

SUBMISSION GUIDANCE FOR EMPLOYMENT RECOVERY DISLOCATED WORKER GRANTS (DWG) PILOT

EXECUTIVE SUMMARY:

The Employment and Training Administration (ETA), U.S. Department of Labor (DOL, or the Department, or we), announces a pilot for an alternative DWG application process that should only be used for those seeking an **Employment Recovery DWG** for mass layoffs or plant closures. Applications for disasters, emergency dislocations, Trade - impacted workers, and military service members must continue to use the Dislocated Worker Grant electronic application system (e-System).

PROGRAM PURPOSE

Employment Recovery DWGs are discretionary awards that temporarily expand service capacity at the State and local levels through time-limited funding assistance in response to major economic dislocations under section 170(b)(1)(A) of the Workforce Innovation and Opportunity Act (WIOA). These DWGs provide direct services and assistance to dislocated workers.

The purpose of this program is to temporarily expand capacity to serve dislocated workers, in order to meet the increased demand for WIOA employment and training services. The goal of these services is to enhance the employability and earnings of the laid off workers, helping them to find sustainable jobs. For applications under this TEG, the significant dislocation event must be a mass layoff or plant closure affecting 50 or more workers.

The DWG program provides funding to temporarily expand service capacity at the state and local levels in response to significant dislocation events. Significant events are those that create a sudden need for assistance that one cannot reasonably expect accommodation within the ongoing operations of the formula-funded Dislocated Worker program, including the discretionary resources reserved at the state level.

ALLOWABLE ACTIVITIES

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, 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, grantees may use DWG funds 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 WIOA section 134(c)(3)(H). The use of DWG funds for training are subject to the same limitations or requirements as delineated in WIOA and its implementing regulations.

Transitional jobs provide subsidized work experiences and are an allowable training service for DWG participants. WIOA section 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, 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 section 134(d)(3) and the terms and conditions of the grant.

PROGRAM AUTHORITY

This program is authorized by WIOA section 170(b)(1)(A).

AWARD INFORMATION

DOL expects this pilot to fund up to nine Employment Recovery DWGs for Mass Layoffs and Plant Closures. Awards made under this pilot are subject to the availability of Federal funds. DOL can fund applications for DWGs in whole or in part. DOL typically awards DWGs on an incremental basis with the release of subsequent funding increments based on demonstrated need, as evidenced by enrolled participants, accrued expenditures and a reasonable cost per participant. ETA uses the quarterly ETA 9130 financial reports submitted by grantees to monitor such accrued expenditures. Grantees may request funding for DWGs after they have expended 70 percent of the prior Program Year Dislocated Worker Formula funds award. Cash disbursements from the Federal level to the grantees, which are tracked in real time via the Payment Management System (PMS), 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 how the funds will be used, as well as any changes in project requirements that do not align with the initial planning assumptions. Since the ETA 9130 does not delineate local expenditures, local board applicants must provide documentation in the application supporting a 70 percent expenditure rate.

DOL provides further guidance on financial management and reporting definitions in ETA TEGL 28-10, “Federal Financial Management and Reporting Definitions”, which we will update 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.

If a DWG project funding need exceeds the approved award amount, a grantee may request supplemental funding to complete the project. Similar to the release of incremental funding, the award of supplemental funds is based on demonstrated need, as evidenced by enrolled participants, accrued expenditures and a reasonable cost per participant. ETA will neither review nor approve a request for supplemental funding, if the 70 percent expenditure rate has not been met.

Once awarded, modifications, supplemental and incremental requests must be submitted as follows:

- Modifications - Must be submitted directly to the Federal Project Officer
- Incremental - Must be submitted directly to the Federal Project Officer
- Supplemental - Must be submitted using Grants.gov as instructed in this guidance

Additional information on the grant terms mentioned above can be found in TEGL 02-15 “Operational Guidance of National Dislocated Worker Grants, pursuant to the Workforce Innovation and Opportunity Act (WIOA or Opportunity Act).”

PERIOD OF PERFORMANCE

Generally, planned durations for DWG projects should not exceed 24 months. However, 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.)

ELIGIBILITY

DWG applications should be submitted within 120 days of a qualifying significant dislocation 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.

APPLICANTS

Eligible applicants for DWG funds 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.

In cases where the state is not the applicant, ETA expects the applicant to 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.

PARTICIPANTS

In order to be eligible to receive employment and training assistance under an Employment Recovery DWG for Mass Layoffs and Plant Closures, an individual must be:

1. A dislocated worker;
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

- c. is separated from active duty or full-time National Guard duty pursuant to a special separation benefits program under section 1174a of title 10, United States Code, or the voluntary separation incentive program under section 1175 of that title;
- d. is not entitled to retired or retained pay incident to the separation described in subclause (b); and
- e. applies for such employment and training assistance before the end of the 180-day period beginning on the date of that separation.

VETERANS' PRIORITY FOR PARTICIPANTS

38 U.S.C. 4215 requires grantees to provide priority of service to veterans and spouses of certain veterans for the receipt of employment, training, and placement services in any job training program directly funded, in whole or in part, by DOL. The regulations implementing this priority of service are at 20 CFR Part 1010. In circumstances where a grant recipient must choose between two qualified candidates for a service, one of whom is a veteran or eligible spouse, the veterans' priority of service provisions require that the grant recipient give the veteran or eligible spouse priority of service by first providing him or her that service. To obtain priority of service, a veteran or spouse must meet the program's eligibility requirements. Grantees must comply with DOL guidance on veterans' priority. ETA's TEGL No. 10-09 (issued November 10, 2009) provides guidance on implementing priority of service for veterans and eligible spouses in all qualified job training programs funded in whole or in part by DOL. TEGL No. 10-09 is available at http://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=2816.

APPLICATION AND SUBMISSION INFORMATION

HOW TO OBTAIN AN APPLICATION PACKAGE

Please find the links and forms needed to apply for grant funding through this pilot application process at: www.grants.gov and http://www.doleta.gov/grants/find_grants.cfm

CONTENT AND FORM OF APPLICATION SUBMISSION

Applications submitted in response to this must consist of five separate and distinct parts:

- (1) SF-424 "Application for Federal Assistance;"
- (2) SF-424A Project Budget;
- (3) Budget Narrative;
- (4) Project Narrative; and
- (5) Attachments to the Project Narrative

The applicant must ensure that the funding amount requested is consistent across all parts and sub-parts of the application.

(1) SF-424, "Application for Federal Assistance"

- You must complete the SF-424, "Application for Federal Assistance" available at http://apply07.grants.gov/apply/forms/sample/SF424_2_1-V2.1.pdf.
- In the address field, fill out the 9 digit (plus hyphen) zip code. Zip codes can be looked up on the USPS website at <https://tools.usps.com/go/ZipLookupAction!input.action>.

The SF-424 must clearly identify the applicant and must be signed by an individual with authority to enter into a grant agreement. Upon confirmation of an award, the individual signing the SF-424 on behalf of the applicant is considered the Authorized Representative of the applicant. As stated in block 21 of the SF-424 form, the signature of the Authorized

Representative on the SF-424 certifies that the organization is in compliance with the Assurances and Certifications form SF-424B (available at <http://apply07.grants.gov/apply/forms/sample/SF424B-V1.1.pdf>). You do not need to submit the SF-424B with the application.

In addition, the applicant's Authorized Representative's signature in block 21 of the SF-424 form constitutes assurance by the applicant of compliance with 29 CFR 37.20.

Requirement for DUNS Number

All applicants for Federal grant and funding opportunities must have a DUNS Number, and must supply their DUNS Number on the SF-424. The DUNS Number is a nine-digit identification number that uniquely identifies business entities. If you do not have a DUNS Number, you can get one for free through the D&B website:

<http://fedgov.dnb.com/webform/displayHomePage.do>

- Grant recipients authorized to make subawards must meet these requirements related to DUNS Numbers
- Grant recipients must notify potential subawardees that no entity may receive a subaward from you unless the entity has provided its DUNS number to you.
- Grant recipients may not make a subaward to an entity unless the entity has provided its DUNS number to you.

Requirement for Registration with SAM

Applicants must register with the System for Award Management (SAM) before submitting an application. Find instructions for registering with SAM can at <https://www.sam.gov>

A recipient 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, the applicant is required to review and update the registration at least every 12 months from the date of initial registration or subsequently update its information in the SAM database to ensure it is current, accurate, and complete. For purposes of this paragraph, the applicant is the entity that meets the eligibility criteria and has the legal authority to apply and to receive the award. If an applicant has not fully complied with these requirements by the time the Grant Officer is ready to make a Federal award, the Grant Officer will contact the applicant directly to discuss next steps.

(2) SF-424A Project Budget

The applicant must complete the SF-424A Budget Information Form (available at: <http://apply07.grants.gov/apply/forms/sample/SF424A-V1.0.pdf>). In preparing the Budget Information Form, you must provide a concise narrative explanation to support the budget request, explained in detail below.

(3) Budget Narrative

Budget Narrative: The budget narrative must provide a description of costs associated with each line item on the SF-424A.

Use the following guidance for preparing the budget narrative:

Personnel: List all staff positions by title (both current and proposed). Give the annual salary of each position, the percentage of each position's time devoted to the project, the amount of each position's salary funded by the grant, and the total personnel cost for the period of performance.

Fringe Benefits: Provide a breakdown of the amounts and percentages that comprise fringe benefit costs such as health insurance, FICA, retirement, etc.

Travel: Specify the purpose, mileage, per diem, estimated number of in-state and out-of-state trips, and other costs for each type of travel.

Equipment: Identify each item of equipment you expect to purchase which has an estimated acquisition cost of \$5,000 or more per unit (or if your capitalization level is less than \$5,000, use your capitalization level) and a useful lifetime of more than one year (see 2 CFR 200.33 for the definition of Equipment). List the quantity and unit cost per item. Items with a unit cost of less than \$5,000 are supplies, not "equipment". In general, we do not permit the purchase of equipment during the last funded year of the grant.

Supplies: Identify categories of supplies (e.g. office supplies) in the detailed budget and list the quantity and unit cost per item. Supplies include all tangible personal property other than "equipment" (see 2 CFR 200.94 for the definition of Supplies).

Contractual: Identify each proposed contract, including project operators, and specify its purpose and estimated cost. If applicable, identify any subrecipient agreements, including purpose and estimated costs. See 2 CFR 200.308(c)(6) for more information on the distinction between contractor and subrecipient.

Construction: Construction costs are not allowed and this line must be left as zero. Minor alterations to adjust an existing space for grant activities (such as a classroom alteration) may be allowable. We do not consider this as construction and you must show the costs on other appropriate lines such as Contractual.

Other: List each item in sufficient detail for us to determine whether the costs are reasonable or allowable. List any item, such as stipends or incentives, not covered elsewhere here.

Indirect Costs: If you include indirect costs in the budget, then include either:

a) the approved indirect cost rate with a copy of the Negotiated Indirect Cost Rate Agreement (NICRA), a description of the base used to calculate indirect costs along with the amount of the base, and the total indirect costs requested,

or

b) if you meet the requirements to use the 10% de minimis rate as described in 2 CFR 200.414(f), then include a description of the modified total direct costs base (see 2 CFR 200.68 for definition) used in the calculation along with the amount of the base, and the total indirect costs requested based on the 10% de minimis rate. See Section 5 under "Funding Restrictions" for more information. Additionally, the following link contains

information regarding the negotiation of Indirect Cost Rates at DOL:
<http://www.dol.gov/oasam/boc/dcd/index.htm>.

Note that the SF-424, SF-424A, and Budget Narrative must include the entire Federal grant amount requested (not just one year).

Applicants should list the same requested Federal grant amount on the SF-424, SF-424A, and budget narrative. If minor inconsistencies are found between the budget amounts specified on the SF-424, SF-424A, and the budget narrative, ETA will consider the SF-424 the official funding amount requested.

(4) Project Narrative

Preparing the Project Narrative

The Project Narrative must demonstrate your capability to implement the grant project in accordance with the provisions of this program. The project narrative provides a comprehensive framework and description of all aspects of the proposed project. It must be succinct, self-explanatory, and well organized so that reviewers can understand the proposed project.

The Project Narrative is limited to 20 double-spaced, single-sided, 8.5 x 11 inch pages with Times New Roman 12 point text font and 1 inch margins. We will not read or consider any materials beyond the specified 20-page limit in the application review process. You must number the Project Narrative beginning with page number 1.

The following instructions provide all of the information needed to complete the Project Narrative. Carefully read and consider each section, and include all required information in your Project Narrative. You must use the same section headers identified below for each section of the Project Narrative:

a. Statement of Need

Applicants must clearly describe the need for services in quantitative and qualitative terms. Specifically, applicants must address the need as outlined below:

Type of Dislocation

The applicant must describe the type of dislocation (i.e. Single, Industry-Wide, or Community Impact) this application will address.

- **Single** – Dislocation at one or more companies where the dislocation from each company impacts 50 or more workers. If at least one company has a dislocation of 50 or more workers, companies with smaller dislocations may be included if the primary event caused or contributed to the smaller dislocations.
- **Industry -Wide** – Multiple company dislocations from companies in the same industry as determined by the two-digit code level in the North American Industrial Classification System (NAICS). Dislocations 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. The project must have a total of 50 impacted workers.

A description of the dislocation event must also be included, specifically,

- The date(s) of the event and cause and effect of the worker dislocations.
- If there is more than one employer dislocation and if they are related (same industry, a manufacturer/supplier relationship, located in the same rural area, etc.).
- If additional dislocations are expected, the applicant must describe the anticipated impact on the local area.

The applicant must provide the following information for each employer to be included in the project:

- Company Name
- Address
- Type of Lay-Off Notification and Date(s) (i.e.: WARN, Public Announcement, Other)
- Layoff Date(s)
- Number of workers affected
- Number of Planned participants
- Labor Organization Representation

Rapid Response Activities

Describe how outreach was provided to the affected workers and if Rapid Response surveys were collected to determine the level of need for reemployment services. The narrative should also explain how the number of planned participants was determined.

The applicant must also describe how the information provided in the Rapid Response surveys was used to support the requested funding amount, including the education and training needs of the affected workers, as well as the workers' interest in participating in education and training. The applicant must describe whether the layoff event or plant closure will necessitate the use of a transition center or if one has already been established.

Also required is a description of the affected workers' expected barriers to employment, their occupational and transferable needs, and their need for supportive services. If Rapid Response surveys were not collected, the applicant must discuss if participants have already sought reemployment services through American Job Centers or a transition center, and how the planned participant number and needs were determined in the absence of Rapid Response data.

If more than four months have passed since the outreach was provided, the applicant must provide an explanation of why there is still an expectation that these workers will seek reemployment services via the proposed DWG project.

The Affected Labor Market

The applicant must discuss the affected area's high-growth industries/in-demand occupations, including other initiatives in process (e.g. economic development, workforce development) which align with this proposed DWG project.

b. Expected Outcomes and Outputs

Clearly identify the outcomes that will result from the project. Outcomes are the measurable results of the project. The description must address how the anticipated outcomes will be achieved, and how they may benefit the identified participants.

- The number of planned participants entering employment at exit (second and fourth quarters after exit), planned median earnings, planned credential rate and planned measurable skill gains rate for participants.
- A calculation of the total cost per participant: (DWG funding request / total planned participants = total cost per participant).
- A breakdown of the projected enrollments and expenditures for each of the project's reemployment services. This information must include costs, number of participants and cost per participant for each of the following activities:
 - Career Services
 - Training
 - Work-based Learning
 - Transitional Jobs
 - Supportive Services
 - Needs Related Payment

For your convenience, we have included a format (Attachment III) that may be used to provide this information. This format is not required; however, it is included as a guide to assist in your response to this requirement.

c. Project Design

The applicant must propose methods that the project will use to address the stated outcomes, outline a plan that describes the scope and details of how the project will accomplish the proposed work, and include timelines for completion of that work. At a minimum, the applicant must include:

Explanation of the service delivery mechanisms.

- Identify the proposed project operator(s) and the service area for each.
 - The number of participants each project operator will serve
 - The project operator funding level
 - The project operator start and end date
- Explain how services will be delivered (American Job Centers, transition centers, etc.).
- Note if services will be delivered across state borders, and if Memoranda of Understanding (MOUs) are in place.
- Request the use of applicable waivers for the DWG project.
- Identify how services will be aligned and coordinated with other workforce development initiatives that may be in place to serve the targeted population.

Description of Services that will be provided.

- Career services
- Supportive services (These services must reflect local area policy)

- Training/education to be provided via those entities on the Eligible Training Provider List (ETPL).
- Work-based learning opportunities to be provided (Registered Apprenticeships, on-the-job training, customized training, etc.)

d. Budget and Budget Justification

Applicants must provide a project budget and budget narrative based on the activities outlined in the project narrative. At a minimum, an applicant must:

- demonstrate how proposed expenditures will help support project activities;
- describe costs associated with each line item on the SF-424A; and
- include a description of which costs will be paid by the grant.

(5) Attachments to the Project Narrative

In addition to the Project Narrative, you must submit the required attachments identified below. Clearly label all attachments as “Attachments.” We will only exclude those attachments listed below from the page limit.

Save all files with descriptive file names of 50 characters or less and only use standard characters in file names: A-Z, a-z, 0-9, and underscore (_). File names may not include special characters (e.g. &, -, *, %, /, #), periods (.), blank spaces or accent marks, and must be unique (i.e., no other attachment may have the same file name). You may use an underscore (example: my_Attached_File.pdf) to separate a file name.

Required Attachments

You must include the following attachments with the application package.

a. Abstract

You must submit an up to two-page abstract summarizing the proposed project, including, but not limited to, the scope of the project and proposed outcomes. The abstract must include the applicant’s name, applicant’s city and state, project type and title, qualifying event, funding request, project service area, targeted sectors, number of participants to be served, the total cost per participant, description of other aligned initiatives, the proposed project summary and project point of contact information. The abstract is limited to two-page double-spaced single sided 8.5x11 inch pages with 12 point text font and 1 inch margins. When submitting in grants.gov, this document must be uploaded as an attachment to the application package and specifically labeled “Abstract.”

b. DWG Program Summary

Applicants provide information on the WIOA primary indicators of performance and cost per participants enrolled in the project. Applicants must identify the planned employment rate for both the 2nd and 4th quarters after exit, median earnings in the 2nd quarter after exit, credential rate, and measureable skill gains rate for participants in the project and breakdown the cost per participant for all career and training services to be provided during the project. The summary must include an estimate of planned enrollments and expenditures for project services.

(Attachment III) Indirect Cost Rate Agreement: *If you are requesting indirect costs* based on a Negotiated Indirect Cost Rate Agreement approved by your Federal Cognizant Agency, attach the most recently approved Agreement.

Needs Related Payment (NRP) Policy: *If you are requesting NRPs*, attach the state and/or local policy and procedures: Please note, NRPs offered in a DWG must adhere to the state and/or local area policies and procedures that are in place for all customers, and may not be specifically created for DWG participants.

FUNDING RESTRICTIONS

All proposed project costs must be necessary and reasonable and in accordance with Federal guidelines. Determinations of allowable costs will be made in accordance with the Cost Principles, now found in the Office of Management and Budget (OMB) 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. You have two options to claim reimbursement of indirect costs.

Option 1: You may use a NICRA or Cost Allocation Plan (CAP) supplied by the Federal Cognizant Agency. If you 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% of salaries and wages to support indirect costs. Within 90 days of award, you must submit an acceptable indirect cost proposal or CAP to your Federal Cognizant Agency to obtain a provisional indirect cost rate. (See Section IV.B.4. for more information on NICRA submission requirements.)

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% of modified total direct costs (see 2 CFR 200.68 for definition) which may be used indefinitely. If you choose this option, this methodology must be used consistently for all Federal awards until such time as you choose to negotiate for an indirect cost rate, which you may apply to do at any time. (See 2 CFR 200.414(f) for more information on use of the de minimis rate.) For WIOA grants, all costs charged as a result of the de minimis rate will be counted towards the administrative cost limitation specified below.

Administrative Costs

An entity that receives a grant to carry out a DWG project or program 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 WIOA section 3(1). The Grant Award terms and conditions will specify the limitation of administrative costs. Administrative costs do not need to be identified separately from program costs on the SF-424A Budget Information Form. However, they must be tracked through the recipient's accounting system. To claim any administrative costs that are also indirect costs, the applicant must obtain an Indirect Cost Rate Agreement from its Federal Cognizant Agency or be eligible to use the 10 percent de minimis rate, as specified above.

Salary and Bonus Limitations

None of the funds appropriated under the heading "Employment and Training" in the appropriation statute(s) may be used by a recipient or subrecipient of such funds to pay the salary and bonuses of an individual, either as direct costs or indirect costs, at a rate in excess of Executive Level II. This limitation does not apply to contractors providing goods and services as defined in the Audit Requirements of the OMB Uniform Guidance (see 2 CFR 200 Subpart F). Where States are recipients of such funds, States may establish a lower limit for salaries and bonuses of those receiving salaries and bonuses from subrecipients of such funds, taking into account factors including the relative cost-of-living in the State, the compensation levels for comparable State or local government employees, and the size of the organizations that administer Federal programs involved including Employment and Training Administration programs. See Public Law 113-235, Division G, Title I, section 105, and Training and Employment Guidance Letter number 05-06 for further clarification:
http://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=2262.

Intellectual Property Rights

Pursuant to 2 CFR 2900.13, to ensure that the Federal investment of DOL funds has as broad an impact as possible and to encourage innovation in the development of new learning materials, the grantee will be required to license to the public all work created with the support of the grant under a Creative Commons Attribution 4.0 (CC BY) license. Work that must be licensed under the CC BY includes both new content created with the grant funds and modifications made to pre-existing, grantee-owned content using grant funds.

This license allows subsequent users to copy, distribute, transmit and adapt the copyrighted work and requires such users to attribute the work in the manner specified by the grantee. Notice of the license shall be affixed to the work. For general information on CC BY, please visit <http://creativecommons.org/licenses/by/4.0>.

Instructions for marking your work with CC BY can be found at http://wiki.creativecommons.org/Marking_your_work_with_a_CC_license.

Questions about CC BY as it applies to this specific funding opportunity should be submitted to the ETA Grants Management Specialist specified in section VII.

Only work that is developed by the recipient in whole or in part with grants funds is required to be licensed under the CC BY license. Pre-existing copyrighted materials licensed to, or purchased by the grantee from third parties, including modifications of such materials; remain subject to the intellectual property rights the grantee receives under the terms of the particular license or purchase. In addition, works created by the grantee without grant funds do not fall under the CC BY license requirement.

The purpose of the CC BY licensing requirement is to ensure that materials developed with funds provided by these grants result in work that can be freely reused and improved by others. When purchasing or licensing consumable or reusable materials, the grantee is expected to respect all applicable Federal laws and regulations, including those pertaining to the copyright and accessibility provisions of the Federal Rehabilitation Act.

Separate from the CC BY license to the public, the Federal Government reserves a paid-up, nonexclusive and irrevocable license to reproduce, publish, or otherwise use, and to authorize others to use for Federal purposes: i) the copyright in all products developed under the grant, including a subaward or contract under the grant or subaward; and ii) any rights of copyright to which the recipient, subrecipient or a contractor purchases ownership under an award (including, but not limited to, curricula, training models, technical assistance products, and any related materials). Such uses include, but are not limited to, the right to modify and distribute such products worldwide by any means, electronically or otherwise. The grantee may not use Federal funds to pay any royalty or license fee for use of a copyrighted work, or the cost of acquiring by purchase a copyright in a work, where the Department has a license or rights of free use in such work. If revenues are generated through selling products developed with grant funds, including intellectual property, DOL treats such revenues as program income. Such program income is added to the grant and must be expended for allowable grant activities.

If applicable, the following needs to be on all products developed in whole or in part with grant funds:

“This workforce product was funded by a grant awarded by the U.S. Department of Labor’s Employment and Training Administration. The product was created by the grantee and does not necessarily reflect the official position of the U.S. Department of Labor. The U.S. Department of Labor makes no guarantees, warranties, or assurances of any kind, express or implied, with respect to such information, including any information on linked sites and including, but not limited to, accuracy of the information or its completeness, timeliness, usefulness, adequacy, continued availability, or ownership. This product is copyrighted by the institution that created it.”

Review and Selection Process

The Grant Officer, in conjunction with ETA staff, will carefully review applications against the DWG operating guidance.

Grants awarded will be based on the applicant’s signature on the SF-424, including electronic signature via E-Authentication on <http://www.grants.gov>, which constitutes a binding offer by the applicant.

AWARD ADMINISTRATION INFORMATION

Award Notices

ETA will post all award notifications on the ETA Homepage (<http://www.doleta.gov>). Recipients/grantees will receive a Grant Award package which will include an executed copy of the DWG Agreement and a Notice of Award (NOA) that will indicate the effective date for the use of funds and any special terms and conditions.

Administrative Program Requirements

All grantees will be subject to all applicable Federal laws, regulations—including the OMB’s Uniform Guidance, and the terms and conditions of the award. The grant(s) awarded under this will be subject to the following administrative standards and provisions:

- a. Non-Profit Organizations, Educational Institutions, For-profit entities and State, Local and Indian Tribal Governments – 2 CFR Part 200 (Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards) and 2 CFR 2900 (DOL’s Supplement to 2 CFR Part 200).
- b. All recipients must comply with the applicable provisions of the Workforce Innovation and Opportunity Act (WIOA), Public Law No. 113-328, 128 Stat. 1425 (codified as amended at 29 U.S.C. 3101 et seq.)¹. Note that section 186(a) of WIOA allows unsuccessful applicants to file administrative appeals.
- c. All entities must comply with 29 CFR Part 93 (New Restrictions on Lobbying), 29 CFR Part 94 (Government-wide Requirements for Drug-Free Workplace (Financial Assistance)), 29 CFR Part 98 (Government-wide Debarment and Suspension, and drug-free workplace requirements), and, where applicable, 2 CFR Part 200 (Audit Requirements).
- d. 29 CFR Part 2, subpart D—Equal Treatment in Department of Labor Programs for Religious Organizations; Protection of Religious Liberty of Department of Labor Social Service Providers and Beneficiaries.
- e. 29 CFR Part 31—Nondiscrimination in Federally Assisted Programs of the Department of Labor—Effectuation of Title VI of the Civil Rights Act of 1964.
- f. 29 CFR Part 32—Nondiscrimination on the Basis of Handicap in Programs or Activities Receiving Federal Financial Assistance.
- g. 29 CFR Part 35— Nondiscrimination on the Basis of Age in Programs or Activities Receiving Federal Financial Assistance from the Department of Labor.
- h. 29 CFR Part 36—Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance.
- i. 29 CFR Part 38—Implementation of the Nondiscrimination and Equal Opportunity Provisions of the Workforce Innovation and Opportunity Act.
- j. 29 CFR Parts 29 and 30—Labor Standards for the Registration of Apprenticeship Programs, and Equal Employment Opportunity in Apprenticeship and Training, as applicable.
- k. General Terms and Conditions of Award—See the following link:
<http://www.doleta.gov/grants/pdf/2015template.pdf>.
- l. Special Terms and Conditions of Award - If applicable, special terms and conditions will be included in the award package.

Other Legal Requirements

Religious Activities

The Department notes that the Religious Freedom Restoration Act (RFRA), 42 U.S.C. Section 2000bb, applies to all Federal laws and their implementation. If an applicant organization is a faith-based organization that makes hiring decisions on the basis of religious belief, it may be entitled to receive Federal financial assistance under WIOA Title I and maintain that hiring practice even though Section 188 of the Act contains a general ban on religious discrimination in

¹ Please see footnote 1 regarding the applicability of WIOA and its implementing regulations.

employment. If a faith-based organization is awarded a grant, the agency will provide the organization with information on how to request such an exemption.

Lobbying or Fundraising the U.S. Government with Federal Funds

In accordance with Section 18 of the Lobbying Disclosure Act of 1995 (Public Law 104-65) (2 U.S.C. 1611), non-profit entities incorporated under Internal Revenue Service Code Section 501(c) (4) that engage in lobbying activities are not eligible to receive Federal funds and grants. No activity, including awareness-raising and advocacy activities, may include fundraising for, or lobbying of, U.S. Federal, State or Local Governments (see 2 CFR 200.450 for more information).

Transparency Act Requirements

You must ensure that you have the necessary processes and systems in place to comply with the reporting requirements of the Federal Funding Accountability and Transparency Act of 2006 (Pub. Law 109-282, as amended by section 6202 of Pub. Law 110-252) (Transparency Act), as follows:

- Except for those excepted from the Transparency Act under sub-paragraphs 1, 2, and 3 below, you must ensure that you have the necessary processes and systems in place to comply with the subaward and executive total compensation reporting requirements of the Transparency Act, should they receive funding.
- Upon award, you will receive detailed information on the reporting requirements of the Transparency Act, as described in 2 CFR Part 170, Appendix A, which can be found at the following website: <http://edocket.access.gpo.gov/2010/pdf/2010-22705.pdf>

The following types of awards are not subject to the Federal Funding Accountability and Transparency Act:

- (1) Federal awards to individuals who apply for or receive Federal awards as natural persons (i.e., unrelated to any business or non-profit organization he or she may own or operate in his or her name);
- (2) Federal awards to entities that had a gross income, from all sources, of less than \$300,000 in the entities' previous tax year; and
- (3) Federal awards, if the required reporting would disclose classified information.

Safeguarding Data Including Personally Identifiable Information (PII)

Applicants submitting applications in response to this must recognize that confidentiality of PII and other sensitive data is of paramount importance to the Department of Labor and must be observed except where disclosure is allowed by the prior written approval of the Grant Officer or by court order. By submitting an application, you are assuring that all data exchanges conducted through or during the course of performance of this grant will be conducted in a manner consistent with applicable Federal law and TEGL NO. 39-11 (issued June 28, 2012). All such activity conducted by ETA and/or recipient/s will be performed in a manner consistent with applicable state and Federal laws.

By submitting a grant application, you agree to take all necessary steps to protect such confidentiality by complying with the following provisions that are applicable in governing their handling of confidential information:

1. You must ensure that PII and sensitive data developed, obtained, or otherwise associated with DOL/ETA funded grants is securely transmitted.

2. To ensure that such PII is not transmitted to unauthorized users, all PII and other sensitive data transmitted via e-mail or stored on CDs, DVDs, thumb drives, etc., must be encrypted using a Federal Information Processing Standards (FIPS) 140-2 compliant and National Institute of Standards and Technology (NIST) validated cryptographic module. You must not e-mail unencrypted sensitive PII to any entity, including ETA or contractors.
3. You must take the steps necessary to ensure the privacy of all PII obtained from participants and/or other individuals and to protect such information from unauthorized disclosure. You must maintain such PII in accordance with the ETA standards for information security described in TEGE NO. 39-11 and any updates to such standards we provide to you. Grantees who wish to obtain more information on data security should contact their Federal Project Officer.
4. You must ensure that any PII used during the performance of your grant has been obtained in conformity with applicable Federal and state laws governing the confidentiality of information.
5. You further acknowledge that all PII data obtained through your ETA grant must be stored in an area that is physically safe from access by unauthorized persons at all times and the data will be processed using recipient issued equipment, managed information technology (IT) services, and designated locations approved by ETA. Accessing, processing, and storing of ETA grant PII data on personally owned equipment, at off-site locations e.g., employee's home, and non-recipient managed IT services, e.g., Yahoo mail, is strictly prohibited unless approved by ETA.
6. Your employees and other personnel who will have access to sensitive/confidential/proprietary/private data must be advised of the confidential nature of the information, the safeguards required to protect the information, and that there are civil and criminal sanctions for noncompliance with such safeguards that are contained in Federal and state laws.
7. You must have policies and procedures in place under which your employees and other personnel, before being granted access to PII, acknowledge their understanding of the confidential nature of the data and the safeguards with which they must comply in their handling of such data as well as the fact that they may be liable to civil and criminal sanctions for improper disclosure.
8. You must not extract information from data supplied by ETA for any purpose not stated in the grant agreement.
9. Access to any PII created by the ETA grant must be restricted to only those employees of the grant recipient who need it in their official capacity to perform duties in connection with the scope of work in the grant agreement.
10. All PII data must be processed in a manner that will protect the confidentiality of the records/documents and is designed to prevent unauthorized persons from retrieving such records by computer, remote terminal or any other means. Data may be downloaded to, or maintained on, mobile or portable devices only if the data are encrypted using NIST validated software products based on FIPS 140-2 encryption. In addition, wage data may only be accessed from secure locations.
11. PII data obtained by the recipient through a request from ETA must not be disclosed to anyone but the individual requestor except as permitted by the Grant Officer or by court order.
12. You must permit ETA to make onsite inspections during regular business hours for the purpose of conducting audits and/or conducting other investigations to assure that you are complying with the confidentiality requirements described above. In accordance

with this responsibility, you must make records applicable to this Agreement available to authorized persons for the purpose of inspection, review, and/or audit.

13. You must retain data received from ETA only for the period of time required to use it for assessment and other purposes, or to satisfy applicable Federal records retention requirements, if any. Thereafter, you agree that all data will be destroyed, including the degaussing of magnetic tape files and deletion of electronic data.

Record Retention

You must follow Federal guidelines on record retention, which require you to maintain all records pertaining to grant activities for a period of at least three years from the date of submission of the final expenditure report. See 2 CFR 200.333-.337 for more specific information, including information about the start of the record retention period for awards that are renewed quarterly or annually, and when the records must be retained for more than three years.

Use of Contracts and Subawards

You must abide by the following definitions of contract, contractor, subaward, and subrecipient:

Contract: Contract means a legal instrument by which a non-Federal entity (defined as a state, local government, Indian tribe, institution of higher education (IHE), nonprofit organization, for-profit entity, foreign public entity, or a foreign organization that carries out a Federal award as a recipient or subrecipient) purchases property or services needed to carry out the project or program under a Federal award. The term as used in this FOA does not include a legal instrument, even if the non-Federal entity considers it a contract, when the substance of the transaction meets the definition of a Federal award or subaward (see definition of Subaward below).

Contractor: Contractor means an entity that receives a contract as defined above in Contract.

Subaward: Subaward means an award provided by a pass-through entity (defined as a non-Federal entity that provides a subaward to a subrecipient to carry out part of a Federal program) to a subrecipient for the subrecipient to carry out part of a Federal award received by the pass-through entity. It does not include payments to a contractor or payments to an individual that is a beneficiary of a Federal program. A subaward may be provided through any form of legal agreement, including an agreement that the pass-through entity considers a contract.

Subrecipient: Subrecipient means a non-Federal entity that receives a subaward from a pass-through entity to carry out part of a Federal program; but does not include an individual that is a beneficiary of such program. A subrecipient may also be a recipient of other Federal awards directly from a Federal awarding agency.

You must follow the provisions at 2 CFR 200.330-.332 regarding subrecipient monitoring and management. Also see 2 CFR 200.308(c)(6) regarding prior approval requirements for subawards. When awarding subawards, you are required to comply with provisions on government wide suspension and debarment found at 2 CFR Part 180 and codified by DOL at 29 CFR Part 98.

Closeout of Grant Award

Any entity that receives an award under this Announcement must close its grant with ETA at the end of the final year of the grant. Information about this process may be found in ETA's Grant Closeout FAQ located at <http://www.doleta.gov/grants/docs/GCFAQ.pdf>.

OTHER ADMINISTRATIVE STANDARDS AND PROVISIONS

Except as specifically provided in this guidance, our acceptance of an application and an award of Federal funds to sponsor any programs(s) does not provide a waiver of any grant requirements and/or procedures. For example, the OMB Uniform Guidance requires that an entity's procurement procedures ensure that all procurement transactions are conducted, as much as practical, to provide full and open competition. If an application identifies a specific entity to provide goods or services, the award does not provide the justification or basis to sole source the procurement, i.e., avoid competition.

SPECIAL PROGRAM REQUIREMENTS

ETA Evaluation

The program or project will be required to participate in an evaluation of overall performance of ETA grants and require the cooperation of the recipient as a condition of award.

Performance Goals

Please note that applicants will be held to outcomes provided and failure to meet those outcomes may result in technical assistance or other intervention by ETA, and may also have a significant impact on decisions about future grants with ETA.

REPORTING

You must meet DOL reporting requirements. Specifically, you must submit the reports and documents listed below to DOL electronically:

Quarterly Financial Reports

A Quarterly Financial Status Report (ETA 9130) is required until such time as all funds have been expended or the grant period has expired. Quarterly reports are due 45 days after the end of each calendar year quarter. On the final Financial Status Report, you must include any subaward amounts so we can calculate final indirect costs, if applicable. You must use DOL's Online Electronic Reporting System and information and instructions will be provided to grantees.

Quarterly Performance Reports

Recipients/grantees will be provided with formal guidance about the data and other information that is required to be collected and reported on either a regular basis or special request basis. Recipients must submit a quarterly progress report (QPR) within 45 days after the end of each calendar year quarter. The report must include quarterly information on grant activities, performance goals, and milestones. The last QPR will serve as the grant's Final Performance Report. This report must provide both quarterly and cumulative information on the grant activities. It must summarize project activities, employment outcomes and other deliverables, and related results of the project, and must thoroughly document the training or labor market information approaches that you used.

Performance Outcome Measures

On July 1, 2016, the performance accountability provisions authorized by WIOA became operational (see WIOA sec. 506(a)). Section 116(b) of WIOA establishes performance accountability measures for the core programs of WIOA Adult, Dislocated Worker, and Youth (all Title I); the Adult Education and Family Literacy (Title II); Wagner-Peyser Act Employment Service (as amended by Title III); and Vocational Rehabilitation Services (as amended by Title IV). DOL established these performance accountability measures to ensure accountability for the outcomes of participants served by those programs.

Under WIOA, the workforce system is aligned to provide integrated services to job seekers and employers, while maximizing the use of data and increasing accountability. To further these goals and promote consistency across DOL-funded programs, several additional programs under ETA will also adopt the WIOA performance measures, including National Dislocated Worker Grants (DWG). DWGs awarded June 30, 2016 or later will adopt the new WIOA measures for their participants. Current DWGs will continue to collect and report aggregate grant data under approved OMB form 9104 until the grant has ended.

Individual Record Submission

The Department developed a Participant Individual Record Layout, or PIRL, which identifies data elements for all impacted programs. On April 27, 2016, the Department published an information collection request (ICR) announcement in the Federal Register, 81 Fed. Reg. 24888, which included a revised PIRL based on public comment received through the 60-day comment period as part of the overall Paperwork Reduction Act process. Within this ICR, the Department has identified the data elements to be collected for each of the aforementioned programs, beginning on July 1, 2016. This layout is available to the public at: www.doleta.gov/performance/reporting/. The ICR was approved by OMB on June 30, 2016; The Department now requires DWG grantees to report under these new requirements. Additional guidance regarding reporting requirements is forthcoming.

CONTACTS

For further information on the grant submission requirements, please contact Andrea Hill, Grants Management Specialist, Office of Grants Management, at (202) 693-3542. Applicants should e-mail all technical questions to hill.andrea@dol.gov. This Announcement is available on the ETA Web site at <http://www.doleta.gov/grants> and at <http://www.grants.gov>.

OTHER INFORMATION

Transparency

DOL is committed to conducting a transparent grant award process and publicizing information about program outcomes. Posting grant applications on public websites is a means of promoting and sharing innovative ideas. For all applications submitted in response to this guidance, we will publish the Abstracts and selected information from the SF-424 for all applications on the Department's public website or similar publicly accessible location. Additionally, we will publish a version of the Project Narrative for all those applications that are awarded grants, on the Department's website or a similar location. We will publish no other attachments to the application. We will not publish the Project Narratives and Abstracts until after we have announced the grant award. In addition, information about grant progress and results may also be made publicly available.

DOL recognizes that grant applications sometimes contain information that an applicant may consider proprietary or business confidential information, or may contain personally identifiable information (PII). Proprietary or business confidential information is information that is not usually disclosed outside your organization and disclosing this information is likely to cause you substantial competitive harm.

PII is any information that can be used to distinguish or trace an individual's identity, such as name, social security number, date and place of birth, mother's maiden name, or biometric records, and any other information that is linked or linkable to an individual, such as medical, educational, financial, and employment information².

We will publish the abstracts in the form originally submitted, without any redactions. Applicants should not include any proprietary or confidential business information or PII in this summary. In the event that an applicant submits proprietary or confidential business information or PII, DOL is not liable for the posting of this information contained in the Abstract. The submission of the grant application constitutes a waiver of the applicant's objection to the posting of any proprietary or confidential business information contained in the Abstract. Additionally, the applicant is responsible for obtaining all authorizations from relevant parties for publishing all PII contained within the Abstract. In the event the Abstract contains proprietary or confidential business information or PII, the applicant is presumed to have obtained all necessary authorizations to provide this information and may be liable for any improper release of this information.

By submission of this grant application, the applicant agrees to indemnify and hold harmless the United States, the U.S. Department of Labor, its officers, employees, and agents against any liability or for any loss or damages arising from this application. By such submission of this grant application, the applicant further acknowledges having the authority to execute this release of liability.

In order to ensure that proprietary or confidential business information or PII is properly protected from disclosure when DOL posts the winning Project Narratives, applicants whose Project Narratives will be posted will be asked to submit a second redacted version of their Project Narrative, with any proprietary, confidential commercial/business information, and PII redacted. You should remove all non-public information about the applicant's and consortium members' staff (if applicable) as well.

The Department will contact the applicants whose Project Narratives will be published by letter or email, and provide further directions about how and when to submit the redacted version of the Project Narrative.

Submission of a redacted version of the Project Narrative will constitute permission by the applicant for DOL to make the redacted version publicly available. We will also assume that by submitting the redacted version of the Project Narrative, the applicant has obtained the agreement to the applicant's decision about what material to redact of all persons and entities whose proprietary, confidential business information, or PII is contained in the Project Narrative. If an applicant fails to provide a redacted version of the Project Narrative within 45

² OMB Memorandum 07-16 and 06-19. GAO Report 08-536, *Privacy: Alternatives Exist for Enhancing Protection of Personally Identifiable Information*, May 2008, <http://www.gao.gov/new.items/d08536.pdf>.

days of DOL's request, DOL will publish the original Project Narrative in full, after redacting only PII. (Note that the original, unredacted version of the Project Narrative will remain part of the complete application package, including an applicant's proprietary and confidential business information and any PII.)

We encourage applicants to maximize the grant application information that will be publicly disclosed, and to exercise restraint and redact only information that clearly is proprietary, confidential commercial/business information, or PII. The redaction of entire pages or sections of the Project Narrative is not appropriate, and will not be allowed, unless the entire portion merits such protection. Should a dispute arise about whether redactions are appropriate, DOL will follow the procedures outlined in the Department's Freedom of Information Act (FOIA) regulations (29 CFR Part 70).

DOL will protect redacted information in grant applications from public disclosure in accordance with Federal law, including the Trade Secrets Act (18 U.S.C. § 1905), FOIA, and the Privacy Act (5 U.S.C. § 552a). If DOL receives a FOIA request for your application, we will follow the procedures in DOL's FOIA regulations for responding to requests for commercial/business information submitted to the government, as well as all FOIA exemptions and procedures. See 29 CFR § 70.26. Consequently, it is possible that application of FOIA rules may result in release of information in response to a FOIA request that an applicant redacted in its "redacted copy."