. However, the program does contain a Maintenance of Effort (MOE) requirement, which is designed to keep States from substantially reducing their support for K-12 education.<sup>4</sup>

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<sup>4</sup> For further information, please see Section 18008 of the CARES Act. The Department will separately address the MOE requirement in a separate set of Frequently Asked Questions.

**21. May an SEA or LEA use ESSER funds for allowable costs incurred prior to receiving grant funds?**

Yes. An SEA and LEA may use ESSER funds for any allowable expenditure incurred on or after March 13, 2020, the date the President declared the national emergency due to COVID-19.

**22. Should SEAs and LEAs anticipate monitoring or auditing of ESSER funds?**

Yes. The Department will monitor the use of ESSER funds. In addition, ESSER funds are subject to audit requirements under the Single Audit Act and to review by the Government Accountability Office. The Department's Office of the Inspector General may audit program implementation, as may any other federal agency, commission, or department in the lawful exercise of its jurisdiction and authority.