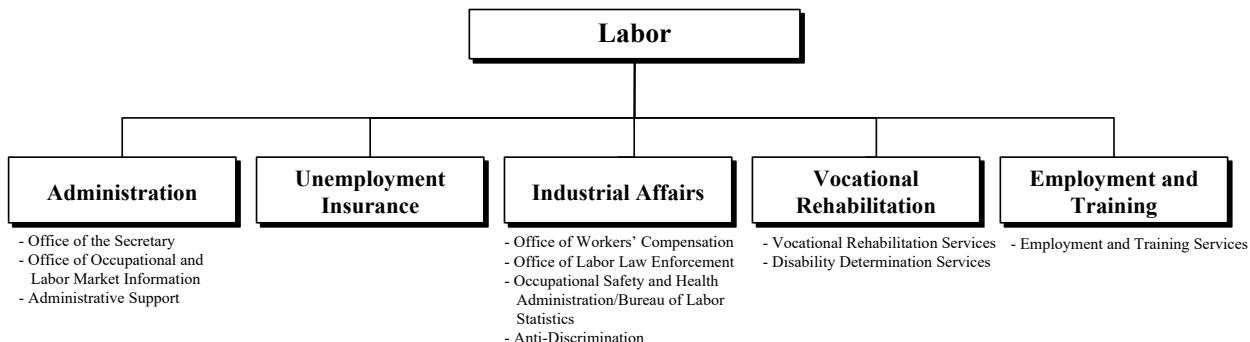
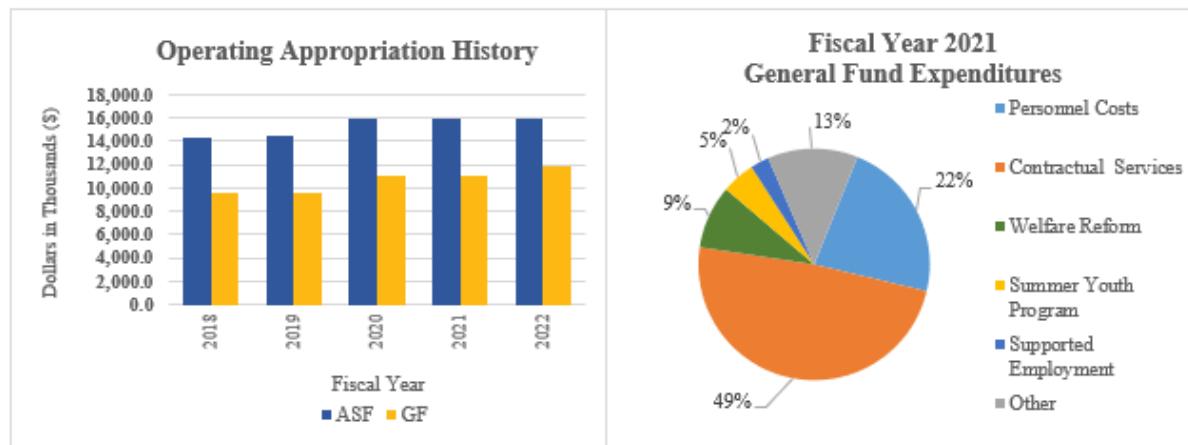


# Labor



## At a Glance

- Develop and maintain a skilled labor force sufficient in number and quality to meet the expanding needs of industries and attract new industries;
- Facilitate the transition to and maintenance of economic stability for those clients temporarily in need of services;
- Serve as an active partner with other state agencies and organizations to create a statewide system of accessible and effective social and economic services;
- Provide leadership, information, and resources on issues and trends affecting the workforce and the workplace; and
- Work creatively and collaboratively for solutions to foreseeable and unexpected changes in the economy and the workforce.



# Labor



## Overview

The mission of the Department of Labor (DOL) is to connect people to jobs, resources, monetary benefits, workplace protections and labor market information to promote financial independence, workplace justice and a strong economy.

## On the Web

For more information, visit [dol.delaware.gov](http://dol.delaware.gov).

## Performance Measures

IPU	Performance Measure Name	Fiscal Year 2021 Actual	Fiscal Year 2022 Budget	Fiscal Year 2023 Governor's Recommended
<hr/>				
60-06-01	<b><i>Unemployment Insurance (UI)</i></b>			
	% of UI claims first payments made timely	61.2%	80.0%	93.25%
60-07-01	<b><i>Office of Workers' Compensation</i></b>			
	# of days from petition filed to hearing date	155	125	120
60-07-02	<b><i>Office of Labor Law Enforcement</i></b>			
	# of days to resolve wage and hour payment claims	22	30	30
60-07-03	<b><i>Occupational Safety and Health Administration / Bureau of Labor Statistics</i></b>			
	# of safety and health consultation visits	80* (Covid restrictions (both State and Federal) impacted on-site visits conducted this fiscal year)	200	200

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<b>IPU</b>	<b>Performance Measure Name</b>	<b>Fiscal Year 2021 Actual</b>	<b>Fiscal Year 2022 Budget</b>	<b>Fiscal Year 2023 Governor's Recommended</b>
	# of Survey of Occupational Injuries and Illnesses	2883	2867	2867
<b>60-07-04 <i>Anti-Discrimination</i></b>				
	# of days to resolve discrimination claims	761	318	180
<b>60-08-10 <i>Vocational Rehabilitation Services</i></b>				
	# of clients employed for at least 90 days	698	700	750
	\$ average weekly wage (per hour)	13.25	13.75	14.00
	# of transition students successfully employed for at least 90 days	2,066	2,100	2,200
<b>60-08-20 <i>Disability Determination Services (DDS)</i></b>				
	# of DDS cases processed	7,958	10,516	11,050
	% accuracy rate from federal	96%	97%	997%
<b>60-09-20 <i>Employment and Training Services</i></b>				
	Employment rate second quarter after exit	72.2%	70.7%	70.7%
	Employment rate fourth quarter after exit	73.9%	68.8%	68.8%
	\$ median earnings (one quarter)	\$5,923	\$5,500	\$5,500
	% credential attainment	74.5%	61%	61%

# Labor



## **Office of the Secretary/Administration**

### **BACKGROUND**

The Office of the Secretary and Administration provides leadership, coordination, and support to the entire Department. The Office of Administration houses the Office of Occupational and Labor Market information and oversees budget and fiscal operation, information and technology, facilities management, security, and graphics and printing support. The Offices of the Secretary and Administration provide leadership, policy direction, sound management, and administrative support to ensure optimum internal and external service delivery to customers.

### **HIGHLIGHTS**

- Continuous delivery of services through COVID-19 emergency
- Successfully reopened Offices with new service delivery models in place including virtual, hybrid, and in person to best serve our customers.
- Implemented Forward Delaware-a \$15 million plus investment into workforce training to help Delawareans transition into new careers or improve existing career skills to ensure a robust source of talent to sustain and grow.
- As an informational clearinghouse, continued to provide concise and applicable analysis of Delaware's economic, demographic, occupational and industrial labor market data.
- Continued to support initiatives implemented to create a culture within DOL that promotes creativity, diversity, employee appreciation, sound policies, teamwork, professionalism, and respect.
- Pursued all available emergency funding, including funds provided by the CARES Act, to ensure the ability of the Department to assist Delaware residents during the COVID-19 emergency. This included expanding our staffing and technology tools to best assist Delawareans impacted economically by the COVID-19 emergency.

## **Office of Occupational and Labor Marker Information (OOLMI)**

### **BACKGROUND**

The Office works in partnership with the Federal Bureau of Labor Statistic (BLS) to collect and disseminate economic statistics concerning employment and unemployment, wages, and jobs by industry. OOLMI provides, data, analysis, and projections for use by other agencies, employers, schools, job seekers and the general public. The office also maintains the Delaware Career Resources Network and provides the *Delaware Career Compass* to thousands of students across the state, free of charge. OOLMI has continued to provide relevant statistical data at our regular schedule during the COVID-19 pandemic. All existing communications channels (phone, email, and internet) continue to operate as normal during this period

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## Division of Unemployment Insurance

### BACKGROUND

The Federal-State Unemployment Insurance (UI) Program is designed to provide temporary financial assistance in the form of unemployment benefits to eligible workers who are unemployed at no fault of their own. Each State, including Delaware, operates their own UI program within the guidelines established by Federal law and are financed by Federal and State wage taxes.

During times of economic downturn, Delaware's Division of Unemployment Insurance promotes economic stability for businesses and communities by providing temporary income support for laid-off workers. For the State Fiscal Year ending June 30, 2021, the Division paid claimants \$214,400,313 from the state UI Trust fund and another \$654,552,474 from Federal funds authorized under the CARES Act. The Division collected approximately \$139.4 million<sup>i</sup> in assessments from employers.

As of September 30, 2021, Delaware's UI Trust Fund net balance was \$252,050,067.20. This amount includes \$209,170,302 in CRF funds credited to Trust Fund in November of 2020. Anticipating the need to borrow, the Governor authorized the Division to take Title XII advances to ensure no interruption in UI benefit payments. The Division took its first advances in September 2020 and repaid the advance of \$33MM on December 16, 2020.

### HIGHLIGHTS

- During FY21, the Division processed 140,168 initial claims and 993,322 continuous weeks of benefits. The prior year the Division processed 138,452 initial claims and 782,278 continuous claims.
- The American Rescue Plan Act was signed into law on March 11, 2021, extending the Pandemic Unemployment Assistance (PUA), Pandemic Emergency Unemployment Compensation (PEUC), Mixed Earners Unemployment Compensation (MEUC), and Federal Pandemic Unemployment Compensation (FPUC). The extension expired on September 6, 2021.
- FPUC was extended by the Consolidated Appropriations Act through March 14, 2021, but at a reduced benefit level of \$300 per week. ARPA extended the program through September 6, 2021, and the amount remains at \$300.
- PUA was set to expire on March 14, 2021, and the American Rescue Plan extended the program to September 6, 2021. Since May 16, 2020, the program provided \$161 million in benefits to more than 9,200 individuals. The PEUC program was also set to expire on March 14, 2021, and the American Rescue Plan extended the

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program to September 6, 2021.

- The federal lost wages assistance (LWA) program was offered as a supplement to unemployment benefits. From September 2020 – June 2021, the program provided \$36 million in benefits.
- Emergency Relief for Reimbursable Employers: Non-profit and government entities are traditionally established as reimbursable employers, meaning they pay 100% of the UI benefit paid to workers. The CARES Act reimbursed the State 50% of the UI benefits paid to employees of these employers from March 13, 2020, through March 31, 2021. ARPA extended this, increasing it to 75% from April 1 through September 6, 2021. As of October 9, 2021, \$10,607,869 was provided to the State for emergency relief for government entities and non-profits.

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<sup>i</sup> \$139.4MM Note: There was a 72% increase in the number of employers assessed the delinquency rate in 2021, resulting in an increase of approximately \$63MM.

## Division of Industrial Affairs

### BACKGROUND

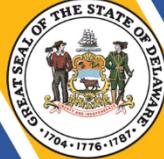
The Office of Workers' Compensation administers and enforces state laws, rules and regulations regarding industrial accidents and illnesses. The Office of Wage & Hour Enforcement enforces Delaware's Labor Standards laws to ensure all workers are paid timely and lawfully, and that minors are not subjected to unsafe working conditions. The Office of Construction Industry Enforcement enforces laws in the construction industry, including Delaware's Prevailing Wage Law, the Workplace Fraud Act, and the Contractors Registration Act. The Office of Occupational Safety and Health Consultation and Statistics (OSHA/BLS) provides free, comprehensive on-site consultations for small businesses to identify potential hazards, improve safety management systems and assist in voluntary compliance with federal OSHA regulations. The office also assists the U.S. Bureau of Labor Statistics in collecting, analyzing, and disseminating statistics on work-related injuries, illnesses, and fatalities to support public and private decision making within the State of Delaware. The Office of Anti-Discrimination investigates, mediates, and conciliates employment discrimination complaints, including sexual harassment, in partnership with the U.S. Equal Employment opportunity Commission.

### HIGHLIGHTS

#### Office of Workers' Compensation (OWC)

- The OWC has maintained a seamless transition of operations during this pandemic and launch a platform for hearings to WebEx (virtual hearings) however; Live Hearings

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continued as deemed necessary. Both hearing rooms in Fox Valley & Dover were upgraded with necessary PPE in place.

- The OWC continues its modernization efforts and has begun digitizing all current and purged files while continuing to accept Petitions, First Report of Injuries, and requests for public documents through the on-line portal system. The online portal is also being used by insurance carriers to submit direct paid loss information and statement of premiums. Self-insured businesses are accessing the online portal to submit payroll classifications.
- The OWC established the Labor Law Enforcement unit within our organization. The unit provides education and compliance relating to employers adhering to Workers' Compensation Law within the State of Delaware. Since this unit's inception in Spring of 2021, 114 new policies have been obtained. These policies generate income for the WC Fund via the premium tax assessed.

## **Office of Construction Industry**

- The Office of Construction Industry Enforcement has collected \$402,015.18 in wages owed to workers on state -funded construction projects, \$7,500.00 in civil settlement penalties, collected \$13,884.44 in wages for workers misclassified on construction projects and \$36,200.00 in civil settlement agreements. All civil penalties collected under the Workplace Fraud Act and the Prevailing Wage Law revert to the General Fund.
- The Department played a key role in amending the Workplace Fraud Act (SB95 S/S 1) providing stricter penalties, allowing contractors to engage other construction companies in the same line of work and creating more defined terms. The implementation of the Contractor Registration Act created a contractor registration system to regulate employee misclassification. These amendments passed the 150th General Assembly in June 2019 (effective October 1, 2020, amended July 1, 2021).
- The Office of Construction Industry Enforcement initiative continues to hire additional Enforcement Officers and Administrative Staff for the enforcement of the Delaware's Contractor Registration Act effective July 1, 2021.
- The Office of Construction Industry Enforcement worked with the Department of Technology and Information to determine the business requirements and the mapping process for the Contractor Registry and is currently working with a vendor for implementation on the Business One Stop which was delivered on time and within budget in May 2021.
- Beginning July 1, 2021, all contractors performing construction and/or maintenance work in the State will be required to submit an application for registration to be reviewed by the Department to obtain a certificate valid for one year. The Office has conducted education sessions with the construction business community and has promoted the registration process through various media and social media outlets.

## **Office of Labor Law Enforcement**

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- The Office of Labor Law Enforcement has entered into a new reciprocal agreement with New Jersey, Pennsylvania, Maryland, and New York, to assist each other in securing better protections for our workers by sharing information, maximizing our combined resources, and cooperating in our labor law enforcement efforts.

## Office of Wage and Hour Enforcement

- The Office Wage & Hour Enforcement began developing and implementing procedures to enforce the new poster requirement under the auspices of the Human Trafficking Interagency Coordinating Committee.
- The Office Wage & Hour Enforcement implemented new procedures to process and complete Child Work Permits electronically enabling the process to continue during the pandemic.

## Office of Anti- Discrimination (OAD)

- As a direct result of COVID, OAD received 240 fewer complaints than the Federal Fiscal Year (FFY) 2020 or 291 new complaints in 2021. OAD resolved 450 cases and recovered \$271,949 dollars which was awarded directly to the aggrieved charging parties.
- OAD Continues recruitment and training of new investigators; 100% of the staff have either completed or are enrolled in the Equal Employment Opportunity Commission's 32-hour New Investigator Counseling training.
- Implemented plans to focus Outreach efforts toward migrant workers within the poultry industries as well as the Equal Pay Act of 1963, as amended. OAD hired a Spanish Speaking Officer for Georgetown office, whom has previous experience with migrant workers within Sussex County.

## Office of OSHA Consultation and Statistics (OSHA/BLS)

- The Bureau of Labor Statistics office achieved the mandated 85% response rate for the Federal Survey of Occupational Injuries and Illnesses.
- The OSHA Consultation Office staff continued working through the pandemic by implementing virtual visits utilizing Zoom and Teams software to conduct opening and closing conferences with employers. OSHA also utilized recently purchased virtual reality application to conduct walk through visits of workplaces.

## Division of Vocational Rehabilitation

### BACKGROUND

The Division of Vocational Rehabilitation (DVR) served **4,295** students and adults with disabilities providing career guidance, training, post-secondary education, and job placement. In **FY21, 698** transition students and adults completed their career **goals** and achieve competitive employment at an average wage of **\$13.25/hr. which represents a 50 cent an hour increase over last year's hourly wage**. DVR Business Service Representatives along with contracted community providers,

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increased their outreach to more than 600 businesses throughout the state despite the pandemic. DVR clients saved nearly \$1 million in Social Security and related government benefits by being employed.

Pre-Employment Transition Services, which began with the implementation of WIOA served **1,300** students with disabilities ages 14-21 in schools throughout Delaware. Services provided includes, career planning, worked based learning, post-secondary counseling, and self-advocacy. VR staff partnered with School Districts throughout the State to provide virtual services to students and attended virtual Individualized Education Plan (IEP) meetings to assist students with career goals.

The Disability Determination Service (DDS) adjudicates social security disability claims from Delaware residents applying for SSI and SSDI benefits. The DDS achieved **100%** of its federal performance goal, clearing **7,958** cases in FY21 with **97%** accuracy. The Delaware DDS was recognized by the Regional Office for exceeding several of its targeted goals. In addition, Adjudicator Ebonique Vazzana received the National Adjudicator of the Year Award from the Social Security Administration.

## HIGHLIGHTS

- DVR Staff and providers worked creatively and continued to provide services for thousands of qualified customers.
- During the Summer of FY21 DVR invested \$100,000 in the summer youth program and served students with disabilities with vendor agencies providing accommodations and supports.
- DVR and its partners served 15 students at three Project SEARCH sites with a 90% employment outcome rate. Sites were located with business partners Christiana Care, Bay Health, and DEL-DOT.
- DVR negotiated its first performance measure with the federal Department of Education for measurable skill gains (MSG) for all clients receiving services. The negotiated rate is **25%**. In the 4<sup>th</sup> quarter a rate of **33%** was achieved with **224** individuals earning a credential.
- The Disability Determination Services was recognized by SSA for meeting and exceeding FY21 federal goals despite working in a virtual and hybrid environment during the pandemic.
- Fifty vendor contracts were updated to serve clients in a virtual environment and support community partners during the pandemic. Only one supported employment provider closed its business during FY21.

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## Division of Employment and Training

### BACKGROUND

The Division of Employment and Training (E&T) administers approximately 28 programs and grants throughout the state that connect job seekers with employers and develops Delaware's Workforce to meet the changing needs of its employers. Last fiscal year, E&T provided virtual and in person services to over 11,000 job seekers, 1,000 employers and 46 training providers. These services range from job posting, job matching to retraining and education.

The Division of Employment and Training quickly deployed new tools allowing job seekers and employers to connect with our offices virtually when Department of Labor offices were closed to the public due to COVID. These new tools included an online CHAT feature, tagging and marketing immediate need job openings on our online platform, virtual hiring events and drive through job fairs, and many virtual workshops.

Although the pandemic caused a disruption with our in-person service delivery process, we have adapted our job seeker services to continue in a virtual environment. Regardless of the COVID impact on our services delivery in the future, we are better prepared to address our customer needs in the safest possible environment. We are now open to the public on an appointment basis however, we plan to continue these virtual services to reach even more people throughout Delaware.

### HIGHLIGHTS

#### **Registered Apprenticeship.**

- The Division oversees the State's Registered Apprenticeship Program. As of October 2021, the program has 1,721 Registered Apprentices working with 427 Registered Sponsors (employers). Through the support of the General Funds committed to this program and 2 USDOL Apprenticeship grants, we have seen a dramatic increase in the number of Registered Apprentices in Delaware. This program is a partnership with the apprentice, sponsor, and the Departments of Labor and Education in Delaware. The State Funds that support Registered Apprenticeship which include General Funds to the Division of Employment and Training and Adult Trade Extension/Apprentice Programs allocated to the Department of Education are crucial investments that without would jeopardize the State's ability to compete for federal funds as well as operate the program. The funds allocated to the Department of Education are particularly important as they support the required related instruction and allow for a streamlined system of education for our State's Registered Apprentices and employers.

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- In addition to the 34 current occupations that are being offered through registered apprenticeship, DET has also worked with employers, employer associations, and the Adult Division of the Vo-Tech schools to create and launch 8 new programs in industries outside of construction. The most recent programs to be created are in the Hospitality, IT and Cyber Security Support industries.

## **State Summer Youth Employment Program (SSYEP).**

- The Division administers the SSYEP, which serves low-income youth between 14 and 21 years old by providing a paid work experience during summer months. This experience provides the opportunity to learn positive work behaviors, gain skills, promote responsibility, teamwork, good work ethic, and earn wages over the summer months. In 2021, 462 young people participated in the SSYEP so far, (Year-Round cohort not complete).
- Their experience was funded by the following:
  - State Funds – 341 students
  - Division of Social Services-Federal TANF funds – 79 students
  - Division of Vocational Rehabilitation-Federal Pre-Employment Services – 42 students
- Almost 160 unique worksites were utilized state-wide to offer these experiences to participants. SSYEP is close to pre-COVID numbers and Providers were still able to offer youth virtual and in person work experience options.
- Demographic information of a representative sampling of the Summer 2021 youth participants:
  - **Age:** 58% of the youth were age 14-16, 19% were age 17 and the remaining 23% were age 18-21.
  - **Race:** 82% identified as African American, 11% did not disclose, 4% Caucasian, and 3% either Asian or Indian.
  - **Sex:** 44% Male; 56% Female
  - **Low-Income:** 84% were documented as low income.
- On August 21, 2021, year-round employment began with 40 students working 10 – 15 hours per week funded by Division of Social Services TANF funds.

## **The Workforce Development Fund**

- Primarily supports the Delaware TRAIN program (Today's Reinvestment Around Industry Needs), Learning for Careers program and the new Elevate Delaware Program.
- The TRAIN program is designed to ensure Delaware business has the workforce they need, advance the skills of Delaware workers, grow the state's economy, and increase sustainable employment for working families. A two-step grant process that first supports multiple employers and other stakeholders developing workforce training plans to address their

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workforce training needs (Phase I) and then invests in implementing some or all of the developed workforce training plans to train individuals (Phase II). The total amount allocated is \$500,000 per year.

During the period July 1, 2020, to June 30, 2021, this program engaged 15 employers and trained over 90 individuals in Phase II.

- Learning for Careers engages Delaware's business community in a planning process that results in the creation or expansion of paid work experiences for youth and adult learners in Delaware. The purpose is to increase employer participation in student education, training, and employment programs that leads to an increase in the number of:
  1. Youth served through summer youth employment or other DOL funded programs; or
  2. Secondary school students participating in work-based learning and/or co-operative education programs; or
  3. Postsecondary students participating in work-based learning and/or clinical/experiential learning programs. It has two phases of programming: 1) planning and 2) implementation.

Funding available for Phase I awards is \$120,000 and Phase II awards is \$380,000. During the period July 1, 2020, to June 30, 2021, this program engaged over 150 students in work-based learning.

- Newly implemented and funded this year is Elevate Delaware. This pilot program will provide tuition, up to \$10,000, to Delaware residents who have obtained a high school diploma, Diploma of Alternate Achievement Standards, or a Delaware secondary credential such as a GED, and have enrolled in an approved non-degree credit certificate program. We will begin enrolling candidates in January 2022 and plan to assist 50 Delawareans to attain a certificate and provide supportive services as needed.
- *In response to Executive Order #43 signed by Governor John Carney on August 3, 2020, The Rapid Workforce Training and Redeployment Initiative* was created to assist Delaware workers and their families who have lost jobs and income due to the COVID-19 crisis. In partnership, the Delaware Department of Labor, Division of Employment and Training and the Delaware Workforce Development Board implemented Forward Delaware to begin rebuilding Delaware's Workforce. <https://www.forwarddelaware.com/>

This program was developed to engage both unemployed/underemployed Delaware workers and Delaware's business community to:

1. Expand access and capacity for existing certificate/certification programs.
2. Identify additional employers' workforce needs that can be addressed with training.

# Labor



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3. Provide targeted training to individuals including job search support and placement with the goal of employment.

Through employer stakeholder engagement with organizations such as the Delaware State Chamber of Commerce, Delaware Healthcare Association and Delaware Restaurant Association industries, occupational areas were identified to target the resources.

Occupational areas included: Healthcare, IT, Construction/Trades, Hospitality/Food Service and Logistics/Transportation. As of October 2021, over \$16 million in CARES funding was allocated to 26 training programs and over 3900 participants been enrolled.

Additionally, this very successful program has been extended with ARPA funding, to initially focus on the high in-demand industries of Healthcare, Warehousing/Logistics and Transportation. If available, additional funding could be utilized to assist with reskilling Delawareans through this extended initiative and the next several years of COVID economic recovery.