

## Technical Assistance Guidance

## TAG 46-2020

Issued Date: December 4, 2020

Subject: Eligibility Requirements for National Dislocated Worker Grants (NDWG) – Disaster Recovery (DR) and Employment Recovery (ER)

### **Purpose**

This TAG provides guidance regarding eligibility requirements for National Dislocated Worker Grant Disaster Recovery and Employment Recovery Funding

### **References**

Training and Employment Guidance Letter (TEGL) 12-19; State Compliance Policy 1.6, and WC Policy ADW-030-01

### **Background**

TEGL 12-19 section 2. (b) states: DWGs are discretionary grants awarded by the Secretary of Labor under section 170 if WIOA is to provide employment-related services for dislocated workers. The Department funds two types of DWGs: Disaster Recovery and Employment Recovery. Disaster Recovery DWGs provide funding to create temporary employment opportunities to assist with clean-up and recovery efforts when an area impacted by an emergency or major disaster is declared eligible for public assistance by the Federal Emergency Management Agency (FEMA), or is declared as an emergency or disaster of national significance by a Federal agency with authority or jurisdiction over Federal response to the disaster or emergency. Employment Recovery DWGs temporarily expand capacity to serve dislocated workers and to meet the increased demand for employment and training services following a qualifying event. Qualifying events include major economic dislocations, such as plant closures, mass layoffs, or higher-than-average demand for employment and training activities for dislocated members of the Armed Forces and their spouses. Under 20 CFR 687.110(a)(5), the Secretary of Labor may determine other major dislocations eligible for Employment Recovery DWGs.

The National Dislocated Worker Grant (NDWG) provides time-limited funding assistance to aid in the response to a major economic event that causes significant impact on states and local areas that exceed the capacity of existing funds and other resources. The NDWGs are supplemental resources that provide flexibility for response and recovery to unexpected events that cause job loss which exceeds the capacity of the state and local workforce boards.

Funds will assist affected individuals residing in workforce areas affected by the COVID-19 pandemic response that began on March 1, 2020. The U.S. Department of Labor Employment and Training Administration (DOLETA) issued a Training and Employment Guidance Letter (TEGL) 12-19 on March 18, 2020 to provide revised guidance to states about the NDWG program. The revised guidance rescinds TEGL 02-15 entitled “Operational Guidance for National Dislocated Worker Grants, pursuant to the Workforce Innovation and Opportunity Act (WIOA).

To address the effects of the COVID-19 pandemic response, including the significant number of displaced workers and jobs that have been permanently lost, Nevada was awarded grant funding for both Disaster Recovery and Employment Recovery NDWGs.

## **Policy**

WC, in coordination with the Department of Employment, Training and Rehabilitation (DETR), has established eligibility criteria and source documentation requirements for NDWG Disaster Recovery and Employment Recovery funding.

## **Guidance**

### **National Dislocated Worker Grant – Disaster Recovery**

Disaster Recovery NDWG funds may be used to provide temporary employment and training services to dislocated workers and other eligible individuals. NDWG funds may also be used to provide disaster-relief and humanitarian-assistance employment in disaster-declared areas, as well as employment and training services for employment as appropriate. As outlined in the Statement of Work, WIOA Title I service providers will place participants in disaster-recovery employment opportunities for a period not to exceed 2,080 hours over a 12-month period. Individuals may work intermittently and may also be cycled in and out of this program. Wages for these positions are expected to be between \$10-15 per hour. The disaster-recovery employment opportunities created are to support clean-up and recovery efforts or humanitarian assistance needs.

To be eligible for funding, all Disaster Recovery NDWG applicants' disaster-relief employment in response to the federally declared disaster event, except in the exceptions described below. WISS encourages LWDBs to propose co-enrolling participants in disaster-relief employment and/or employment and training activities and to provide supportive services as applicable. WISS also encourages LWDBs 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.

Not all participants in a Disaster Recovery NDWG project must participate in disaster-relief employment. WIOA Title I service providers may provide employment and training activities to participants not in disaster-relief employment. In summary, WIOA Title I service providers may enroll Disaster Recovery NDWG 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, LWDBs should design and provide employment and training activities aimed at allowing participants to obtain unsubsidized, sustainable employment following the conclusion of grant-supported activities.

## **Cost per Participant**

WIOA Title I service providers are expected to monitor the average cost per participant throughout the project's lifecycle and address this cost in the budget narrative when submitting modification requests for budget realignments or for additional funding. Proposed budgets exceeding a cost per participant of \$20,000 must include a justification and be approved by WC, DETR and the DOL-ETA Grant Officer. The Grant Officer will review such requests on a case-by-case basis as part of the modification request, particularly after the project has a chance to get established and is in full operation. The initial award does not constitute a per participant approval above \$20,000 per participant.

## 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 WC Policy ADW-030-06 and any supportive services provided must be consistent with WIOA.

## Participant Eligibility

Pursuant to 20 CFR 687.170(b) an individual eligible to receive services through a **Disaster Recovery NDWG** must be:

- A worker who is temporarily or permanently laid off as a consequence of the disaster. Acceptable eligibility documents include one of the following:
  - Unemployment Insurance Records
  - Pandemic Unemployment Assistance Records
  - Recent tax return
  - Public Assistance documents
  - Notarized self-statement from the individual (must be used as a last resort)
- A dislocated worker, as defined in WIOA Section 3(15). Please refer to WC Policy ADW-030-01 for eligibility source documentation requirements.
- A long-term unemployed worker (defined as an unemployed individual who has been out of work for 27 weeks or more). Acceptable eligibility documents include one of the following:
  - Unemployment Insurance Records
  - Pandemic Unemployment Assistance Records
  - Recent tax return
  - Public Assistance documents
  - Notarized self-statement from the individual (must be used as a last resort)
- A self-employed individual who became unemployed or significantly underemployed as a result of the disaster or emergency. Please refer to WC Policy ADW-030-01 for eligibility source documentation requirements. Examples of an underemployed [20 CFR 684.130] individual include, but are not limited to, the following:
  - An individual employed less than full time who is seeking full-time employment;
  - An individual who is employed in a position that is inadequate with respect to his or her skills and training;
  - An individual who is employed but meets the definition of low-income individual, as outlined in WIOA Section 3(36); or
  - An individual who is employed but whose current job earnings are well below the level of earnings from his or her previous employment.

USDOL has indicated that self-attestation is acceptable for an initial temporary eligibility period for affected individuals; especially during the period in which local One-Stop offices are closed to the public. Within 30 days of the initial determination, documentation must be collected from the participant to validate eligibility. Refer to WC Policy ADW-030-01 as a guide for determining acceptable documentation to validate eligibility.

### **National Dislocated Worker Grant – Employment Recovery**

The Employment Recovery NDWG provides resources to the State to respond to the pandemic's major economic dislocations, such as large, unexpected layoffs that causes significant job losses. The State has demonstrated a need for additional funds to provide employment and training assistance to workers affected by a major economic dislocation, such as plant closures and mass layoffs; this can also include closures and realignments of military installations.

The following dislocation scenarios could qualify for Employment Recovery NDWGs 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 NDWGs. 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 NDWGs. Additional layoffs affecting fewer than 50 workers may be included in an industry-wide NDWG 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 NDWG. 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.

### **Participant Eligibility**

Per 20 CFR 687.170(a), an individual eligible to receive services through an Employment Recovery NDWG must be one of the following below. Please refer to WC Policy ADW-030-01 for eligibility source documentation requirements.

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 determined 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 reduction 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 from active duty or full-time National Guard duty (as defined in section 1141 of title 10, United States Code); or is separated from active duty or full-time duty National Guard duty pursuant to a special separation benefits program under 10 U.S.C 1174a, or the voluntary separation incentive program under 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.

**Action**

Please share this information with all WIOA Title I staff and other interested parties.

WC will continue to provide technical assistance to support the workforce system. For more information and/or updates, please contact your contract administrator at your earliest convenience.

**Technical Assistance**

Available upon request.