



Workforce Policy Weekly

December 23, 2022

Upcoming LeadingAge Coronavirus Call. No Calls next week on Monday, December 26 and Wednesday, December 28. On January 4, 2023, at 3:30 PM ET, Dr. Ashish Jha, the White House COVID Response Coordinator will join us to talk about the White House COVID Team’s activities related to tests, vaccines, treatments, and everything COVID. He will especially highlight the Administration’s focus on bivalent boosters for older adults – why it’s important and some of the science behind waning immunity. Dr. Jha wants to hear your COVID questions – they help the Administration know what’s going on in the field. If you haven’t registered for LeadingAge Update Calls, [you can do so here](#). You can also find previous call recordings [here](#). Note that to access recordings of the calls you need a LeadingAge password. Any staff member of any LeadingAge member organization can set up a password to access previous calls and other “members only” content.

LeadingAge Workforce Advocacy Wins in Omnibus. On December 20, the fiscal year 2023 omnibus package was released by Congressional leadership. The 4,000 page [\\$1.7 trillion funding bill](#), H.R. 2617, includes provisions that address the LeadingAge workforce priorities. On December 22, in the early afternoon, the Senate approved the Omnibus bill to fund the government and sent the bill to the House. The House must also pass it and send it to the President to sign. The current continuing resolution runs out at midnight on Friday, December 23, but the Senate is expected to pass another stopgap patch to extend current funding for another week, buying time for the bill to be enrolled and signed. The Senate bill included eight amendments to the original text released earlier this week; none of the amendments are directly relevant to aging services specifically. The bill does include legislation that would require employers to provide pregnant workers with certain accommodations, and workplace protections for nursing mothers. House leaders are aiming to vote on December 23. Some highlights of interest to LeadingAge members pertaining to our aging services workforce priorities include:

- The agreement includes \$2 million for the Administration on Community Living (ACL) to implement a direct care workforce demonstration project to identify and reduce barriers to entry for a diverse and high-quality direct care workforce, and to explore new strategies for the recruitment, retention, and advancement opportunities needed to attract or retain direct care workers.

LeadingAge’s recent alert advocated for \$10 million for Direct Care Workforce Competitive grants, the amount that was included in the Senate draft Labor-HHS FY 2023 appropriations bill, and enacting the Direct CARE Opportunity Act (S. 2344, H.R. 2999), that would provide competitive grants for recruitment and staffing wage subsidies. Additionally, LeadingAge supported \$20 million being allocated for ACL’s creation of a Direct Care Workforce Technical Assistance Center.

- The agreement provides \$285 million for the Registered Apprenticeship Program, an increase of \$50 million above the FY 2022 funding level. LeadingAge had urged funding of \$303 million for the Registered Apprenticeship Program, as noted in our recent alert.

The accompanying report language for the Apprenticeship Program urges the Department of Labor’s (DOL) Employment and Training Administration (ETA), in collaboration with the Department of Health and Human Services (HHS), to support the expansion of the skilled care workforce to care for a rapidly aging U.S. population and provide home and community-based services to older adults and

people with disabilities, including through education and training grant programs, as well as traditional and nontraditional apprenticeship programs.

- The agreement’s report language supports the Health Resources Services Administration’s (HRSA) efforts to “develop the workforce needed to care for a rapidly aging U.S. population” and encourages the agency to address the skilled care workforce needs of seniors through existing workforce education and training programs. No targeted funding has been allocated for this purpose.
- The agreement allocates \$14 million to HRSA for Behavioral Health Workforce Education and Training programs. LeadingAge had supported the \$30 million increase that was allocated to support and prevent burnout and behavioral health conditions among healthcare providers, as included in the draft Senate Labor-HHS Appropriations bill.
- The omnibus bill allocates an additional \$2 million above the FY 2022 level for HRSA’s Geriatrics Workforce Enhancement Program (GWEP) that supports training to integrate geriatrics into primary care delivery and develops academic primary care-community based partnerships to address gaps in health care for older adults.

[More Details Foreign Workforce Immigration Policies](#). Unfortunately, absent are several of the foreign workforce immigration policies, which were highlighted in the [November 28, LeadingAge letter](#) urging Congress to support proposals that would help ensure aging services providers can meet the needs of older adults who are in need of services. We will continue to advocate for these proposals when the new Congress convenes in January. You can access the LeadingAge article [here](#) with additional details.

LeadingAge Comments on Proposed Employment and Labor Rules. LeadingAge submitted comments this month on two proposed rules relating to employment and labor matters. On December 7, LeadingAge submitted [comments](#) to the National Labor Relations Board voicing opposition to a proposed rule that would significantly expand the standard for determining whether separate entities may be considered “joint employers” of particular employees under the National Labor Relations Act. This standard is very important, because if one organization is deemed a joint employer of another organization’s employees, both organizations may be required to bargain with a union seeking to represent a group of workers and each organization may be liable for unfair labor practices committed by the other. Our comments emphasized that the expansive breadth of the proposed standard would unreasonably impose risks on organizations of expanded collective bargaining obligations and of liability for unfair labor practices committed by those organizations’ business partners with respect to their own employees.

Additionally, on December 13, LeadingAge submitted a [comment letter](#) to the U.S. Department of Labor, Wage and Hour Division (DOL), which has proposed to revise the current framework for determining whether a worker is an employee or an independent contractor under the Fair Labor Standards Act (FLSA) – the classification that governs whether a worker is entitled to minimum wage and overtime pay. We acknowledged the importance of protecting workers from misclassification but noted that DOL must also recognize that independent contractors serve an important role and provide a clear, reasonable, consistent approach for businesses that wish to engage independent contractors. We will continue to follow the progress of these proposed rules, which we expect to be finalized during the first quarter of 2023.

Vaxx and Booster Resource Hub Now Live on LeadingAge.org. A new resource on LeadingAge.org, the [All Hands on Deck Hub](#), pulls together a wealth of information and tools created for our All Hands on Deck vaccine and booster uptake initiative. We are pleased to work in partnership with federal agencies and the White House to help drive our shared objective of keeping older adults safe and healthy. Created by a LeadingAge cross-functional team, which includes our New York state partner, the online hub includes:

- Weekly reports LeadingAge national sends to the Department of Health and Human Services with all nursing homes' vaccination rates data along with breakouts of LeadingAge members' rates
- Messaging and Talking Points for members
- Press releases sent to national and trade media on LeadingAge's collaboration with the White House re: the All Hands on Deck campaign and reaction to policy change allowing nursing homes to apply for approval as a Centers for Disease Control & Prevention (CDC) approved vaccinator
- Instructions for nursing homes to apply for approval as CDC-approved vaccinators
- State-specific vaccine education and communications resources
- Public service announcement assets to increase vaccination among health care professionals

Moving Forward Coalition's Workforce Committee Ask for Feedback. The [Moving Forward Coalition's](#) seven committees tasked with implementing recommendations included in the [National Academies NASEM Report](#) published in April 2022 to improve nursing home quality, have selected an initial set of priorities to test and promote over the next two years. These recommendations are drawn from the [2022 NASEM Report](#), which identified existing gaps needing attention and investments. The Workforce Committee has asked for stakeholder input on how to move their recommendations forward. Stakeholders can review the Moving Forward Coalition's recommendations and provide feedback [here](#).

Provider Relief Reporting Period 4 Begins January 1, LeadingAge Webinar on New Reporting Requirements on February 2. Provider Relief Fund (PRF) and American Rescue Plan (ARP) Rural Payment reporting begins again January 1, 2023 for those who received these payments between July 1 and December 31, 2021. Since this is the first time for reporting on ARP Rural, HRSA has updated the reporting requirements to reflect this new reporting and the interplay with the PRF payment reporting. There are also some key changes on how much longer providers will be able to apply these funds to lost revenues. As of now, HRSA has not yet updated their Reporting Portal User's Guide nor some of their other reporting resources to reflect these changes. We have asked them when these key reporting resources will be updated and are awaiting a response. Our recommendation for now is: 1) providers who have never reported on PRF should be ready to register in the reporting portal when it opens in the new year (Here is a link to the **Reporting Portal Registration User Guide:** <https://www.hrsa.gov/sites/default/files/hrsa/provider-relief/prf-reporting-portal-registration-user-guide.pdf>); 2) for returning providers should wait to begin completing their reporting until the supporting resources are up-to-date; and 3) Sign up for the February 2 LeadingAge webinar on the New PRF Reporting Requirements so they understand how to maximize use of their PRF payments under the new rules (this advice will come from Bronze Partner CLA experts). You can register for the **February 2 Webinar, "Getting Ready for the New PRF and ARP Rural Reporting Requirements"** [here](#).

LeadingAge Virtual Workshop: Opening Doors to the Aging Services Workforce. LeadingAge knows the priority your organization places on workforce recruiting. To support those crucial efforts, we developed [Opening Doors to the Aging Services Workforce](#), and we are offering our first virtual workshop on how to enhance your recruitment communications on January 19 at 2 p.m. ET. [Join us for this useful](#)

[workshop](#) to learn and discuss key findings, including how job seekers prioritize job attributes and benefits; effective communications strategies; tested message frames and messages; how to prepare attractive job descriptions and communications; and tips on the dissemination of job listings.

[Registration is now open!](#)