

Attachment II

National Dislocated Worker Grants Program Guidance

Table of Contents

1. Introduction
2. General Policy Framework for National Dislocated Worker Grants
3. Types of Dislocated Worker Grants
 - a. Dislocated Worker Grants for Layoffs
 - b. Dislocated Worker Grants for Dislocated Service Members
 - c. Dislocated Worker Grants for Trade Impacted Workers
 - d. Dislocated Worker Grants for Emergencies and Disasters
4. Performance and Post-Award

Section 1	Introduction
------------------	---------------------

The purpose of this program guidance is to provide a policy framework for National Dislocated Worker Grants (DWG) including policies, priorities, and requirements for the DWG program. The Employment and Training Administration (ETA) accepts applications within four broad categories: Layoffs, Military Service Members, Trade Impacted Workers, and Emergency/Disaster. ETA may develop additional categories and conduct limited competitions to meet particular needs of dislocated workers, and as program funding allows. In such cases, ETA will issue a separate announcement and guidance.

Section 2	General DWG Policy Framework
------------------	-------------------------------------

Description

DWGs are discretionary grants awarded by the Secretary of Labor, under Section 170 of WIOA. DWGs provide resources to states and other eligible applicants to respond to large, unexpected layoff events causing significant job losses. This funding is intended to temporarily expand capacity to serve dislocated workers, including military service members, and meet the increased demand for WIOA employment and training services, with a purpose to reemploy laid off workers and enhance their employability and earnings. Disaster DWGs provide funding to create temporary employment opportunities to assist with clean-up and recovery efforts, when an area impacted by disaster is declared eligible for public assistance by the Federal Emergency Management Agency (FEMA) or otherwise recognized by a Federal agency with authority or jurisdiction over Federal response to the emergency or disaster.

Eligible Applicants

Depending on the type of DWG being sought, eligible applicants for DWGs may include:

1. A designated state or outlying area WIOA program agency;
2. Local Workforce Development Board;
3. Entities eligible to receive funding under 166(c) of WIOA (the Indian and Native American Program provision);

4. Entities determined to be appropriate by the Governor of the State or outlying area involved; and
5. Entities that demonstrate to the Secretary of Labor the capability to effectively respond to circumstances relating to particular dislocations.

The typical applicants for each type of DWG are highlighted in the sections below.

In cases where the state is not the applicant, ETA expects that applicants will work collaboratively with their respective state workforce development agency to ensure that Rapid Response efforts are coordinated, and to assist in subsequent performance and fiscal reporting requirements where the state is responsible for data collection and report submission.

Eligible Participants

Generally, participants must qualify as a Dislocated Worker as defined under WIOA Section 3(15). Certain DWGs, such as Disaster grants, have additional eligibility criteria. Participant eligibility for each type of DWG is described in the applicable sections below.

General Program Policies

Project Start – Applicants must define the period of performance as part of the DWG application. The project start date, otherwise known as the effective date referenced in the grant award, must reasonably align with the date of the first dislocation event and the subsequent submission of the DWG application. If a start date is requested that is prior to the date of submission, it is subject to negotiation between the applicant and the Grant Officer. Generally, this date may only include activities one quarter prior to the date of award. ETA expects that the amount of funds requested to cover costs incurred prior to the application and award of the grant will be minimal. For Disaster DWGs addressing an emergency or major disaster declared by FEMA, the project start date cannot be before the disaster's incident date listed in the FEMA declaration and no costs may be covered prior to the date of the disaster declaration. For Disaster DWGs addressing other emergency or disaster situations of national significance, the project start date must coincide with the incident date as declared by the chief official of the federal agency with jurisdiction over the Federal response of the emergency of disaster situation.

Project Duration – DWG funds may be expended during the months remaining in the program year in which the award is made plus the subsequent two program years. (A program year is the twelve month period from July 1 through June 30). Generally, planned durations for DWG projects should not exceed 24 months.

Incremental Funding – ETA typically funds DWG awards on an incremental basis. The release of subsequent funding increments is based on demonstrated need, as evidenced by enrolled participants and accrued expenditures. Such accrued expenditures are monitored by ETA through the submission of quarterly ETA 9130 financial reports. Funding increments may be requested when grantee expenditures have reached 70 percent of the total DWG funds awarded. Cash disbursements from the Federal level via the Payment Management System (PMS) to grantees, which are tracked in real time, may also be used to verify the usage of funds between quarterly reporting periods. Further guidance on financial management and reporting definitions are provided in ETA TEGL 28-10, "Federal Financial Management and Reporting Definitions",

which will be updated to include changes affected by the release of the Uniform Guidance at 2 CFR Part 200 and the DOL exceptions at 2 CFR Part 2900.

For Disaster DWGs, the initial incremental award is generally one-third of the total “up-to” amount approved. This allows the state to enroll DWG participants and begin project implementation while completing an assessment of the needs of the affected community and developing a complete (“Full”) application. The initial incremental award may also take into account the state’s experiences with past disaster NEGAs, as applicable. For Disaster DWGs, additional increments may be requested after the submission of the Full Application and when the grantee has expended 70 percent of the initial award.

Supplemental Funding – If a DWG project’s funding requirements surpass the approved award amount, a grantee may request supplemental funding to complete the project. As with the release of incremental funding, the award of supplemental funds is based on demonstrated need, as evidenced by enrolled participants and accrued expenditures. Generally, ETA expects a 70 percent expenditure rate to be met before it will award supplemental funding. Cash disbursements from the Federal level to grantees, which are tracked in real time, may also be used to verify the usage of funds between quarterly reporting periods. Additionally, the grantee must provide an explanation/justification for additional funding that addresses the changes in project requirements that exceeded the initial planning assumptions.

Performance Goals – State performance goals for the Dislocated Worker formula program serve as a basis for each DWG’s performance goals. ETA negotiates with states to determine acceptable performance targets for the Dislocated Worker program, including use of regression adjusted targets. These goals will be utilized for DWGs unless applicants request additional considerations in setting performance targets for an individual grant. Native American Program section 166 applicants should use goals established for that program as a basis for DWG performance targets. Goals approved in the application serve as final performance targets.

Reasonable Costs – DWGs are subject to the Uniform Guidance: Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards at 2 CFR Part 200 and OMB’s approved exceptions for DOL at 2 CFR Part 2900, which require that costs must be reasonable, necessary, and allocable.

The decision making process for determining whether a cost is allowable to a grant includes evaluating necessity, reasonableness, and allocability. For a cost to be allowable, it must first be determined as necessary to carry out the goals of the grant. Necessary means the cost is required in order to carry out the requirements of the grant or needed for the proper & efficient operation of the grant. After the decision of necessity, reasonableness must be evaluated. A cost is reasonable if, in its nature and amount, it does not exceed that which would be incurred by a prudent person under the circumstances prevailing at the time the decision was made to incur the cost. A cost is allocable to a particular Federal award or other cost objective if the goods or services involved are chargeable or assignable to that Federal award or cost objective in accordance with relative benefits received. Additional guidance on the allowability, reasonableness and allocability of costs and other factors to be considered in determining allowability can be found at 2 CFR 200.402-4011.

Additionally, ETA will assess the overall cost per participant. While this is not a stand-alone metric, it may provide a baseline measure for reasonableness when assessed in conjunction with other components of the DWG's proposed implementation. The following assessments may be done for the cost-per-participant analysis:

- The cost per participant may be assessed against the cost per participant of previously awarded DWGs similar in size, scope, and geographic area served. In general, DWG projects should offer services comparable to the services received by individuals being served by the State's DW Formula fund program. If the proposed project has a cost per participant which is significantly higher than similar DWG projects, or higher than the average Dislocated Worker formula fund cost per participant, the applicant may be required to submit additional narrative to justify the proposed costs.
- The cost per participant for each DWG-funded service must reflect the scope of the project, based on the number of participants receiving each service, and the types of services provided. In particular, training or supportive services costs that exceed the costs of similar past DWG projects are subject to additional scrutiny, and may also require the submission of additional narrative to justify the proposed costs.

Disaster projects' cost per participant generally are not compared to formula fund costs, but may be evaluated for reasonableness, including through elements of the cost per participant analysis described above.

Administrative Costs – In general, an entity that receives a grant to carry out a DWG program or project may not use more than 10 percent of the amount of the grant to pay administrative costs associated with the program or project. If the state is the grantee and one or more local areas operate the DWG program, the state may retain up to five percent of the award amount for administrative costs and the project operator(s) may retain up to 10 percent of the award amount (for a total of 15 percent). Administrative costs may be negotiated with the applicant. If the direct recipient/grantee is also the project operator, the administrative cost limit is 10 percent.

For grants that are incrementally funded, the administrative limitations apply to each increment. Administrative costs are defined in sec. 3(1) of WIOA. The Grant Award terms and conditions will specify the limitation of administrative costs.

Waivers – Grantees who seek to apply one or more of the waivers that have been approved for formula WIOA program(s) must submit a request to apply the waiver to the DWG, either in the initial application, or in a subsequent grant modification. DWG applicants should also include a copy of the relevant waiver approval letter(s) addressed to the Governor as an attachment to the DWG application or modification request. Typically, if a WIOA waiver is approved for a state, it then may be applied to DWGs.

The process for requesting a WIOA waiver is separate from the DWG application process and will be addressed through separate guidance. There are some components of Disaster DWGs that are not subject to the waiver authority authorized in WIOA, including the limitation on the length of temporary disaster relief employment. Submit questions on waivers to the WIOA waiver point of contact in the National Office or ETA Regional Office.

Veterans' Priority – DWGs are subject to the provisions of 38 U.S.C. 4215, which provides priority of service to veterans and eligible spouses in all Department of Labor-funded job

training programs. DWG participants who are also veterans will receive priority of service for training made available under DWGs as described in TEGL 10-09, which provides guidance on implementing priority of service.

Consistent Services – On projects with multiple regional, local, or state project operators, ETA will award the grant to the entity designated as grant recipient. The project should be designed to operate under a consistent set of service policies. An agreement must be executed among all of the involved eligible applicants and the agreement must designate one of the entities to be the grant recipient, as well as identify the service policies and procedures that will apply.

Section 2a

Dislocated Worker Grants for Layoffs

Description

The Secretary of Labor is authorized to award DWGs to eligible entities where the State or local board has expended formula funding and the eligible entity can demonstrate the need for additional funds to provide employment and training assistance to workers affected by major economic dislocations. These DWGs provide direct services and assistance to dislocated workers. Major dislocation events generally are defined as layoffs of 50 or more individuals, as well as additional criteria described in this section.

Qualifying Layoff Events

Mass Layoff or Closure – Layoffs at one or more companies where the dislocation from each company impacts 50 or more workers. If at least one company has a large layoff of 50 or more workers, companies with smaller layoffs may be included if the primary layoff caused or contributed to the smaller layoffs.

Industry-Wide Layoffs – Multiple company layoffs from companies in the same industry as determined by the two-digit code level in the North American Industrial Classification System (NAICS). Layoffs of less than 50 workers may be included in an industry-wide DWG application when at least one company of 50 or more is included in the application and the additional companies are in the same NAICS two-digit code level.

Community Impact – Multiple small dislocations occurring over a period of up to twelve months that have significantly increased the total number of unemployed individuals in a designated regional or local workforce area. Community impact grants typically serve rural areas where the employer base is predominantly smaller companies with less than 50 employees each, and where layoffs may not meet the definition of “mass layoffs” above. The project must have a total of 50 impacted workers.

Eligible Applicants

Entities as described below are typically eligible to apply for Layoff DWGs. Eligible applicants include:

1. A designated state or outlying area WIOA program agency
2. A state or local Workforce Development Board

3. An entity eligible for funding through the Native American Programs (WIOA Section 166(c))

Eligible Participants

Dislocated workers are eligible participants for Layoff DWGs. Generally, a dislocated worker is an unemployed individual who had previous attachment to the workforce and was laid off. Previously self-employed individuals as well as temporary or contract workers impacted by a plant closure or a layoff are also eligible. For a full definition of dislocated worker eligibility, see WIOA Section 3(15). Governors and local boards have the authority to establish policies and procedures for frontline staff to determine dislocated worker eligibility.

Certain individuals that have served National Guard active duty are eligible as described under WIOA section 170(c)(2)(A)(iv) and Section 2b of this guidance.

BRAC Eligible Participants

Where military installations are intended to be closed or realigned through a formal Base Realignment and Closure (BRAC) process, eligible impacted individuals may be served with DWG funds. Civilians employed at a military installation (employed by the Department of Defense or the Department of Energy) that is being closed or that will undergo realignment are eligible participants. Department of Defense contractors who are employed in non-managerial positions, and who are determined to be at risk of termination as a result of reductions in defense expenditures, are also eligible. In the event of an announcement of a new round of BRAC activities, ETA will issue specific guidance for DWG applications reflecting the requirements of the BRAC law. If there is a military installation or closure not specific to a BRAC action, applicants should follow eligibility guidelines for Layoff DWGs.

General Policies: Layoff DWGs

Timing of Application – Applications should be submitted within 120 days of a qualifying layoff event to facilitate the timely delivery of reemployment services to the affected workers. The targeted participants are eligible for assistance upon notification of layoff (receipt of an individual layoff notice or the date of the company’s layoff announcement), or the date of the layoff itself.

Applications may be submitted under “emergency” status for a mass layoff event without notice to workers, such as an unannounced facility closure or other unexpected events such as the destruction of a place of employment due to a fire. The emergency application must be submitted no later than 15 days after the event occurs. A full application must be submitted within sixty business days following the date of award. After that time, applicants should have access to data to support a full application.

Rapid Response Information – Rapid Response and other early intervention strategies for assisting dislocated workers should be deployed as soon as the government entity has information that workers are going to be laid off. Effective strategic planning through Rapid Response and other sources will contribute to positive employment and earnings outcomes for dislocated workers, and is a critical tool in the development of service strategies to support DWG applications. Assessments, demographic information, and interest in services should be collected

through surveys or other mechanisms. These data provide a rationale for enrollment estimates and justify that proposed grant activities will meet the needs of the participants.

Formula program expenditure rates – To demonstrate the need for additional funds, states and outlying areas should expend at least 70 percent of the prior program year's total DW formula funds (including Rapid Response and carry-in) in order to request DWG funding. This expenditure threshold demonstrates that the state has maintained an adequate rate of expenditures on services for dislocated workers, and that the available funds are not sufficient to provide the services for the proposed DWG. This expenditure threshold is also utilized for local board applicants. The expenditure threshold does not apply to Native American Program entities. For Disaster DWGs, the expenditure threshold does not apply to the temporary jobs component. ETA uses financial reports (ETA 9130 form) to verify expenditures of the DW formula funds of the prior program year. Cash disbursements from the Federal level to grantees, which are tracked in real time, may also be used to verify the usage of funds between quarterly reporting periods.

Adding layoff events – The modification request to add employers to a DWG project not included in the initial grant award should generally be submitted within the same program year in which the grant award was made. Rarely is it permissible to add employers outside the program year of award. If the addition of new employers results in a change in scope to the DWG project, such additions may be prohibited by federal appropriations law. Grant recipients must administer DWG projects for the original purpose under which the funds were awarded.

Allowable Grant Activities

Career Services – Career services, as defined in WIOA section 134(c)(2), are allowable and may include outreach, intake, labor exchange services, initial and comprehensive assessments, referrals, provision of labor market information, provision of information on eligible training providers, and provision of information on the availability of supportive services.

Training Services – Training services, as defined in WIOA section 134(c)(3), are allowable and may include occupational training, on-the-job training, entrepreneurial training, customized training, and transitional jobs as defined in WIOA section 134(d)(5). For on-the-job training, DWG funds may be used to reimburse up to 50 percent of the wage rate for on-the-job training participants, and up to 75 percent if certain criteria are met as outlined in 134(c)(3)(H). The use of DWG funds for training are subject to the limitations or requirements as applicable to the Dislocated Worker formula program delineated in WIOA and its implementing regulations.

Transitional jobs provide subsidized work experiences and are an allowable training service for DWG participants. Ten percent of the awarded funds for a DWG project may be used for transitional jobs. WIOA Sec. 134(d)(5) sets an expenditure cap on transitional jobs of ten percent of the amount of funds provided to a local area to carry out the Adult and Dislocated Worker programs in the area for a program year. This requirement is extended to DWGs.

Supportive Services - Supportive services, as defined in WIOA section 134(d)(2), are allowable for DWG participants receiving career services and training services. The use of DWG funds for supportive services is subject to the requirements delineated in WIOA and the implementing regulations.

Needs-Related Payments (NRP) - NRPs, as defined in WIOA section 134(d)(3), are allowable for DWGs to enable participants to participate in training services. NRPs offered in a DWG must adhere to state and/or local area policies and procedures that are in place for all customers, and may not be specifically created for DWG participants. Applicants for DWGs must include a copy of the applicable NRP policies as part of the grant submission.

If unemployed dislocated workers receiving DWG services are not able to meet the 13 week deadline for enrollment in training requirement at WIOA section 134(d)(3)(B), due to a lack of formula or DWG funds, these individuals are still eligible for needs-related payments if they are enrolled in training by the end of the sixth week following the date of the DWG award.

Section 2b:	Dislocated Worker Grants for Dislocated Service Members
--------------------	--

Description

DWGs may provide assistance to areas where there is a higher-than average demand for employment and training activities from dislocated military service members and certain spouses that exceeds state and local resources for providing such activities.

Qualifying Layoff Events

Higher than Average Demand - Assisting military service members with the transition from military service to the civilian workforce is a priority. Generally, it is expected that existing WIOA formula funds are available to provide transition assistance for veterans. These services are provided in coordination with resources made available through the Jobs for Veterans State Grants Program and transition assistance programs administered by the Department of Defense and the Department of Veterans Affairs, as well as the Transition Assistance Program (TAP) administered by the Department of Labor's Veterans Employment and Training Service. In communities experiencing a higher than average demand for services, DWG resources are available to meet that need.

To demonstrate higher than average demand, applicants must draw from administrative data sources to document unemployment levels among veterans within a local area for the current quarter, compared to the same quarter one year ago. Appropriate sources of data include workforce data, unemployment include Unemployment Compensation for Ex-service members (UCX) data, or Transition Assistance Program (TAP) data. Dislocation events also qualify for DWGs when there are 50 or more recently separated veterans within 48 months of separation, as defined in WIOA section 3(63)(B). Service members with notification before separation may be included in these calculations. States are well-positioned to work with bases to determine the expected number of service members that will seek employment and training assistance from the workforce system. Local board applicants and WIOA section 166 Native American Program applicants should coordinate with states to obtain data to determine the demand from military service members for employment and training services.

Eligible Applicants

Entities as described below are typically eligible to apply for Dislocated Service Member DWGs. Eligible applicants include:

1. A designated state or outlying WIOA program agency
2. A state or local Workforce Development Board
3. An entity eligible for funding through the Native American Programs (WIOA Section 166(c))

Eligible Participants

- Dislocated members of the Armed Forces (service members who are transitioning to the civilian workforce) as defined in TEGL 22-04 “Serving Military Service Members and Military Souses under WIA Dislocated Worker Formula Grants”.
- Recently separated veterans who are within 48 months of discharge or release as defined in WIOA Section 3(63)(B).
- Spouses of members Armed Forces on active duty if they: (1) Have experienced a loss of employment as a direct result of relocation to accommodate a permanent change in duty station of the member of the Armed Forces; or (2) are unemployed or underemployed and experiencing difficulty obtaining or upgrading employment.
- A member of the Armed Forces who:*
 - Was on active duty or full-time National Guard duty and is involuntarily separated, or is separated under section 1174A or voluntarily separated under section 1175 of Title 10 of the United Sates Code;
 - Is not entitled to retired or retained pay incident to the separation; and
 - Applies for employment and training assistance within 180 days of separation.

*Note: this population is also eligible under a regular Layoff NEG. Active duty means “full-time duty in the active military service of the United States,” including “full-time training duty, annual training duty, and attendance, while in the active military service, at a school designated as a service school by law or by the Secretary of the military department concerned.” 10 U.S.C. 101(d)(1). Full-time National Guard duty means “training or other duty, other than inactive duty, performed by a member of the Army National Guard of the United States or the Air National Guard of the United States in the member’s status as a member of the National Guard of a State or territory, the Commonwealth of Puerto Rico, or the District of Columbia . . . for which the member is entitled to pay from the United States or for which the member has waived pay from the United States.” 10 U.S.C. 101(d)(5).

Allowable Grant Activities

The policies described in “Section 2a: Dislocated Worker Grants for Layoffs” above are applicable to Dislocated Service Member DWGs. Participants should use services and benefits funded through veterans’ programs first, such as relocation assistance, before utilizing DWG-funded services. Applicants should describe how the project will be coordinated with other veterans’ services and avoid duplication.

All of the policies described in “Section 2a: Dislocated Worker Grants for Layoffs” above are applicable to Trade Adjustment Assistance (TAA) DWGs. Each of the Layoff DWG types can serve as a TAA DWG project if any of the participants are TAA certified. The following specific criteria apply to TAA DWGs.

Description

The primary purpose of a TAA DWG project is to provide dislocated workers certified as eligible for TAA with a full range of reemployment services in cases where such services are not available through the TAA program and cannot be provided with the state’s WIOA Dislocated Worker formula funds, as those funds are insufficient to cover such services. These services are often referred to as wraparound services. TAA DWG projects are intended to supplement TAA funded services with DWG-funded services to meet the reemployment needs of the affected workers.

Qualifying Layoff Events

TAA-certified workers include workers in a certified group employed by a firm that produces articles (a “primary firm”), a certified group employed by a firm that produces and supplies component parts for a primary firm (a “supplier”), and a certified group employed by a firm that provides additional, value-added production processes (a “downstream producer”) for a primary firm. TAA DWG funds may be requested to provide assistance for layoffs at one or more companies, which include primary firms, suppliers or downstream producers, as long as the layoff impacts 50 or more workers and at least one worker group employed by the companies has been certified as TAA-eligible by the Department or has a TAA petition investigation pending.

If the project for which funds are requested includes workers of more than one employer, only one of the companies is required to have workers in a TAA-certified group or have a TAA petition determination pending for a group of its workers. The companies whose workers are not TAA-certified or the subject of a TAA petition under investigation may be included in the TAA DWG project.

Eligible Applicants

Applicants for TAA DWGs must be the state workforce agency designated by the Governor to receive WIOA Dislocated Worker formula funds.

Eligible Participants

In order to be eligible to receive services through a TAA DWG project, all participants must meet the definition of a dislocated worker as defined in WIOA Section 3(15). A subset of participants in a DWG project must be part of a worker group certified as eligible to apply for TAA benefits, and are in need of services not provided by the TAA program. Participants eligible for TAA must meet the eligibility requirements of the TAA program in order to receive TAA program benefits. Those individuals who are not eligible for TAA may be included in the DWG project and are eligible to receive the full array of DWG services.

General Policies: TAA DWG

Expenditure Requirements - In addition to the requirement that state agencies applying for DWG funding meet the 70 percent expenditure threshold for the prior year of their DW Formula funds, ETA will also review the state's expenditures for the TAA program. The collective assessment of the expenditure patterns in both programs assists ETA in determining the reasonableness of the state's DWG funding request and to ensure the state has adequate TAA training funds available.

Pending TAA Petition Investigations - State agencies may apply for TAA DWG funds to assist workers for which a petition for TAA eligibility is pending (under investigation), so that the duration of unemployment is minimized and dislocated workers receive the skills training needed for available jobs. The cost of training may shift from DWG to the TAA program at the next logical break in training for grant project participants who become eligible for TAA and whose training is approved under the TAA program. Under those circumstances, new accrued expenditures would shift from DWG to TAA. If a TAA petition is denied after a DWG award, the grantee must request a modification to adjust the DWG budget and plan accordingly. Projected grant project participants who are not eligible for TAA may receive the full array of DWG services, including DWG-funded training.

Coordination of Funding Sources – TAA DWG projects and TAA program funds must be managed in a coordinated manner to best meet the needs of the workers while abiding by all applicable statutes, regulations and federal policies. The Trade Act, as amended, contains provisions allowing the costs of a training program approved under the Act to be paid by TAA funds or from other sources, but does not allow duplication of payment of training costs. Those authorities and restrictions are spelled out in 20 CFR 617.25(b). Under certain circumstances, the costs of training may be shared, but such an arrangement must not authorize reimbursement from TAA funds of any training costs that were incurred before a participant was certified and determined individually eligible for TAA and that training was TAA-approved. Additionally, the TAA Governor-Secretary Agreement, Section D, requires that the TAA program will be the primary source of assistance to adversely affected workers covered by a certification and that to the extent adversely affected workers covered by a certification enrolled in the TAA program require assistance or services not authorized under the TAA program, or for which TAA program funds are unavailable or insufficient (including for required employment and case management services), such assistance will be made available through the one-stop delivery system. This provision includes services provided by TAA DWGs.

Allowable Grant Activities

Career and Supportive Services – The primary purpose of TAA DWG projects is to provide TAA-eligible dislocated workers with Career and Supportive Services that are not available through the TAA program, or when state TAA or formula Dislocated Worker program funds are not authorized or sufficient to provide such services. These services include providing supportive services relating to child care, transportation, dependent care, housing assistance, and need-related payments, and may also include career services such as conducting comprehensive assessments, developing individual employment plans, providing on-going and post-training case management, and providing other Career and Supportive Services as authorized by WIOA that are necessary to enable an individual to participate in training. TAA generally provides case

management and employment services, training, job search, and relocation allowances for workers covered by a certified petition. Career and Supportive Services authorized by WIOA may be provided with the TAA DWG funds.

Training - Grantees must ensure that each individual reemployment plan is developed in concert with the worker and is signed by the worker (including training, as appropriate). Participants who are certified as eligible for TAA may receive DWG-funded training otherwise provided under TAA under limited circumstances, the details of which must be explained in the narrative of the application. These circumstances are:

- a. If TAA-eligible participants are unable to begin a training program immediately as required, the DWG may fund training for a limited time period. Systems must be in place to seamlessly accommodate a change in the funding of training, as appropriate. In this instance, any training proposed with DWG funds to TAA-eligible workers must be delivered through a training provider eligible under both the TAA and the WIOA program requirements, and the training must be approvable under the TAA program.
- b. When a TAA petition has been filed by or on behalf of a group of workers but a determination of group eligibility has not been made, DWG funding may be used for training in the short-term until an affirmative decision is rendered after a completed TAA investigation, and the state agency operating the TAA program as an agent of the Department determines the worker's individual eligibility and approves the training. Again, systems must be in place to seamlessly accommodate a change in the funding of training, as appropriate after TAA program approval is obtained. Training may be modified by the TAA program to allow a worker additional training under the TAA program in order to meet retraining needs as indicated in individual reemployment plans. Such a participant may remain enrolled in DWG/WIOA and the TAA program as the individual may need continued career and supportive services through the DWG.
- c. In the event that state TAA funds are not available at a sufficient level to provide training to the affected workers, DWG funds may be requested to provide training when the state also demonstrates that WIOA DW formula funds are limited. States must also determine if TAA Reserve Funds under the Trade program are available and apply for such funds, in order to receive additional TAA funding. Any training proposed to be provided with DWG funds to trade-eligible workers must qualify and be approvable under both the trade and WIOA programs, and must be in accordance with 20 CFR 617.25(b)..

Note: DWG-funded Career and Supportive services are subject to the limitations and requirements delineated in WIOA and its regulations and guidance; these may not be adjusted to match TAA levels when the individuals are subsequently deemed TAA-eligible DWG participants.

Description

Disaster DWG projects create temporary jobs for eligible individuals to assist with clean-up, recovery, and humanitarian efforts in areas impacted by disasters or emergency situations as outlined in Section 170(d)(4). These projects also provide funds for employment and training services where needed, to help impacted individuals return to full employment as quickly as possible.

Qualifying Events

DWG funds are available to assist with clean-up and other activities under three circumstances:

1. Emergencies and major disasters, as defined in paragraphs (1) and (2) of section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, which are declared eligible for public assistance by the Federal Emergency Management Agency (FEMA). Public Assistance is a specific eligibility term used by FEMA in designation of disaster areas.

Applications must include a copy of the FEMA declaration, as well as amended FEMA declarations as the project is implemented, confirming that the counties targeted for DWG-funded clean-up activities are eligible for FEMA Public Assistance. States awaiting FEMA declarations may submit a Disaster DWG application if the governor of a state has formally requested such a declaration. However, final FEMA declaration determinations are required before a grant *award* is made. An emergency declaration by the governor of a state is not sufficient to receive funding assistance.

2. Federal agency declarations, other than FEMA, are eligible for DWG assistance. These must fit the definition of emergency or disaster situations of national significance that could result in a potentially large loss of employment, as declared or otherwise recognized by a Federal agency. Federal declarations from the Department of Commerce and the Small Business Administration are examples of eligible federal declarations.

Applications must include the following information: 1.) Name of the federal agency declaring the emergency event/disaster; 2.) Date of the emergency or disaster; and 3.) Other pertinent information, as defined in DWG application tools and technical assistance.

3. Circumstances where a substantial number of individuals, defined as 50 or more, relocate to another area from a disaster area.

Eligible Applicants

All Disaster DWG applications must be submitted by the state agency or outlying area designated by the Governor to receive WIOA Dislocated Worker formula funds or by an organization eligible for funding through the Native American Programs (WIOA Section 166(c)). This agency or organization will be the grantee, as well as the fiscal agent responsible for the appropriate allocation of funding to the affected areas.

States may subgrant funds to local boards and/or may expend such funds through public and private agencies and organizations engaged in such projects. States are expected to be able to deobligate and reobligate funds to affected areas and service providers quickly in order to ensure the funds are where they need to be in order to fulfill the purposes of this grant and to ensure that workers needing assistance are receiving it.

Eligible Participants

Participants must be determined eligible as defined in WIOA Sec. 170(d)(2). The following eligibility requirements apply to the following individuals residing within the declared disaster area, or who are forced to relocate due to the disaster or emergency event:

1. Individuals who are temporarily or permanently laid off as a consequence of the disaster;
2. Other eligible dislocated workers as defined in WIOA Section 3(15);
3. Long-term unemployed workers, as defined by the state; and
4. Self-employed individuals who become unemployed or significantly underemployed as a result of the emergency or disaster.

Outreach efforts should emphasize workers who lost employment as a result of the disaster. Veterans' preference applies within these eligible groups.

Allowable Grant Activities

Temporary Jobs - Disaster DWGs provide funding for the creation of Disaster Relief Employment, or temporary jobs, which are restricted to the following activities:

1. Clean-up and recovery efforts including demolition, repair, renovation and reconstruction of damaged and destroyed structures, facilities and lands located within the disaster area and in offshore areas related to the emergency or disaster.
2. The distribution of food, clothing, and other humanitarian assistance for disaster victims.

DWG funds allocated for wages should cover the activities related to humanitarian work and must not cover the actual humanitarian aid itself. Humanitarian assistance includes actions designed to save lives, alleviate suffering, and maintain human dignity in the aftermath of emergencies.

Career and Training Services – DWG projects provide Career and Training services for those grant participants already enrolled in the temporary jobs component of a Disaster DWG project, who are unlikely to return to their prior employment. DWG funds may provide employment and training services concurrently with participation in the temporary jobs component. The state must have met the expenditure threshold (70 percent of the prior program year's DW formula funds) in order to request Career and Training services for a Disaster DWG. Clean-up and recovery activities take precedence when offered in conjunction with Career and Training activities.

Disaster DWGs for emergencies or disaster situations of national significance that could result in a large loss of employment, but which may not cause physical damage, are authorized to provide Career and Training services only, depending on the circumstances of the specific event.

Generally, Disaster grants serving individuals relocated from a disaster area will provide Career and Training services as the primary service, because participants are relocated outside of the disaster area. These grants may also include disaster relief employment or humanitarian assistance.

Supportive Services - For Disaster DWGs, supportive services are allowable for participants to participate in disaster relief employment and Career and Training services, including reimbursement or payment for such costs as child care and transportation to and from the job site.

Temporary Jobs Policies

Limit on Temporary Job Duration – A participant may hold a temporary job for no longer than 12 months or 2,080 hours. If clean-up work remains in the project even after the participants reach their temporary employment limit, generally the state must bring in additional new eligible workers to replace those who have worked 12 months. It is possible for individuals to be cycled in and out of the project for longer than 12 months, with participants working intermittently over an extended time period that does not exceed 2,080 hours. Grantees may submit a modification request to extend an individual’s disaster relief employment for up to an additional 12 months.

Participant Wages – Participants in a Disaster DWG temporary jobs project must be paid the higher of the Federal, state, or local minimum wage, or the comparable rates of pay for other individuals employed in similar occupations by the same employer. In accordance with WIOA Section 181(a)(1)(A), generally, participants shall be compensated at the same rates, including periodic increases, as employees who are similarly situated in similar occupations by the same employer and who have similar training, experience, and skills, and such rates shall be in accordance with applicable law, but in no event less than the higher of the rate specified in section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) or the applicable State or local minimum wage law. Fringe benefits should be paid in accordance with the policies of the employer of record.

Where the local project operator or another approved worksite employer hires temporary workers for positions for which wage levels have not been established and supervision of the temporary workers is performed by another agency, the agency performing the supervisory responsibilities could be consider the worksite employer for purposes of determining the appropriate wage for the temporary worker. In such a case, the temporary worker’s wage could be established based on similar or same work performance by employees of the worksite employer.

Grantees must ensure that the DWG funding allocated for wages of the temporary workers is appropriately apportioned to only the entities approved as official employers of record for the Disaster DWG project. The employers of record for temporary workers are limited to public entities, not-for-profit organizations, and private for-profit entities such as outplacement or staffing agencies.

Worksite Selection – The geographic areas where the worksites are located must be located in the geographic area covered by a FEMA declaration eligible for public assistance or within the area subject to another Federal agency’s declaration of an emergency or disaster situation of

national significance. Grantees must prioritize the worksites for temporary jobs so that the highest priority is given to public facilities which have been most severely damaged, consistent with the strategic plans of the community.

Generally, worksites will be limited to public and private non-profit facilities. Under certain circumstances, work on private property is authorized to the extent that it achieves a greater positive benefit for the workers and the community being assisted. Work on private property must meet the requirements outlined below.

1. Clean-up activities on private property may be performed by grant participants if workers from units of general local government are also:
 - a. authorized to conduct such work; and
 - b. perform such work.
2. As determined by the extenuating circumstances of the disaster for which Title I funds are being provided, repair and restoration activities are authorized on the private property of economically disadvantaged individuals, under the following specific conditions.
 - a. Work can only be performed on the homes of economically disadvantaged individuals who are eligible for the federally-funded Weatherization program; and
 - b. Work may be performed on private land or homes of such individuals if the non-WIOA employees of the employing unit or state or local government workers are authorized to do the same work and are in fact engaged in performing the work using non-WIOA funds; and
 - c. Work on private land or buildings is performed to remove health and safety hazards to the larger community; and
 - d. The work is limited to returning a home to a safe and habitable level -- not to make home improvements; and
 - e. Priority is given for service to the elderly and individuals with disabilities; and
 - f. WIOA funds cannot be used for the cost of materials to do repairs; and
 - g. Work must be disaster-related and not related to general home improvements authorized under the Federal Weatherization program; and
 - h. Work is coordinated with or supervised by the local agency responsible for the Federal Weatherization program.

General Policies: Disaster DWGs

Emergency Application – Generally, an initial request for Disaster DWG funding is made in an abbreviated Emergency Application to facilitate timely delivery of DWG assistance in response to a disaster event. Emergency applications for Disaster DWGs should be submitted within 15 days of the qualifying Federal Agency or FEMA declaration. States submitting after the fifteenth day must provide a reasonable justification for the late submission, or submit a full application.

Full Application – Within sixty business days following an award of Disaster DWG funds requested via an Emergency Application, the grantee must submit a Full Application via the DWG electronic application system. The system will generate the applicable screens to collect additional information pertaining to the budget and implementation plan for the disaster DWG project. In addition, grantees must provide information including a list of worksites in the counties where the work will be performed, job titles of each of the temporary jobs associated with those worksites, and the amount of funds allocated to each county being served under the

projects. The grantee is required to submit additional information per conditions of the initial DWG award.

Coordination with Emergency Management Agencies – In an effort to ensure non-duplication of services and maintenance of effort requirements, the State must coordinate the activities funded under a disaster DWG with those funded by and/or performed under the auspices of FEMA. Disaster DWG grantees should also coordinate where applicable with the appropriate organizations, including state emergency management agencies and other federal response agencies, to ensure a comprehensive response and to prevent duplication of services. The website www.disasterassistance.gov provides additional resources.

Obtaining Equipment – FEMA or other federal, state, or local agencies provide assistance in obtaining equipment needed for temporary jobs participants to conduct clean up, renovation, restoration, and other allowable activities. In situations where the state is unable to obtain funding or equipment from another source, DWG funds may be used to lease or buy necessary equipment for worksites where Disaster DWG participants are employed to support clean-up and recovery activities. Purchase of equipment is subject to prior approval and disposition requirements in 2 CFR 200 and 2 CFR 2900.

A grantee must request approval for all equipment purchases with a cost of \$5,000. Equipment at 2 CFR 200.33 is defined as tangible personal property (including information technology systems) having a useful life of more than one year and a per-unit acquisition cost which equals or exceeds the lesser of the capitalization level established by the non-Federal entity for financial statement purposes, or \$5,000. When obtaining equipment, grantees are advised to follow the appropriate procurement procedures as defined by state procurement policies; subrecipients, unless a state government, must follow the procurement requirements in 2 CFR 200.

Grantees must summarize equipment purchases in the application and subsequent modifications. The grantee may use the following methods to request approval for equipment purchases. Each method requires that the grantee identify the type of equipment, the required quantity of each type, the estimated price per unit, and a brief justification for the type and quantity of heavy equipment requested:

1. The applicant may request the purchase in the Emergency Application;
2. The applicant may request the purchase in the Full Application; or,
3. The grantee may request the purchase in subsequent modification requests to the disaster DWG.
 - a. If the grantee finds it necessary to make an urgent modification request for equipment purchases, states may send an email directly to the Grant Officer in the Regional Office, with a copy to the associated Federal Project Officer in the Region. Note, ETA will not approve requests emailed before the initial DWG award.

Endangered Species/Habitats Protection – In order to ensure compliance with the National Environmental Policy Act (NEPA) and the Endangered Species Act (ESA) and to protect valuable habitats and endangered species, all disaster projects in which participants will be entering or impacting natural areas must ensure that activities are not negatively affecting endangered species or their habitats. NEPA and ESA require DWG projects to either affirm with the Fish and Wildlife Service (FWS) that there are no endangered species or habitats within the

project area, or to consult with FWS to mitigate negative impacts where there are endangered species or protected habitats before beginning any work in those areas. To contact a state FWS field office visit <http://www.fws.gov/offices/>.

Health and Safety Standards – In all DWG projects, Federal and state standards, otherwise applicable to working conditions of employees, apply to the working conditions of participants. Where a participant is engaged in activities not covered under the Occupational Safety and Health Act (OSHA) of 1970, as amended, the participant shall not be required or permitted to work, be trained, or receive services in buildings or surroundings or working conditions that are unsanitary, hazardous, or dangerous to the participant’s health or safety. Health and safety standards must be followed as outlined in WIOA Section 181(b)(4). Additional information and local contacts can be found at OSHA’s website: www.osha.gov

Section 4	Reporting and Post-Award
------------------	---------------------------------

Performance and Fiscal Reporting

Applicable Performance Measures – To satisfy reporting requirements, states must report the characteristics, services received, and outcomes of participants served with WIOA funds, including DWGs. Such information is necessary to determine the success of these investments. Performance measures as described in WIOA Section 116 apply to the DWG program.¹ If a grantee is not a state, ETA will work with the grantee to determine accessibility options to wage records, in order to verify outcomes.

Reporting – To ensure ETA is able to assess the success of DWGs and other WIOA programs, the collection of accurate data is a critical component of financial and performance accountability. The data collected on program activities, participants, and outcomes are used for program management, and to convey information on the performance of workforce programs to policymakers and stakeholders. The required reports for DWG grantees include quarterly reporting requirements under WIOA, a DWG quarterly report, and the quarterly ETA 9130 financial report.

- Individual record file submission (currently the Workforce Investment Act Standardized Record Data (WIASRD) Quarterly Submission). Note this requirement is described in more detail below.
- ETA 9090 – WIA Quarterly Report which is generated automatically with quarterly individual record file submission
- ETA 9130 – U.S. DOL ETA Quarterly Financial Status Report
- ETA 9104 – Quarterly Performance Report (QPR)

Individual Record Submission – The quarterly WIASRD submission is the means for calculating individual participant performance outcomes as well as performance for the DWG. Grantees will continue reporting DWG participants in the current WIASRD until new performance reporting requirements are approved and the system is revised to reflect WIOA requirements.

¹ Section 116 of WIOA does not go into effect until July 1, 2016. Until then, grantees will continue reporting on the WIA performance measures in the current Workforce Investment Act Performance Management System until new performance reporting requirements are approved and the system is updated

Grantees must submit an individual record file quarterly on all participants and exiters. DWGs who are also co-enrolled through an additional WIA/WIOA funding stream should utilize a common exit (i.e. when the participant has completed all partner services).

All relevant data elements on the individual record layout must be completed. Grantees must identify participants enrolled in a DWG project as persons receiving assistance with DWG funds and enrolled in DWG projects. In order to ensure that each DWG participant is appropriately recorded and tracked to a DWG project, the project number must be captured in WIASRD element 923 and 924. Each DWG has a four-digit project identifier to be entered for DWG participants, which will ensure that each DWG participant is recorded and tracked to a DWG project. This number is identified in the DWG Grant Award Letter, and is generally the state code and the numeric figure immediately following it (e.g. AK01). Grantees must record services provided through a NEG Disaster grant in WIASRD data element 1402 “Received Services Through a Disaster NEG”

Post-Award Policies

Grant Modifications - Modifications are formal changes made to an awarded grant project. Grantees must submit modifications to request changes to the budget and project plan which address changing circumstances affecting the project’s implementation. Modifications for DWGs are also submitted to respond to the terms and conditions of a previous award, and to request additional incremental or supplemental funding. Modifications must follow the Uniform Guidance. Additional information on the DWG modification process is contained in TEGL 17-14 “National Emergency Grant Revised Modification Process”.

As with new DWG applications, grantees must request all changes requiring a grant modification through the DWG eSystem. The DWG eSystem provides grantees data fields for the specific information to be submitted, based upon the modification type.

Project Implementation Plan - Each grantee is required to develop an implementation plan to reflect the approved project design and funding parameters in the grant award. The grantee must complete the implementation plan within 60 calendar days following grant award and transmit it to the Federal Project Officer upon completion.

Deobligation Limitations – Deobligations are only possible within the program year of award. ETA generally will not consider requests from grantees to return grant funds when those requests are made outside of the program year of award. Where grantees are experiencing unforeseen issues with the ability to expend funds (for example, if affected dislocated workers are recalled following a layoff) the grantee should work with the grantee’s Federal Project Officer and the Grant Officer to identify opportunities to use the existing grant funds to serve eligible participants.

Grant Close-Out Package - Grantees receive a closeout packet which includes required closeout documents. The grantee then has 90 days to complete all required closeout documents, including the closeout financial report. All outstanding terms and conditions on the grant must be resolved prior to close-out.

Other Terms - The Department may negotiate and fund projects under terms other than those specified in these DWG guidelines, where it can be clearly demonstrated that such adjustments will achieve a greater positive benefit for the workers and/or the communities being assisted.