



State Workforce Development Board Guidance National Dislocated Worker Grant

Effective Date: September 12, 2022

Expiration Date: Indefinite

Purpose

To provide guidance to Local Workforce Areas, One-Stop Operators and American Job Center Staff on the use of National Dislocated Workers Grants (NDWGs). **Updated to reflect new guidance under TEGL 16-21.**

Scope

- American Job Center Partners
- Fiscal Agent
- Local Workforce Development Board
- One-Stop Operator
- State Workforce Development Board
- Workforce Innovation and Opportunity Act Core Partners

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Background

National Dislocated Worker Grants (NDWGs) are discretionary grants authorized by the Secretary of Labor as detailed in **Workforce Innovation and Opportunity Act (WIOA) Sec 170** and **TEGL 16-21**. DWGs provide the needed resources to respond to large, unexpected layoff events leading to significant job losses. NDWG funding is intended to expand service capacity to dislocated workers during a period where there is greater need and demand for WIOA employment and training services. These grants provide an opportunity to reemploy dislocated workers on a temporary basis, lasting up to 12 months until they can return to full employment.

1. Types of Dislocated Worker Grants

- A. Disaster Recovery DWGs – Provide temporary disaster-relief employment and employment & training activities in response to declared disasters and emergency situations in disaster-declared areas (as defined in 20 CFR 687.110(b)).
- B. Employment Recovery DWGs – Provide resources to respond to major economic dislocations (such as mass layoffs or closures or realignment of military installations) which cause significant job losses. Applications for these types of grants are analyzed by the US Department of Labor on a case-by-case basis to determine if the requirements are met.

Note

The below guidance pertains specifically to Disaster Recovery DWGs. Separate guidance would be issued for Employment Recovery DWGs, if one is put in place and approved.

2. Disaster Recovery DWG Instructions

NDWG disaster recovery funds provide unemployed individuals with disaster and emergency related employment to assist with clean-up and recovery efforts when an area is impacted by an emergency or disaster and has been declared eligible for public assistance by a federal agency with authority or jurisdiction over federal response to the emergency or disaster. These funds must not duplicate services by other agencies, such as FEMA.

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

- 1. Emergencies and major disasters which are declared eligible for public assistance by a federal agency with authority or jurisdiction over federal response to the emergency or disaster Federal Emergency Management Agency (FEMA).
- 2. Federal agency declarations, other than FEMA, (such as Department of Commerce and the Small Business Administration) of emergency or disaster situations of national significance that could result in a potentially large loss of employment, as declared or otherwise recognized by a federal agency.
- 3. Circumstances where a substantial number of individuals, defined as 50 or more, relocate to another area from a disaster area.

3. Eligible Participants

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

- 1. Individuals who are temporarily or permanently laid off because of the disaster.
- 2. Any dislocated worker as defined in WIOA Section 3(15), including displaced homemakers as defined in WIOA Section 3(16).
- 3. Long-term unemployed workers, as defined by state guidance as unemployed for 6 weeks or longer; or

4. Self-employed individuals who become unemployed or significantly underemployed because of the emergency or disaster.

Enrollment in grant activities is not restricted to individuals who are directly impacted by the qualifying event. Enrollment is only limited to those who meet any of the eligibility criteria above.

4. Veterans' Priority of Service

DWGs are Department of Labor-funded job training programs and are subject to priority of service to veterans and eligible spouses.

5. Reasonable Costs

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

The decision-making process for determining whether a cost is allowable to a grant includes evaluating necessity, reasonableness, and allocability.

- For a cost to be allowable, it must first be determined as necessary to carry out the goals of the grant.
- Necessary means the cost is required in order to carry out the requirements of the grant or needed for the proper & efficient operation of the grant. After the decision of necessity, reasonableness must be evaluated.
- A cost is reasonable if, in its nature and amount, it does not exceed that which would be incurred by a prudent person under the circumstances prevailing at the time the decision was made to incur the cost.
- A cost is allocable to a federal award or other cost objective if the goods or services involved are chargeable or assignable to that Federal award or cost objective in accordance with relative benefits received.

Additional guidance on the allowability, reasonableness and allocability of costs and other factors to be considered in determining allowability can be found at 2 CFR 200.402-4011.

6. Allowable Grant Activities

6.1 Temporary Jobs

Disaster DWGs provide funding for the creation of Disaster Relief Employment (DRE), or temporary jobs, which are restricted to the following activities:

1. Clean-up and recovery efforts including demolition, repair, renovation, and reconstruction of damaged and destroyed structures, facilities and lands located within the disaster area and in offshore areas related to the emergency or disaster.

2. Employment related to the delivery of appropriate humanitarian assistance in the aftermath of the disaster or emergency. Humanitarian assistance includes actions to save lives, alleviate suffering, and maintain human dignity in the aftermath of disasters and includes activities such as the provision of food, clothing, and shelter.

Note

DWG funds are limited to providing disaster-relief positions that deliver humanitarian assistance; funds cannot be used to purchase material goods to be delivered. Additionally, grant funds cannot be used solely to prevent or plan for future disasters.

6.2 Employment and Training Activities

Employment and training activities may be provided to eligible participants, regardless of their participation in disaster relief employment.

As a general goal, employment and training activities should allow participants to obtain unsubsidized, sustainable, and quality employment following the conclusion of grant-supported activities. Employment and training activities must align with 20 CFR 687.180, Uniform Guidance, and all local and state policies.

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

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

6.3 Allowable Activities

Participants can be enrolled 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 prior to the other.

7. Supportive Services

Supportive services provide participants with additional resources or payments that are necessary to achieve success. Examples can include assistance with transportation, childcare, tools, and other needs that enable the participant to complete grant-supported activities.

Supportive services are allowable for participants in Disaster Relief Employment (DRE) and Employment and Training services, and must be consistent with WIOA guidelines, ETA regulations, and local policies.

8. Temporary Jobs Policies

8.1 Limit on Temporary Job Duration

A participant may hold a temporary job for no longer than 12 months or 2,080 hours. If clean-up work remains in the project even after the participants reach their temporary employment limit, the provider must bring in additional new eligible workers to replace those who have worked 12 months. It is possible for individuals to work intermittently over an extended period that does not exceed 2,080 hours. Grantees may submit a modification request to extend an individual's disaster relief employment for up to an additional 12 months. This modification request must justify the reason for extending the disaster-relief employment, as required by 20 CFR 687.180(b)(1).

8.2 Participant Wages

Participants in a Disaster Recovery DWG temporary jobs project must be paid at minimum 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 with similar training, experience, and skills, in accordance with WIOA Section 181(a)(1)(A). 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. Fringe benefits should be paid in accordance with the policies of the employer of record.

In cases where the Disaster-Relief employer **does not have** other employees doing the same or similar work, participant wages:

- Must be in line with the industry standard for that type of work in the area where the work is performed, supported by documentation in the application; and,
- Must be **at least \$15 per hour**

8.3 Disaster-Relief Employer

Defined as an entity designated by grant recipients or subrecipients to carry out day-to-day human resources and payroll activities of a Disaster Recovery DWG. Appropriate employers should be identified based on the nature and scope of the disaster and the type of activities that projects will be carrying out, and contracts should be in place to ensure compliance with all relevant requirements, including OSHA safety and work condition standards, pay and benefits, unemployment insurance or workers compensation, and any state requirements.

There are no Federal limitations on what type of entity or organization may be a Disaster-Relief Employer. When entities are contracted as a Disaster-Relief Employer, grant recipients must ensure that negotiations, pricing, and fees contained in the contract and charged to the grant are reasonable and fair (additional guidance for contracting and procurement can be found at 2 CFR Part 200 and state policies).

8.4 Worksite Selection

Disaster-relief worksites must be located within the geographic disaster area covered by the qualifying declaration for the grant (i.e., a federal agency's disaster or emergency declaration). There is no worksite limitation for a nationwide disaster declaration (such as the COVID-19 pandemic). However, a justification to demonstrate that the area being intended to serve has disaster-related needs or a greater-than-average need may be required.

Worksites for temporary jobs must be prioritized so that the highest priority is given to public facilities which have been most severely damaged, consistent with the strategic plans of the community. Generally, worksites will be limited to public and private non-profit facilities.

Work on private property can be performed when the following limited conditions are met:

- The work must be intended to remove health and safety hazards to the larger community, or to alleviate specific economic or employment-related disaster impacts (i.e., cleanup needed for disaster-affected employers to resume/continue operations);
- The activities are necessary to remove health and safety hazards on private properties. This work may only return the land or structures to a safe or habitable level; it cannot improve the original land or structure;
- DWG funds cannot cover the cost of materials to do repairs.

Documentation must be maintained and uploaded for all worksites, including the dates and hours worked by each participant. For work on private property, documentation must include the rationale for determining that the work was allowable.

8.5 Coordination with Emergency Management Agencies

To ensure non-duplication of services and maintenance of effort requirements, the activities must be coordinated with those funded by and/or performed under the auspices of FEMA. Disaster DWG grantees should also coordinate where applicable with the appropriate organizations, including state emergency management agencies and other federal response agencies, to ensure a comprehensive response and to prevent duplication of services. The website <http://www.disasterassistance.gov> provides additional resources.

8.6 Health and Safety Standard

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

9. Performance and Fiscal Reporting¹

9.1 Applicable Performance Measures

To satisfy reporting requirements, the characteristics, services received, and outcomes of participants served with WIOA funds, including DWGs must be reported to determine the success of these investments. Performance measures as described in WIOA Section 116 apply to the DWG program. All services must be documented in the electronic case file in VOS timely and accurately.

All relevant data elements on the individual record layout must be completed. Providers must identify participants enrolled in a DWG project as persons receiving assistance with DWG funds and enrolled in DWG projects. See screenshots of the grants table below:

10. How to Enroll a NDWG (National Dislocated Worker Grant) participant served by the COVID-19 TN DW-34828-20-60-A-47 Grant

1. The individual would need to have a completed WIOA application

Program	Eligible	Priority	Calculated Exception/Limitation	Reason(s) Not Eligible	Action
Adult	Undetermined			No Adult Eligibility Date.	<input type="checkbox"/> Inactive
Dislocated Worker	Yes				<input type="checkbox"/> Inactive
Youth	Undetermined			No Youth Eligibility Date.	<input type="checkbox"/> Inactive

VET = Veteran, BSD = Basic Skills Deficient, PA = Public Assistance, LI = Low Income, SLP = Additional Priorities

¹ TEGL 14-18

2. Next choose the National Dislocated Worker Grant -Yes

WIOA Grant Eligibility

Changes in this section will create immediate updates to the record.

Incumbent Worker Eligibility: Yes No Not Applicable Inactive

Applicant does not meet the requirements for Incumbent Worker eligibility.

National Dislocated Worker Grant NDWG: Yes No Not Applicable

3. Then you would add the Covid 19 TN NDWG DW-34828-20-60-A-47 and hit add

Grants

No grants have been added.

Select from the list of available grants.

Grant Type	Grant ID	Grant Name	Local Grant Code	Date Added	Action
National DW Grant (NDWG)	321	Covid 19 TN National Dislocated Worker Grant DW-34828-20-60-A-47	34828		Add

4. Then you would record the first service the participant was served with to create participation. Make sure when applying the services you choose NDWG as the Customer Program Group

Participation Date: 06/24/2020

*** Customer Program Group:** 80 - National Dislocated Worker Grant (NDWG) ▼

*** LWDB:** Northern Middle Tennessee ▼

*** Office Location:** American Job Center - Nashville * NEW * ▼

5. Also make sure the grant Covid 19 NDWG DW-34828-20-60-A-47 is selected

Enrollment Information

Grant: Covid 19 TN National Dislocated Worker Grant DW-34828-20-60-A-47 ▼

WIOA or Non-WIOA Partner Program: Yes, service is a WIOA or Non-WIOA Partner Program.

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6. Then select the appropriate service to create participation. Please notice that we have added a new service NDWG Disaster Relief Employment Only which may be used to serve NDWG participants

	Payments	Provided	
327	Support Service - Training Allowance	Not Provided	SS - Other
412	Youth-Objective Assessment	Not Provided	PS - Office Services
845	CRC Workkeys- Adult	Not Provided	PS - Other
846	CRC Workkeys-DW	Not Provided	PS - Other
656	656 NDWG Disaster Relief Employment Only	Not Provided	PS - Office Services

Close Window

7. Now that the application is complete, and participation is created the NDWG participant is enrolled

Contact

For any questions related to this guidance, please contact the Program Integrity Unit at Workforce.Board@tn.gov.



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