

## Attachment I

# National Dislocated Worker Grant Program Guidance

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<b>Section 1</b>	<b>Introduction</b>
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The purpose of this program guidance is to provide an implementation framework for the National Dislocated Worker Grant (DWG) program, including policies, priorities, and requirements. The Employment and Training Administration (ETA) accepts applications in two categories: Disaster Recovery and Employment Recovery. Employment Recovery DWGs include DWGs for Dislocated Service Members.

ETA may develop additional categories and conduct limited competitions to meet particular needs of dislocated workers, as program funding allows. In such cases, ETA will issue a separate announcement and guidance.

DWGs are time-limited funding assistance in response to major economic dislocations or other events that cause significant impact on states and local areas that exceed the capacity of existing formula funds and other relevant resources to address. ETA considers DWGs to be supplemental resources that provide flexibility to states and communities in responding to and recovering from unexpected events that cause large-scale job loss that exceed the capacity of the state or local area to address with formula resources. As such, ETA expects that projects funded with DWG resources be aligned with existing state and local strategic priorities, resources, and programs and not operated as stand-alone projects. Applicants should design and carry out DWG projects to operate in alignment with other state and local programs, including

Rapid Response, layoff aversion, and the formula Dislocated Worker program and focused on addressing employment and training needs in states and local areas.

ETA also strongly encourages applicants to submit project plans demonstrating the intent to maximize positive outcomes for participants, and include in grant applications project goals supporting alignment with WIOA performance measures, including the number of participants served, placement of participants in employment, and skills and credentials earned.

<b>Section 2</b>	<b>Types of DWGs</b>
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### **A. Disaster Recovery DWGs**

#### ***Description***

Disaster Recovery DWGs provide disaster-relief and humanitarian assistance employment, as well as employment and training services, as appropriate, to minimize the employment and economic impact of declared disasters and emergency situations, in disaster-declared areas as defined in 20 CFR 687.110(b).

DWG funds may also provide employment and training services to dislocated workers and other eligible participants.

#### ***Qualifying Events***

The following events are eligible for Disaster Recovery DWGs:

1. Emergencies and major disasters, as defined under Section 102 of the Stafford Act (42 U.S.C. 5122(6)), declared by FEMA as eligible for Public Assistance under any category (A through G).
2. Emergencies or disaster situations of national significance, natural or man-made, that could result in a potentially large loss of employment, as declared or otherwise recognized and issued in writing by the chief official of a Federal agency with jurisdiction over the Federal response to the disaster or emergency.

Note: Not every Federal declaration of a disaster qualifies an applicant for Disaster Recovery DWG assistance. Applicants must demonstrate that a potentially large loss of employment could result from the disaster or emergency. ETA defines this as the potential loss of at least 50 jobs. The application for Disaster Recovery DWG funds must include a rationale justifying the projected level of job loss.

WIOA does not allow declarations by a governor to qualify an applicant for Disaster Recovery DWG assistance.

3. Relocation of a substantial number of individuals from a state, tribal area, or outlying area affected by a disaster or emergency to other states, tribal areas, or outlying areas outside the disaster or emergency area.

### ***Eligible Applicants***

Eligible applicants for Disaster Recovery DWGs are the state, outlying area, or Indian tribal governments as defined by the Stafford Act, 42 U.S.C. 5122(6).

The eligible 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 sub-grant funds to local boards and/or may expend such funds through public and private agencies and organizations engaged in such projects, consistent with Section 5 of this guidance. ETA expects states to allocate funds to affected areas and service providers quickly in order to ensure funds can fulfill the purposes of these grants and to ensure that workers receive assistance.

### ***Eligible Participants***

An individual eligible to receive services through a Disaster Recovery DWG must be one of the following, per 20 CFR 687.170(b):

1. temporarily or permanently laid off as a consequence of the disaster;
2. a dislocated worker as defined at 29 U.S.C. 3102(3)(15);
3. a long-term unemployed worker; or
4. a self-employed individual who became unemployed or significantly underemployed as a result of the disaster or emergency.

Grantees are responsible for setting appropriate policies and procedures for determining participant eligibility. The state has the authority to provide exceptions to its policies regarding the acceptable documentation local areas must collect to document participant eligibility, such as during a disaster. Such exceptions may rely on self-attestation. States eventually must collect all documentation necessary to demonstrate that each participant is eligible under 20 CFR 687.170(b).

When applying for a Disaster Recovery DWG in response to an influx of a substantial number of individuals relocating away from the disaster area, applicants must demonstrate that at least 50 individuals have relocated or evacuated from an area receiving a Federal declaration for the disaster event.

### ***Allowable Grant Activities***

**Disaster Relief Employment.** Disaster Recovery DWGs provide funding for the creation of disaster-relief employment, which is temporary employment of eligible individuals for the purposes described in WIOA Section 170(b)(1)(B) and (d), as well as 20 CFR 687.180(b) and (c).<sup>1</sup> Applicants must demonstrate that disaster-relief employment created under a Disaster Recovery DWG aligns with the following categories:

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; or,

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<sup>1</sup> Disaster Recovery DWGs may pay 100 percent of the salary and benefits for each participant enrolled in disaster-relief employment.

2. Employment related to the delivery of appropriate humanitarian assistance in the immediate aftermath of the disaster or emergency; more information on humanitarian assistance is provided below.

**To be eligible for funding, all Disaster Recovery DWG applicants' proposed projects must include disaster-relief employment in response to the federally declared disaster event, except in the exceptions described below.** ETA encourages applicants to propose co-enrolling participants in disaster-relief employment in employment and training activities and to provide supportive services as applicable, and it encourages grantees to co-enroll and provide supportive services regardless of whether doing so was explicitly addressed in the application. Individual enrollment in temporary employment is limited to 12 months (or 2,080 hours) unless the grantee requests an extension of up to an additional 12 months through a grant modification, and the Secretary of Labor grants such an extension.

Not all participants in a Disaster Recovery DWG project must participate in disaster-relief employment. Grantees may provide employment and training activities to participants not in disaster-relief employment. In summary, grantees may enroll Disaster Recovery DWG participants in:

- Disaster-relief employment only;
- Employment and training activities only; or
- Both disaster-relief employment and employment and training activities.

These activities may occur concurrently, or one may occur prior to the other. Grantees must assess and determine the specific needs of each individual participant and enroll them in disaster-relief employment, employment and training services, or both, in a manner that is most likely to result in successful outcomes. As a general goal, grantees should design and provide employment and training activities aimed at allowing participants to obtain unsubsidized, sustainable employment following the conclusion of grant-supported activities.

For participants who only receive disaster relief employment, the same performance data collection requirements apply as for other DWG participants. However, participants who receive only disaster relief employment are not included in the primary indicators of performance unless they receive other allowable career and training services provided through the grant or through co-enrollment in another WIOA core or partner program that shares a common exit with DWG in the state's common exit policy.

*Exceptions to Requirement to Provide Disaster-Relief Employment.* The Department, at its discretion, may choose to approve only employment and training activities for the following situations:

1. For Disaster Recovery DWGs awarded in response to non-Stafford Act disaster or emergency declarations, where the circumstances and nature of the disaster do not allow for the clean-up and humanitarian temporary employment opportunities authorized by WIOA. Or,
2. For Disaster Recovery DWGs that are awarded due to an influx of individuals relocated from a disaster area, where the grantee is not responding to the actual disaster, because it is in another geographic area. In these circumstances, the DWG will provide employment and training services as the primary activity, as participants are outside of the disaster area. However, these grants may also offer participants disaster relief employment where appropriate.

Employment and Training Services. DWG projects provide employment and training services to dislocated workers and other eligible participants following a qualifying disaster or emergency. DWG funds may provide employment and training services regardless of an individual's participation in disaster relief employment.

Supportive Services. Supportive services are allowable when they are needed to enable individuals to participate in disaster relief employment and employment and training services and when supportive services cannot be obtained through other programs. Supportive service policies for a disaster project must align with the state or local area supportive service policy; any supportive services provided must be consistent with WIOA.

***General Policies: Disaster Recovery DWGs***

Limit on Disaster Relief Employment Duration. Participants in disaster-relief positions may be employed for a maximum of 12 months or 2,080 hours, whichever is longer. Grantees may submit a modification request to extend the period of employment for existing participants for up to an additional 12 months, and this modification request must justify the reason for extending participants' disaster-relief employment, as required by 20 C.F.R. 687.180(b)(1) If there remains humanitarian or clean-up needs after participants reach the limits on employment duration, the state should attempt to employ new eligible individuals to continue the work at hand rather than continue the employment or re-employment of participants that have reached 12 months or 2,080 hours of disaster-relief employment.

While each disaster is different, ETA expects that most humanitarian assistance needs will resolve within 12 months of the disaster event, as disaster-affected communities rebuild, and their populations obtain permanent housing and no longer need assistance in obtaining food and clothing. When providing a justification for extending employment to 20 C.F.R. 687.180(b)(1), grantees must demonstrate that humanitarian assistance needs remain.

Participant Wages. The worksite employer that provides participants temporary disaster-relief employment under a Disaster Recovery DWG is required to pay 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 must 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. Additionally, such rates must 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. Where applicable, fringe benefits should be paid in accordance with the policies of the worksite employer.

The wages paid to temporary disaster-relief workers must be consistent with the wages of the supervising entity's other employees—permanent or temporary—performing the same or similar work.

Grantees must apportion DWG funding allocated for wages of the temporary workers to only the chosen worksite employer for the Disaster Recovery DWG project. There is no limitation on what type of entity may be a worksite employer.

Worksite Selection. Disaster-relief worksites must be located in the geographic disaster area covered by the qualifying declaration for the Disaster Recovery DWG (a disaster or emergency declaration under the Stafford Act or other Federal agency's declaration of a disaster or emergency of national significance).

Grantees must give the highest priority to clean-up of the disaster area's most severely damaged public facilities and to the cleanup and the provision of humanitarian assistance to economically disadvantaged areas within the disaster area. To the extent feasible, administering funds according to these priorities must be in coordination with any projects administered by emergency management agencies, as described in this document within the section entitled "Coordination with Emergency Management Agencies."

Projects may perform work on private property only under these circumstances:

1. The work must be intended to remove health and safety hazards to the larger community or to address or alleviate specific economic or employment-related impacts of the disaster, such as clean-up work needed for disaster-affected employers to resume operation;
2. The activities necessary to remove health and safety hazards on private lands or around homes or other structures may only return the land or structure(s) to a safe and habitable level, and not improve the original land or structure(s);
3. The project prioritizes service to older individuals and individuals with disabilities; and
4. Grantees must not use Disaster Recovery DWG funds to cover the cost of materials to do repairs.

Prior approval of the grant officer is required before any disaster-relief employment work on private property.

Humanitarian Assistance. Humanitarian assistance generally includes actions designed to save lives, alleviate suffering, and maintain human dignity in the immediate aftermath of disasters. This assistance includes activities such as the provision of food, clothing, and shelter. The humanitarian assistance provided by disaster-relief workers must relate directly to immediate response to the disaster situation named in the DWG application and the Federal declaration.

DWG-funded disaster-relief workers must only provide humanitarian assistance appropriate under a Disaster Recovery DWG, focusing specifically on responding to the immediate impacts of a disaster, as declared by a Federal agency with jurisdiction over the Federal response to the disaster event. The provision of general humanitarian assistance that solely focuses on prevention and planning of future disaster events is not an allowable activity under a Disaster Recovery DWG. ETA will allow activities that provide prevention and planning for future events only if these activities are incidental to responding to the humanitarian assistance needs created by the disaster. For example, where the disaster event is the contamination of the local water supply, an allowable humanitarian assistance activity could be installation of water filters to ensure access to clean water. These filters could protect the affected population from future contaminations, but a grantee may use DWG funds to cover their installation because this disaster-relief employment activity addresses a humanitarian assistance need caused by the current disaster event—lack of access to clean water. Due to the variable nature of disasters declared across Federal agencies, ETA will consider humanitarian assistance activities on a case-by-case basis.

Emergency Application. Applicants may request Disaster Recovery DWGs through an abbreviated emergency application to facilitate timely delivery of DWG assistance in response to a disaster event. These applications must be submitted to ETA within 15 days of the declaration of a qualifying disaster

declaration by FEMA or other Federal agency having jurisdiction over the disaster. With appropriate justification, applicants may request an exception to this requirement, to allow for the submission of the emergency application within a reasonable timeframe after Day 15. Applicants also have the option to submit a full application containing a budget and plan, in lieu of an emergency application.

Full Application. Within 60 business days following an award of Disaster Recovery DWG funds requested via an emergency application, the grantee must modify the grant to provide a full application. This includes a budget, implementation plan, and a list of worksites where the disaster relief work will be performed. ETA may also require the grantee to submit additional information per the special conditions of the initial DWG award. Modification procedures are addressed in the *Application Requirements* section found later in this document.

Mitigation. Generally, disaster relief employment under Disaster Recovery DWGs will not be authorized for activities that are designed to mitigate future disasters. DWG activities may help mitigate the ongoing effects of the disaster and prevent future disaster only where such activities are necessarily part of temporary employment to clean up or provide humanitarian assistance to victims of the disaster or emergency that served as the grant's qualifying event. For example, DWG-funded disaster-relief employment may support installing a new tornado siren system to replace one destroyed by a tornado, but it cannot support installing a tornado siren system not previously available in the disaster-affected area. DWG funds may support mitigation work only within the requirements of WIOA Section 170(d)(1) for disaster relief employment.

Coordination with Emergency Management Agencies. The grantee must coordinate the activities funded under a Disaster Recovery DWG with the appropriate organizations, including state emergency management agencies, to avoid duplication of efforts and to ensure that its activities appropriately respond to the affected community's needs after a disaster. The grantee must coordinate with Federal agencies handling the Federal response to the disaster or emergency, either through direct contact or contact with state agencies coordinating with these Federal agencies.

The grantee must have a plan in place to recover WIOA funds expended for activities or services for which other funds become available. Examples include, but are not limited to: activities/resources provided by FEMA or other Federal agencies; public or private insurance; and construction workers employed by private for-profit firms whose employment is covered by other available resources.

Health and Safety Standards. In all DWG projects, grantees must ensure that project participants follow the same health and safety standards established under Federal and state law applicable to working conditions of permanent employees. To the extent that state workers' compensation law applies, workers' compensation shall be provided to project participants on the same basis as individuals in similar employment, as required by WIOA Section 181(b)(4). In cases in which a project participant is not covered under a state workers' compensation law, the project participant must be provided with adequate on-site medical and accident insurance for work-related activities. The grantee must also ensure that project participants receive appropriate safety training in accordance with the Occupational Safety and Health Act (OSHA) of 1970 and assure safe working conditions. For more information, contact the OSHA field office. A listing of OSHA field offices is available at <http://www.osha.gov/html/RAmap.html>.

Additional Disaster Events. Disaster Recovery DWG funds awarded to a grantee may be available for expenditure for additional declared disasters or situations of national significance that occur in the same program year the funds were awarded. The addition of disaster events to an existing DWG project requires prior approval from ETA through a grant modification request.

## **B. Employment Recovery DWGs**

### ***Description***

Employment Recovery DWGs provide resources to states and other eligible applicants to respond to major economic dislocations, such as large, unexpected layoff events that cause significant job losses. The Secretary of Labor has the discretion to award DWGs to eligible entities where the eligible entity can demonstrate the need for additional funds to provide employment and training assistance to workers affected by major economic dislocations, such as plant closures and mass layoffs. This also could include closures and realignments of military installations. ETA will examine each application on a case-by-case basis to determine if the applicant has demonstrated need. Employment Recovery DWGs provide employment and training assistance to dislocated workers and other eligible participants as described below.

### ***Qualifying Layoff Events***

The following dislocation scenarios could qualify for Employment Recovery DWGs under 20 CFR 687.110(a).

Mass Layoff or Plant Closure. Layoffs or plant closures affecting 50 or more workers from one employer within the service area of the applicant may qualify for Mass Layoff or Plant Closure Employment Recovery DWGs. An applicant may include smaller layoffs at other companies in the area if the primary layoff caused or contributed to the smaller layoffs.

Industry-Wide Layoffs. Layoff events from multiple companies in the same industry, as determined by the two-digit code level in the North American Industrial Classification System (NAICS), may qualify for Industry-Wide Employment Recovery DWGs. Additional layoffs affecting fewer than 50 workers may be included in an industry-wide DWG application when there is at least one company with a layoff affecting 50 or more workers 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 12 months that have significantly increased the number of unemployed individuals in a regional or local workforce area may qualify for a Community Impact Employment Recovery DWG. Community impact grants typically serve rural areas where the employer base is predominantly smaller companies with fewer than 50 employees each, and where layoffs may not meet the definition of “mass layoffs” noted above.

### ***Eligible Applicants***

Eligible applicants for Employment Recovery DWGs include:

1. a state or outlying area, or a consortium of states;
2. a local Workforce Development Board (WDB) or a consortium of WDBs;
3. an entity eligible for funding through the Indian and Native American program in WIOA Section 166(c);
4. entities determined to be appropriate by the governor of the state or outlying area involved;

- a. To be eligible, such entities must attach a signed letter from the Governor, on official letterhead, identifying the organization and indicating why the Governor has determined it appropriate to carry out a DWG project.
5. and entities that demonstrate to the Secretary of Labor their capability to effectively respond to circumstances related to particular dislocations.
  - a. To demonstrate its capability to the Secretary, such an applicant must submit documentation that the applicant has:
    - i. expertise with workforce development or training;
    - ii. the geographic or administrative reach to handle large-scale workforce issues;
    - iii. financial and administrative capability to administer a Federal grant; and
    - iv. a letter of support for its DWG application from its state workforce agency and WDBs for the geographic area(s) the DWG will serve.

In cases where the applicant is not the state workforce agency that receives WIOA Dislocated Worker (DW) formula funds, the applicant must work collaboratively with its state workforce agency to ensure that the applicant coordinates with the state's Rapid Response efforts for which the state workforce agency is responsible.

### ***Eligible Participants<sup>2</sup>***

For most Employment Recovery DWGs, the following individuals are eligible to receive employment and training assistance:

1. a dislocated worker as defined in WIOA Section 3(15);
2. a civilian employee of the Department of Defense or the Department of Energy employed at a military installation that is being closed, or that will undergo realignment, within the next 24 months after the date of the determination of eligibility;
3. an individual who is employed in a non-managerial position with a Department of Defense contractor, who is determined by the Secretary of Defense to be at risk of termination from employment as a result of reductions in defense expenditures, and whose employer is converting operations from defense to nondefense applications in order to prevent worker layoffs; or
4. a member of the Armed Forces who:
  - a. was on active duty or full-time National Guard duty;
  - b. is involuntarily separated (as defined in section 1141 of title 10, United States Code) from active duty or full-time National Guard duty; or is separated from active duty or full-time National Guard duty pursuant to a special separation benefits program under 10 U.S.C. 1174a, or the voluntary separation incentive program under section 1175 of that title;
  - c. is not entitled to retired or retained pay incident to the separation described in Subclause b above; and
  - d. applies for employment and training assistance within 180 days of that separation.

Where these laws and policies do not conflict with WIOA, ETA typically defers to established state statutory definitions or policies set by Governors and local boards in further determining which individuals are eligible participants for DWG-supported services. However, DWG grantees are

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<sup>2</sup> Employment Recovery DWGs for Dislocated Service Members have more specific eligibility requirements. See Section 2.C. for these requirements.

encouraged to give precedence for grant participation to those individuals directly affected by the layoff(s) identified in the application establishing eligibility to apply for the DWG.

### ***Co-Enrollment with Trade Adjustment Assistance***

ETA no longer requires a separate DWG application to cover trade-affected workers; instead, trade-affected workers may be served under Employment Recovery DWGs as applicable. ETA strongly encourages co-enrollment with appropriate programs for eligible individuals, including those who are trade-affected.

Employment Recovery DWGs may provide DWG participants who are trade-affected with allowable services not otherwise provided by the TAA Program. Generally, the TAA Program provides employment and case management services, training, income support, and job search and relocation allowances for eligible adversely affected workers and employment and case management services and training for eligible adversely affected incumbent workers.

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, in accordance with Sections 236 and 239 of the Act. Under certain circumstances, the costs of training may be shared across TAA and DW formula or DWG programs. However, states may not use TAA funds to reimburse training costs incurred and TAA funds cannot be utilized before a participant is determined eligible for TAA. Additionally, the TAA Governor-Secretary Agreement, Section D, requires that the TAA Program will be the primary source of assistance to trade-affected workers. To the extent trade-affected workers 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), the state will make such assistance available through the American Job Center network. This provision includes services provided by DWGs.

Trade-affected workers may receive DWG-funded training if their required training is not covered by the TAA Program. The examples below also describe how DWG funds can be used to assist trade-affected workers:

1. If trade-affected workers are unable to begin a training program immediately, the DWG may fund training for a limited time period. Grantees must have systems in place to accommodate a change in the funding of training. In this instance, any training proposed with DWG funds to trade-affected 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.
2. When a TAA petition has been filed by or on behalf of a group of workers but group eligibility has not yet been determined, DWG funding may be used for training in the short-term until a certification is rendered after a completed TAA investigation, and the state agency operating the TAA Program determines the worker's individual eligibility. Grantees must have systems in place to accommodate a change in the funding of training, after TAA Program approval is obtained. Such a participant should remain co-enrolled in the DWG and the TAA Program, as the individual may need continued career and supportive services provided through the DWG.

3. In the event that sufficient state TAA funds and sufficient WIOA DW formula funds are not available to provide training to the affected workers, a grantee may use DWG funds to provide training.

For more information and other specific requirements on the TAA Program, see <https://www.doleta.gov/tradeact/>.

### ***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 target group of workers is 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.

Grant applications may be submitted under emergency status for sudden or unexpected mass layoff events, such as an unannounced facility closure or the destruction of a place of employment due to a fire. This streamlined and shorter emergency application must be submitted no later than 15 days after the event occurs, otherwise, applicants should submit a full application; at the discretion of the grant officer, emergency applications may be accepted more than 15 days after the qualifying layoff event with appropriate justification. The applicant must submit a full application within 60 business days following the date of award. By this time, applicants should have access to data to support a full application.

### ***Allowable Activities***

Employment and Training Assistance. For Employment Recovery DWGs, the term "employment and training assistance" includes career services, training services, and supportive services, as described below.

*Career Services.* Career services are described in WIOA Section 134(c)(2); 20 CFR Part 680; and TEGL 16-16 Section C. These include several services and activities to help support dislocated workers in making informed decisions based on local and regional economic demand for the purpose of achieving reemployment and education goals. These include but are not limited to: outreach, intake, labor exchange services, initial and comprehensive assessments, development of an individual employment plan, referral, provision of labor market information, provision of information on eligible training providers, and provision of information on the availability of supportive services.

*Training Services.* As described in WIOA Section 134(c)(3)(D), training services are allowable under Economic Recovery DWGs and may include: occupational training, on-the-job training (including apprenticeships), entrepreneurial training, and customized training. DWG funds may be used to reimburse up to 50 percent of the wage rate for on-the-job training or up to the reimbursement percentage the Governor or local board has approved for on-the-job training for WIOA formula programs according to the criteria outlined in WIOA Section 134(c)(3)(H) and 20 CFR 680.730. The use of DWG funds for training is subject to the limitations or requirements as applicable to the WIOA Dislocated Worker formula program delineated in 20 CFR part 680 and TEGL 19-16, *Guidance on Services Provided through the Adult and Dislocated Worker Programs under the Workforce Innovation and Opportunity Act (WIOA) and the Wagner Peyser Act Employment Service (ES), as amended by title III of WIOA, and for Implementation of the WIOA Final Rules.*

*Supportive Services.* Supportive services are allowable when they are needed to enable individuals to participate in disaster-relief employment and employment and training services and when supportive services cannot be obtained through other programs. Supportive service policies for a disaster project must align with the state or local area supportive service policy; any supportive services provided must be consistent with WIOA.

*Needs-Related Payments (NRPs).* NRPs are a category of Supportive Services. As defined in WIOA Section 134(d)(3), NRPs are allowable for DWG participants who are unemployed and do not qualify for (or have ceased to qualify for) unemployment compensation to enable them to participate in training services. NRPs offered under a DWG must adhere to state and local area policies and procedures in place for all participants. Policies and procedures may not be specifically created for DWG participants. Applicants who plan to offer NRPs to DWG participants must include a copy of the applicable NRP policies as part of the grant submission.

If the dislocated worker has ceased to qualify for unemployment compensation, they are still eligible for NRPs if they meet the 13-week deadline for enrollment in training requirement described in WIOA Section 134(d)(3)(B) and 20 CFR 680.950.

#### ***Factors Considered in Awarding DWGs and Award Amounts***

The Employment Recovery DWG program, as grants are awarded at the Secretary's discretion, to assist grant recipients in dealing with dislocation events, such as layoffs and plant closures that cannot be handled through the local workforce development system's normal capacity. ETA will determine whether the dislocation exceeds the normal capacity of the local workforce system on a case-by-case basis. ETA sets no firm requirements that applicants must meet to demonstrate this demand beyond the normal capacity of the local workforce system. Among other factors, ETA may consider the level of expenditure of the applicant's *prior* program year total available DW formula funds (including Rapid Response and carry-in). Other factors ETA will consider include including the quality of the proposed project, the severity of job loss qualifying event, and the applicant's past performance in administering the WIOA Title I Dislocated Worker program or prior DWG awards. ETA may use quarterly financial reports (ETA-9130 form) to verify expenditures and transfers to the Adult program, and may use disbursement reports to verify the fund usage between quarterly reporting periods.

#### ***Adding Employers***

If a grantee wants to add employers to a DWG project not included in the initial grant award, the grantee should submit a grant modification request within the same program year in which the grant award was made. 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. Grantees must administer DWG projects for the original purpose under which the funds were awarded.

### **C. Special Populations DWGs**

One sub-type of Employment Recovery DWGs targets a specific population: DWGs for Dislocated Service Members. These follow the framework for Employment Recovery DWGs, with more specific requirements for qualifying events, eligible participants, and allowable activities, as described below.

***a. DWGs 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 dislocated military spouses that exceeds state and local resources for providing such activities.

***Qualifying Layoff Events***

**Higher-than-Average Demand.** Generally, ETA expects that existing WIOA formula funds are available to provide transition assistance services for most separating service members. Additionally, these services are provided in conjunction with resources made available through the Jobs for Veterans State Grants program and transition assistance programs administered by the Department of Labor's Veterans' Employment and Training Service (VETS), the Department of Veterans Affairs, and the Department of Defense. However, when communities experience a higher-than-average demand for services for dislocated members of the Armed Forces and dislocated military spouses, and where additional funding is needed to meet the demand, an applicant may apply for DWG resources.

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 most recent quarter for which data is available, compared to the same quarter one year ago. Appropriate sources of data include, but are not limited to, workforce data and Unemployment Compensation for Ex-service members (UCX) data. Service members with notification before separation may be included in the calculation of higher-than-average demand.

Local board applicants should coordinate with states to obtain data to determine the demand from military service members for employment and training services. WIOA Section 166 Indian and Native American program applicants can coordinate with states to obtain such data, and ETA will consider alternative data.

In cases where the state workforce agency that receives DW formula funding is not the applicant, the applicant must work collaboratively with its state workforce agency to ensure coordination with the state's Rapid Response efforts and to assist in performance and fiscal reporting requirements for which the state workforce agency is responsible.

***Eligible Participants***

Under 20 CFR 687.170(a)(1)(iv), eligible participants for DWGs for Dislocated Service Members include the eligible participants for Employment Recovery DWGs, as listed above, and also the following:

1. Dislocated members of the Armed Forces (service members who are transitioning to the civilian workforce), including recently-separated veterans. This includes all members of the Armed Forces who were discharged under conditions other than dishonorable.<sup>3</sup>

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<sup>3</sup> A basic requirement to qualify as a dislocated worker is that the worker be terminated or laid-off. The term "terminated" is not defined in the WIOA statute or regulations. It is Department of Labor policy that being discharged, under conditions other than dishonorable, either voluntarily or involuntarily,

2. Dislocated spouses of members of the Armed Forces on active duty, including spouses who have experienced a loss of employment as a direct result of relocation to accommodate a permanent change in the service member’s duty station, or a spouse who:
  - a. is a dependent spouse of a member of the Armed Forces on active duty whose family income is significantly reduced—as determined by statutes or policies of the state or local area for defining “significantly reduced”—because of a deployment, a call or order to active duty, a permanent change of station, or the service-connected death or disability of the service member; and
  - b. is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment (see WIOA sections 3(15)(E) and 3(16)(A) and (B)); or
3. A member of the Armed Forces who<sup>4</sup>:
  - a. was on active duty or full-time National Guard duty (as defined in 10 U.S.C. 1141) and is involuntarily separated, or is separated under the special separation benefits program at 10 U.S.C. 1174(a) or the voluntary separation incentive program at 10 U.S.C. 1175;
  - b. is not entitled to retired or retained pay incident to the separation; and
  - c. applies for employment and training assistance within 180 days of separation.

***Allowable Activities***

Allowable activities for DWGs for Dislocated Service Members are the same as those described in Section 2.B., Employment Recovery DWGs, above. These projects should be coordinated with other veterans’ programs to avoid duplication of services, and ensure participants receive applicable services and benefits.

<b>Section 3</b>	<b>Grant Funding Approach</b>
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***Incremental Funding***

The Department typically funds DWG awards on an incremental basis, although on rare occasions, it may award funds in full or in larger-than-typical increments, depending on factors such as the severity of the disaster and the viability of a proposed project. The obligation of subsequent funding increments is based on a recipient’s justification for the additional funds and continued demonstrated need, as evidenced by productive enrollments and expenditures. Grantees may request funding when expenditures have reached approximately 70 percent of the total DWG funds awarded to date. ETA may also use the fiscal systems in place to track actual fund disbursements to grantees, in order to verify the usage of funds between quarterly reporting periods, or review grantee quarterly performance reports (QPRs) to ensure that program goals are being met or are on track. Grantees must adhere to the financial management and reporting requirements of the Office of Management and Budget’s Uniform Guidance at 2 CFR Part 200, the Uniform Guidance’s DOL exceptions at 2 CFR Part 2900, TEGGL 28-10, *Federal Financial Management and Reporting Definitions*, and other guidance applicable to DWG funds.

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terminates the employment relationship between the individual and the military for the purposes of the WIOA definition of a dislocated worker. To be eligible, the separating or separated service member must also satisfy other criteria for dislocated worker eligibility, including the requirement that the individual is “unlikely to return to a previous industry or occupation.”)

For Disaster Recovery DWGs, the Department generally awards one-third of the requested funding amount, with an approved funding threshold equal to the funding request. This initial increment allows the state to immediately enroll DWG participants to begin recovery activities, while also finishing damage assessments and developing a full application complete with budget and implementation plan. The initial incremental award may also take into account the state’s experiences with past disaster grants. For Disaster Recovery DWGs, grantees may request additional increments after the submission of the full application and when the project demonstrates continued need as evidenced by productive enrollments and expenditures (generally 70 percent) of the total funds awarded to date.

***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 of all funds awarded to date prior to a request for additional funding. ETA may also use records on Federal disbursements to grantees, which are tracked in real time, to verify the use of funds between quarterly reporting periods. Additionally, ETA reviews grant QPR submissions to evaluate the grant’s progress relative to initial projections, as well as to ensure compliance with performance reporting requirements. The grantee must also provide a justification for additional funding that addresses the changes in project requirements that exceeded the initial planning assumptions.

<b>Section 4</b>	<b>Period of Performance and Period of Expenditure</b>
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DWGs are generally approved for a 24-month period of performance. A DWG grantee may request a modification to extend the period of performance with adequate justification, and within the period of expenditure.

Generally the period of expenditure for DWG funds begins at the month and year in which the Department awards those funds, continues through the months remaining in the program year, plus two subsequent program years. The period of expenditure also applies to the award of incremental and supplemental funding.

<b>Section 5</b>	<b>DWG Cost Limitations</b>
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***Uniform Guidance***

All proposed project costs must be necessary, reasonable, and in accordance with Federal guidelines. ETA will determine allowable costs in accordance with the Cost Principles, now found in the Office of Management and Budget’s Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Uniform Guidance), codified at 2 CFR Part 200 and at 2 CFR Part 2900 (Uniform Guidance-DOL specific). Disallowed costs are those charges to a grant that the grantor agency or its representative determines not to be allowed in accordance with the Cost Principles or other conditions contained in the grant. Applicants, whether successful or not, will not be entitled to reimbursement of pre-award costs.

### ***Indirect Costs***

As specified in the Uniform Guidance Cost Principles, indirect costs are those that have been incurred for common or joint objectives and cannot be readily identified with a particular final cost objective. An indirect cost rate is required when an organization operates under more than one grant or other activity, whether Federally-assisted or not. Grantees have two options to claim reimbursement of indirect costs.

**Option 1:** Grantees may use a Negotiated Indirect Cost Rate Agreement (NICRA, see 2 CFR Part 200 Appendix VII) or Cost Allocation Plan (CAP, see 2 CFR Part 200 Appendix V) supplied by the Federal Cognizant Agency. If grantees do not have a NICRA/CAP or have a pending NICRA/CAP, and in either case choose to include estimated indirect costs in your budget, at the time of award the Grant Officer will release funds in the amount of 10 percent of salaries and wages to support indirect costs. Within 90 days of award, grantees must submit an acceptable indirect cost proposal or CAP to its Federal Cognizant Agency to obtain a provisional indirect cost rate.

**Option 2:** Any organization that has never received a negotiated indirect cost rate, with the exceptions noted at 2 CFR 200.414(f) in the Cost Principles, may elect to charge a de minimis rate of 10 percent of modified total direct costs (see 2 CFR 200.68 for definition), which may be used indefinitely. If a grantee choose this option, this methodology must be used consistently for all Federal awards until such time as it chooses to negotiate for an indirect cost rate, which it may apply to do at any time. (See 2 CFR 200.414(f) for more information on use of the de minimis rate.)

Indirect costs charged to a grant must be accompanied by a current NICRA or CAP, which has been approved by the cognizant Federal agency.

***Administrative Costs.*** Subject to negotiation during the application review and grant award and modification processes, ETA applies administrative cost limitations to all DWGs, as follows.

1. If a state is the DWG recipient and one or more local areas operate the DWG project, 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 of the award).
2. If a state is the DWG recipient and also acting as project operator, total administrative costs must not exceed 10 percent.
3. If a local area is the DWG recipient, total administrative costs must not exceed 10 percent.
4. ETA will negotiate administrative cost limitations with all other DWG recipients.

WIOA Title I functions and activities that constitute administrative costs are identified at 20 CFR 683.215. Administrative costs include both direct and indirect costs.

### ***Cost per Participant***

Additionally, ETA will assess the overall cost per participant associated with DWG funding requests, which is the total funding request divided by the number of participants projected to be served by the grant. This cost accounts for participant services and administrative costs across total enrollments. While this is not a stand-alone metric, it may provide a baseline measure for the reasonableness of the funding request when assessed in conjunction with other components of the

DWG's proposed implementation. ETA may consider one or more of the following for the cost-per-participant analysis in Employment Recovery and Disaster Recovery DWGs.

- For Employment Recovery DWGs, 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 Dislocated Worker formula-funded program. If the proposed project has a cost per participant that 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.
- For Disaster Recovery DWGs, the cost per participant may be assessed against the same cost exhibited in other disaster projects similar in size, scope, and geographic area served. The cost per participant for a disaster project accounts for the wages, fringe benefits, and supportive services provided to the disaster relief participants, as well as the administrative costs of the project, collectively allocated across total enrollments.

<b>Section 6</b>	<b>Administrative Policies</b>
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### ***Waivers***

The Department cannot waive the statutory and regulatory requirements of DWGs, which are outside the waiver authority at WIOA Section 189(i).

However, under 20 CFR 687.190, if a WIOA statutory or regulatory waiver already has been approved for a state's formula-funded WIOA programs, it may be applied to DWGs carried out in that state. A grant application seeking to apply the waiver must include a description of the approved waiver and request that it be applied to the DWG. The Department will consider such requests as part of the overall DWG application review and decision process, but applicants may not use this process to request new waivers. The process for requesting a WIOA waiver is separate from the DWG application process. See TEGL 8-18, *Workforce Innovation and Opportunity Act (WIOA) Title I and Wagner-Peyser Act Waiver Requirements and Request Process*, for instructions on requesting a WIOA waiver.

Similarly, grantees may request already-approved statutory or regulatory waivers for a state's formula-funded WIOA programs be extended to their DWG through a grant modification request. This modification request also must describe the waiver and request application of the waiver to DWG.

In requesting that an already-approved waiver be applied, a DWG application or modification must include a copy of the relevant waiver approval letter(s) addressed to the Governor.

### ***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. Veterans and eligible spouses

who meet DWG eligibility will receive priority of service for training made available under DWGs as described in TEGl No. 10-09, “Implementing Priority of Service for Veterans and Eligible Spouses in all Qualified Job Training Programs Funded in whole or in part by the U.S. Department of Labor (DOL).”

### ***Consistent Services***

On projects with multiple regional, local, or state sub-recipients, ETA will award the DWG to one entity designated as grant recipient. The project should be designed to operate under a consistent set of service policies and procedures. 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. The provision of employment and training assistance through DWGs must reflect the activities authorized at Sections 134(c) through (d) of WIOA and 20 CFR Part 680 and at 20 CFR 687.180. The particular services to be provided in a project are negotiated between the Department and the grantee, taking into account the needs of the target population covered by the grant, and may be changed through grant modifications, if required. Generally, the supportive services provided through a DWG must be consistent with the local policies applicable for the provision of such services using Dislocated Worker formula funding. This includes needs-related payment levels and the duration of payments.

### ***Early Intervention and Rapid Response***

ETA recognizes the value of early intervention as a critical component of successful workforce transition efforts. Typically carried out by state or local Rapid Response teams, early intervention activities have shown to be important in helping workers affected by dislocations to return to new employment as quickly as possible.

For Employment Recovery DWGs, early intervention activities are important in gathering demographic information and identifying the needs and interests of affected workers. Therefore, DWG applications should reflect the results of the early intervention processes and strategies, including business engagement efforts. Projects should use the appropriate methods, including surveys, to collect assessments, demographic information, and interest in participating in services. This data provides a rationale for enrollment estimates and justifies that proposed grant activities will meet the needs of the participants.

To maximize the effectiveness of early intervention strategies for dislocated workers, and to deliver services while a DWG application is pending, states are encouraged to use the flexibility contained in WIOA to provide comprehensive rapid response services, when funds are available. DWGs are part of a continuum of services addressing the workforce and economic impacts of substantial job loss, a continuum that aligns strategic workforce development planning with economic development priorities. Where possible, states and local workforce areas should focus on preventing or minimizing the impacts of dislocation through layoff aversion efforts under the Rapid Response program prior to requesting supplemental funds through a DWG. More information on Rapid Response and allowable layoff aversion activities may be found in TEGl 19-16.

When funds are available, states should consider providing additional assistance through Rapid Response, per 20 CFR 682.350, to local areas impacted by significant layoffs to allow the local area(s) to start delivery of individualized reemployment assistance as soon as dislocated workers become eligible for WIOA services.

### ***Other Terms***

The Department may negotiate and fund projects under terms other than those specified in these DWG guidelines when applicants can demonstrate that such adjustments will achieve a greater positive benefit for the workers and/or the communities assisted and provided the altered terms are allowable under WIOA and 20 CFR part 687.

<b>Section 7</b>	<b>Applicants</b>
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### ***Application Submission***

Applications for DWG funding are accepted at any time, provided the appropriated funding for the DWG program is available. The application must meet the requirements outlined in Section 170 of WIOA and implementing regulations at 20 CFR 687.100 - 200, and this DWG operational guidance. Applications not meeting the necessary requirements may be returned for revision, and applicants may resubmit an amended funding request.

For detailed instructions on applying for DWGs see [https://www.doleta.gov/grants/application\\_howto.cfm](https://www.doleta.gov/grants/application_howto.cfm).

### ***DUNS and Sam.gov Registration***

Submission requirements stipulate that all applicants for Federal grant and funding opportunities must have a Data Universal Numbering System (D-U-N-S®) number and must supply their D-U-N-S® number on the SF-424.

Before submitting their application, applicants must also ensure their registration with the System for Award Management (SAM) is current. Applicants may find instructions for registering with SAM at <https://sam.gov/SAM/>. A grantee must maintain an active SAM registration with current information at all times during which it has an active Federal award or an application under consideration. To remain registered in the SAM database after the initial registration, entities must review and update the registration at least every 12 months from the date of initial registration. Failure to register with SAM and maintain an active account will result in Grants.gov rejecting the application submission.

### ***Risk Review***

At its discretion, ETA intends to fund applicants who adequately demonstrate eligibility according to the application requirements. ETA may elect to award a grant with or without discussions with the applicant. Should ETA award a grant without discussions, ETA will base the award on the applicant's signature on the SF-424, including electronic signature, which constitutes a binding offer by the applicant.

*NOTE: The Department will determine if the applicant had any restriction on spending for any ETA grant due to adverse monitoring findings within the past three years. Depending on the severity of the findings, the Grant Officer may elect to not provide the applicant a grant award or to impose conditions on the award.*

All applications deemed to be complete and responsive by the Grant Officer will go through a risk review process. Before making an award, ETA will review information available through any OMB-designated repository of government-wide eligibility qualification or Federal integrity information, such as the

Federal Awardee Performance and Integrity System (FAPIS), Dun and Bradstreet, and “Do Not Pay.” Additionally, ETA will comply with the requirements of 2 CFR Part 180 (Government-wide Debarment and Suspension Non-Procurement). This risk evaluation may incorporate results of the evaluation of the applicant’s eligibility (application screening) or the quality of its application (technical review). If ETA determines that an entity is responsible and an award will be made, special conditions that correspond to the degree of risk assessed may be applied to the award. Risk-related criteria evaluated include:

1. Financial stability;
2. Quality of management systems and ability to meet the management standards prescribed in the Uniform Grant Guidance;
3. History of performance as evident in the applicant’s record in managing awards, cooperative agreements, or procurement awards, if it is a prior recipient of such Federal awards, including timeliness of compliance with applicable reporting requirements and responses to terms and conditions, and if available, the extent to which any previously awarded amounts will be expended prior to future awards;
4. Reports and findings from audits performed under Subpart F – Audit Requirements of the Uniform Grant Guidance (2 CFR Sections 200.500 – 200.520) or the reports and findings of any other available audits and monitoring reports containing finds, issues of non-compliance, or questioned costs; and
5. The applicant’s ability to effectively implement statutory, regulatory, or other requirements imposed on recipients.

Selection of an organization as a recipient does not constitute approval of the grant application as submitted. Before the actual grant is awarded, the Department may enter into negotiations about such items as program components, staffing and funding levels, and administrative systems in place to support grant implementation, as well as impose additional requirements on the grant-supported activities the applicant proposed. If the negotiations do not result in a mutually acceptable submission, the Grant Officer reserves the right to terminate the negotiations and decline to fund the application. The Department reserves the right to not fund any application related to this TEG.

### ***Award Procedures***

Within 45 working days of the receipt of an application meeting submission requirements, the Department will make a decision to approve or disapprove the request. Awards are based on the availability of Federal funding, and are made at the Department’s discretion. The Department will issue a notice of award for successful applications no later than 10 days following the Secretary’s approval of the grant award.

<b>Section 8</b>	<b>Performance Targets and Reporting</b>
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### ***Performance Goals***

For grantees that are states or outlying areas, state performance goals for the title I WIOA Dislocated Worker program serve as a basis for each DWG’s performance goals. ETA negotiates with states to determine acceptable performance targets for the title I Dislocated Worker program, including the use of statistical regression model targets. These goals will be used for DWGs unless applicants request

additional considerations in setting performance targets for an individual grant. Grantees that are local areas utilize goals negotiated with the state for the title I Dislocated Worker program. Grantees that are entities described in WIOA Section 166(c) Indian and Native American program should use goals established for that program as a basis for DWG performance targets. Goals approved in the DWG application serve as final performance targets. For all other eligible entities that are grantees, goals approved in the DWG application serve as final performance targets. As mentioned in Section 3, previous performance in the title I Dislocated Worker program and previous DWGs may be a factor in ETA's grant funding approach.

**Reporting**

DWG grantees must submit Quarterly Performance and Quarterly Narrative Reports in accordance with TEGL 14-18, *Aligning Performance Accountability Reporting, Definitions, and Policies Across Workforce Employment and Training Programs Administered by the U.S. Department of Labor (DOL)*, Attachment 6.

Further resources and information on DWG performance are available on the DWG performance web page, <https://www.doleta.gov/DWGs/Performance-and-Reporting-Resources/>.

DWG grantees must submit financial reports using the ETA-9130 (G) Financial Report, including training expenditures under Section 11c. Guidance and instructions are available at the following link: [https://www.doleta.gov/grants/financial\\_reporting.cfm](https://www.doleta.gov/grants/financial_reporting.cfm).

<b>Section 9</b>	<b>Post-Award Policies</b>
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DWG recipients must request and obtain prior written approval for revisions to a grant project, per the Uniform Guidance at 2 CFR 200.308. In order to request such changes (e.g., statement of work changes, budget realignments, and period of performance extensions) recipients must submit modifications to address the changing circumstances affecting the project's implementation. Recipients must also submit DWG modifications to respond to special conditions of award, or to request incremental or supplemental funding. For additional information on the DWG modification process, go to the following link: [https://www.doleta.gov/grants/application\\_howto.cfm](https://www.doleta.gov/grants/application_howto.cfm)

Grantees must adhere to the Project Implementation Plan submission requirements of their respective regional office. Unless otherwise specified by the regional office, each grantee must 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.