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TO: STATE WORKFORCE AGENCIES
STATE WORKFORCE ADMINISTRATORS
STATE WORKFORCE LIAISONS
STATE AND LOCAL WORKFORCE BOARD CHAIRS AND DIRECTORS
LABOR COMMISSIONERS
AMERICAN JOB CENTERS
WIOA SECTION 166(c) INDIAN AND NATIVE AMERICAN PROGRAM
GRANTEES
RAPID RESPONSE COORDINATORS
TRADE ADJUSTMENT ASSISTANCE LEADS

FROM: BRENT PARTON 
Acting Assistant Secretary

SUBJECT: Updated National Dislocated Worker Grant Program Guidance

1. **Purpose.** To inform the state and local workforce development system of the policies and priorities that govern the award and use of National Dislocated Worker Grant (DWG) funds, pursuant to the Workforce Innovation and Opportunity Act (WIOA), Title I, Section 170.
2. **Action Requested.** Please share with all staff who administer DWGs. States should review their DWG policies and application procedures to comply with this TEGL.
3. **Summary and Background.**
 - a. Summary – This TEGL clarifies DWG program policies including the types of DWGs, grant funding approach, period of performance and period of expenditure, cost limitations, administrative policies, application requirements, performance targets and reporting, and post-award policies. This guidance rescinds and replaces TEGL 12-19, *National Dislocated Worker Grant Program Guidance*, dated March 18, 2020, and its Change 1, dated November 2, 2020.
 - b. Background – DWGs are discretionary grants awarded by the Secretary of Labor under Section 170 of WIOA 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, or otherwise recognized, as an

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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.

4. **DWG Program Guidance Revisions.** See Attachment I, National Dislocated Worker Grant Program Guidance for all DWG program guidance. This guidance rescinds and replaces TEGL 12-19, *National Dislocated Worker Grant Program Guidance*, dated March 18, 2020, and its Change 1, dated November 2, 2020. Grantees should thoroughly read this guidance, and for reference, updates to this guidance include but are not limited to:

- Emphasizing importance of quickly beginning services to support post-disaster employment and economic recovery, in Disaster Recovery DWGs, and noting the role of DWGs in disaster relief workforce development;
- Clarifying the definition of long-term unemployed individuals for purposes of Disaster Recovery DWGs is developed by the applicant;
- Clarifying self-attestation as acceptable use of eligibility determination, and expectation for subsequent efforts at obtaining appropriate documentation;
- Providing additional information on allowable clean-up and recovery activities under disaster-relief employment;
- Clarifying supportive services for disaster-relief employment, in addition to its use for employment and training activities;
- Defining Project Operator, sub-recipient, disaster-relief employer, and clarifying definitions for worksite selection, health and safety standards, and requirements for unemployment insurance coverage;
- Establishing a requirement that certain disaster-relief employment pay wages of at least \$15 per hour to grant participants;
- Specifying when disaster-relief employment can begin before full application approval;
- Requiring a community needs assessment, in order to ease approval of disaster-relief employment types;
- Clarifying qualifying events for Employment Recovery DWGs;
- Clarifying eligible applicants for Employment Recovery DWGs;
- Specifying factors considered in awards; Noting DWGs for serving dislocated service members as a qualifying event for type of Economic Recovery DWG rather than a separate program;
- Explaining how ETA makes determinations for funding, additional increments, and additional funding (formerly known as “supplemental funding”);
- Clarifying grant start dates, which in certain cases may be prior to the date of grant award, allowing recipients to more quickly allocate existing resources to address a dislocation event, and removed prohibition on pre-award costs;
- Removed references to cost-per participant, noting that proposed costs should be reasonable based on the justification provided by the applicant; and
- Explaining participant enrollment targets and importance of fulfilling such targets.

5. **Inquiries.** Direct questions regarding this guidance to the appropriate ETA regional office.

6. References.

- Workforce Innovation and Opportunity Act (WIOA) (Pub. L. 113-128) (July 22, 2014);
- Trade Act of 1974, as amended. (19 USC 12 § 2271 - 2331 and § 2391 - 2397a) (June 29, 2015);
- Employment and Training Administration, Workforce Innovation and Opportunity Act; Final Rule (WIOA DOL Final Rule) published at 81 FR 56071 (August 19, 2016), specifically 20 C.F.R. parts 680 and 687;
- TEGL 14-18, *Aligning Performance Accountability Reporting, Definitions, and Policies across Workforce Employment and Training Programs Administered by the U.S. Department of Labor (DOL)*, dated March 25, 2018;
- TEGL 8-18, *Workforce Innovation and Opportunity Act (WIOA) Title I and Wagner-Peyser Act Waiver Requirements and Request Process*, dated December 19, 2018;
- TEGL 19-16, *Guidance on Services Provided through the Adult and Dislocated Worker Programs under the Workforce Innovation and Opportunity Act (WIOA) and the Wagner-Peyser Act Employment Service (ES), as amended by title III of WIOA, and for Implementation of the WIOA Final Rules*, dated March 1, 2017;
- TEGL 17-16, *Infrastructure Funding of the One-Stop System*, dated January 18, 2017;
- TEGL 16-16, *One-Stop Operations Guidance for the American Job Center Network*, dated January 18, 2017, and its Change 1;
- TEGL 28-10, *Federal Financial Management and Reporting Definitions*, dated May 27, 2011;
- TEGL 10-09, *Implementing Priority of Service for Veterans and Eligible Spouses in All Qualified Job Training Programs Funded in Whole or in Part by the U.S. Department of Labor (DOL)*, dated November 10, 2009; and
- Information Collection Forms and Participant Individual Record Layouts: Workforce Innovation and Opportunity Act (WIOA) Common Performance Reporting - ETA 9169 9170 (OMB Control No. 1205-0526) and DOL-only Performance Accountability, Information, and Reporting System - 9172, 9173 (OMB Control No. 1205-0521) and ETA Form 9130 (OMB).

7. Attachment. National Dislocated Worker Grants Program Guidance

National Dislocated Worker Grant Program Guidance

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Section 1: Introduction

The purpose of this program guidance is to provide an implementation framework for the National Dislocated Worker Grant (DWG) program, including policies, priorities, and requirements. The Employment and Training Administration (ETA) accepts DWG applications in two categories: Disaster Recovery and Employment Recovery.

ETA may develop additional categories or conduct limited competitions to meet particular needs or events, as program funding allows. Where appropriate, ETA will issue an announcement for such competitions and may issue separate guidance.

DWGs are supplemental, time-limited funding assistance provided in response to major economic dislocations or other events that cause significant impact on states and local areas that exceed the capacity of existing formula funds and other relevant resources. DWGs enable states and communities to respond to and recover from large, unexpected dislocation events. As such, ETA expects that projects funded with DWG resources be aligned with existing state and local strategic priorities, and where possible focus on returning dislocated workers and other eligible individuals to sustainable, quality, family-supporting employment.

While DWGs do not fund early intervention or layoff aversion activities, ETA recognizes the value of these activities as a critical component of successful workforce transition efforts and encourages applicants to leverage state and local resources for these purposes. Typically carried out by state or local Rapid Response teams, early intervention activities have shown to be important in helping workers affected by dislocations to return to new employment as quickly as possible.

To maximize the effectiveness of early intervention strategies for dislocated workers, and to deliver services while a DWG application is pending, states are encouraged to use the flexibility contained in the Workforce Innovation and Opportunity Act (WIOA) to provide comprehensive Rapid Response services, when funds are available. DWGs are part of a continuum of services addressing the workforce and economic impacts of substantial job loss that aligns strategic workforce development planning with economic development priorities. Where possible, states and local workforce areas should focus on preventing or minimizing the impacts of dislocations through layoff aversion efforts under the Rapid Response program prior to requesting supplemental funds through a DWG. More information on Rapid Response and allowable layoff aversion activities may be found in Training and Employment Guidance Letter (TEGL) 19-16, *Guidance on Services provided through the Adult and Dislocated Worker Programs under the Workforce Innovation and Opportunity Act (WIOA) and the Wagner-Peyser Act Employment Service (ES), as amended by title III of WIOA, and for Implementation of the WIOA Final Rules*.

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

For Employment Recovery DWGs in particular, early intervention activities are important in gathering demographic information and identifying the needs and interests of affected workers. Therefore, DWG applications should reflect the results of the early intervention processes and strategies. Applications should be informed by any assessments of demographic information, current labor market information, business demands, and needs among intended participants. This information provides a rationale for enrollment estimates and how proposed grant activities will meet the needs of the participants.

Section 2: Types of DWGs

A. Disaster Recovery DWGs

Description

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

Disaster Recovery DWGs are valuable resources that help communities address and recover from the impacts of an emergency or disaster, and the State Workforce Agency or DWG grant recipient plays an important role in not only connecting the DWG to larger disaster relief efforts but also bringing a workforce development perspective to disaster response. For instance, the State Workforce Agency or

DWG grant recipient can raise awareness of workforce preparation needs common across recurring disasters, provide perspective on the range of talent that can fill needed disaster relief positions, and can train workers in the skills necessary to respond to the current disaster and future disasters. All grant recipients should maximize their resources by making meaningful connections with other one-stop partners and organizations to ensure a streamlined and efficient delivery of services for the participant.

It is important that Disaster Recovery DWGs should begin operating and providing benefits to participants as quickly as possible after receipt of a grant award. ETA encourages entities eligible to apply for Disaster Recovery DWGs to establish relationships with potential subrecipients as soon as practicable after an award; agreements may even be established prior to grant awards to help ensure grant operations begin in a timely manner.

Qualifying Events

The following events are eligible for Disaster Recovery DWGs:

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

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

Where the circumstances or scope of a particular Federally-declared disaster, such as nationwide public health emergencies including the opioid epidemic or the COVID-19 pandemic, or other unforeseen events require it, ETA may issue additional guidance. Such guidance may include application instructions, allowable activities, policy interpretations, or other information specific to the declared disaster event.

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

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

ETA will determine whether a relocation is “substantial” based on the information provided in the DWG application, which includes the number of individuals relocating.

Eligible Applicants

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

Grant recipients may subaward funds to local boards or other entities such as public and private agencies and organizations that were previously engaged in such projects. Any subaward to a responsible entity without prior experience or successful performance in such projects may be subject to a risk evaluation or risk assessment to ensure that the entity has the internal controls and systems in place to effectively manage the grant funds in accordance with 2 CFR part 200. Subrecipients are to adhere to the same terms and conditions applicable to the DWG grant recipient. Project operators are subrecipients of a DWG grant.

ETA expects states to allocate funds to affected areas and service providers quickly in order to ensure funds can fulfill the purposes of these grants.

Eligible Participants

The following are eligible to enroll in allowable activities and receive services provided through a Disaster Recovery DWG, per 20 CFR 687.170(b):

1. Individuals temporarily or permanently laid off as a consequence of the emergency or disaster;
2. Dislocated workers as defined in WIOA Section 3(15), including displaced homemakers as defined in WIOA Section 3(16); see TEGL 19-16 for more specific information on the flexibilities that WIOA provides to Governors with regard to establishing procedures for interpreting and applying the definition of dislocated worker to individuals;
3. Long-term unemployed individuals, as defined by the grant recipient;¹ or
4. Self-employed individuals who became unemployed or significantly underemployed as a result of the disaster or emergency.

Grant recipients are responsible for developing written policies and procedures for determining participant eligibility, such as long-term unemployed and significantly underemployed. These policies should include a protocol to enable verification of participant eligibility in alignment with WIOA, in particular for situations when disaster events may impact the availability of common forms of documentation and require the use of self-attestation as an eligibility determinant. Grant recipients must demonstrate that they have made a reasonable effort to collect, during the disaster and after the disaster, the additional documentation necessary to ensure that each participant is eligible under 20 CFR 687.170(b). Grant recipients who subaward monies to other entities must ensure that these entities adhere to these same provisions.

Note: Enrollment in allowable activities is not restricted to individuals impacted by the qualifying event. Enrollment is only limited to participants meeting the eligibility criteria above. For example, grant

¹ This definition of long-term unemployed individual is unique to the DWG program. Unlike other parts of WIOA, the DWG program does not require any specific determination of number of weeks unemployed or other factors. to qualify as “long-term unemployed”. ETA recommends that states and other entities eligible to apply for Disaster Recovery DWGs develop a definition for long-term unemployed individuals in the manner that best meets their local needs and maximizes access to services with a reasonable interpretation of the term “long-term unemployed.”

recipients who receive a DWG in response to an influx of a substantial number of individuals relocating away from a disaster area may enroll any eligible participant residing in the project service area, including but not limited to eligible individuals who have relocated, as appropriate.

Allowable Grant Activities

Disaster Relief Employment. Disaster Recovery DWGs provide funding for the creation of disaster-relief employment, which is temporary employment of eligible individuals for the purposes described in WIOA Section 170(b)(1)(B) and (d), as well as 20 CFR 687.180(b) and (c).² Applicants must demonstrate that disaster-relief employment created under a Disaster Recovery DWG aligns with the following categories:

1. Cleanup and recovery efforts including demolition, cleaning, repair, renovation and reconstruction of damaged and destroyed structures, facilities and lands located within the disaster area and in offshore areas related to the emergency or disaster; or
2. Employment related to the delivery of appropriate humanitarian assistance in the aftermath of the disaster or emergency; more information on humanitarian assistance is provided below.

Cleanup and Recovery Efforts. Cleanup and recovery efforts include a broad set of possible activities that focus on demolition, cleaning, repair, renovation and reconstruction. Such activities may address damaged facilities, lands, or offshore areas, as appropriate, within the declared disaster area. Other cleanup activities may be developed in response to specific disaster events. For public health emergencies or other events declared by Federal agencies other than FEMA, cleanup and recovery activities may be difficult to identify as there may not be physical damage from the declared event. Sanitizing public spaces, grocery stores, small businesses or other areas or facilities to help prevent the spread of COVID-19 would be an example of cleanup activities in a public health emergency.

Cleanup activities must be designed to address, mitigate, or otherwise limit the damage, or the health and safety impacts, of the current disaster and not be solely designed to prevent future disasters. Repairs and reconstruction must be of facilities, lands, or offshore areas damaged as a consequence of a declared disaster event. WIOA prohibits the use of these funds for new construction or other activities aimed at preventing future disasters. For example, for a Disaster Recovery DWG awarded following a tornado, DWG funds can cover repair of a damaged storm shelter, but cannot cover the construction of new shelters.

Humanitarian Assistance. Humanitarian assistance generally includes actions designed to save lives, alleviate suffering, and maintain human dignity in the aftermath of disasters. This assistance includes activities such as the provision of food, clothing, and shelter. The humanitarian assistance provided by disaster-relief workers must address the needs resulting from the disaster situation named in the DWG application and the Federal declaration. For example, in a public health emergency such as COVID-19, humanitarian assistance positions that supported activities such as contact tracing, vaccination distribution, or delivering food and other supplies to homebound residents were critical humanitarian assistance activities that addressed the health and safety impacts of the COVID-19 pandemic.

² Disaster Recovery DWG participants shall be provided benefits and working conditions at the same level and to the same extent as other employees working a similar length of time and doing the same type of work (WIOA Section 181(b)(5)).

WIOA limits the use of DWG funds to providing disaster relief positions that deliver humanitarian assistance. Applicants are prohibited from using DWG funds to purchase the material goods to be delivered to individuals impacted by the disaster. For example, in a public health emergency such as COVID-19, DWG funds can cover the positions that deliver food and supplies to homebound residents, but cannot be used to purchase the food and supplies to be delivered.

Due to the variable nature of disasters declared across Federal agencies, ETA will consider humanitarian assistance activities on a case-by-case basis; therefore, applicants will be expected to demonstrate that any proposed humanitarian assistance employment meets the following criteria:

- 1) The proposed employment project addresses a specific humanitarian assistance need created by the declared disaster, including identifying how the disaster created the need; and
- 2) The proposed employment helps mitigate the impacts caused by the declared disaster by addressing the humanitarian need.

Allowable humanitarian assistance employment is often challenging to connect to the specific disaster; therefore, to support applicants and grant recipients, ETA regularly provides technical assistance and often publishes information specific to events surrounding a specific disaster event when new situations are likely to arise. As with all costs charged to a Federal grant, any assistance must meet the standards of reasonableness, allowability and allocability. For example, in response to the COVID-19 pandemic, ETA published a page of Frequently Asked Questions (<https://www.dol.gov/agencies/eta/coronavirus>).

The provision of general humanitarian assistance that solely focuses on prevention and planning of future disaster events is not an allowable activity under a Disaster Recovery DWG. ETA will allow activities that provide prevention and planning for future events only if these activities are incidental to responding to the humanitarian assistance needs created by the disaster. For example, where the disaster event is the contamination of the local water supply, an allowable humanitarian assistance activity could be installation of water filters to ensure access to clean water. These filters could protect the affected population from future contaminations, but a grant recipient may use DWG funds to cover their installation because this disaster-relief employment activity addresses a humanitarian assistance need caused by the current disaster event—lack of access to clean water.

Disaster Recovery DWG projects must include disaster-relief employment in response to the federally-declared disaster event. Exceptions to this requirement are described below. ETA encourages applicants to propose enrolling participants in both disaster-relief employment and employment and training activities, and to provide supportive services for both components as applicable. Individual enrollment in temporary disaster-relief employment is limited to 12 months (or 2,080 hours, whichever is longer) unless the grant recipient requests an extension of up to an additional 12 months per individual through a grant modification, and the Secretary of Labor grants such an extension.

While all Disaster Recovery DWG projects must include disaster-relief employment, not all participants in a Disaster Recovery DWG project are required to participate in disaster-relief employment. Grant recipients may provide employment and training activities to participants not in disaster-relief employment. Grant recipients may enroll Disaster Recovery DWG participants in:

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

These activities may occur concurrently, or one may occur prior to the other. Grant recipients must assess and determine the specific needs of each individual participant and enroll them in disaster-relief employment, employment and training activities, or both, in a manner that is most likely to result in successful outcomes. As a general goal, employment and training activities should be designed to allow participants to obtain unsubsidized, sustainable, and quality employment following the conclusion of grant-supported activities. In alignment with both 20 CFR 687.180 and the Uniform Guidance, grant recipients must develop and follow policies to effectively carry out disaster-relief employment activities.

Exceptions to Requirement to Provide Disaster-Relief Employment. ETA, at its discretion, may choose to approve grants that offer only employment and training activities for the following situations:

1. For Disaster Recovery DWGs awarded in response to non-Stafford Act disaster or emergency declarations, where the circumstances and nature of the disaster do not allow for cleanup or humanitarian temporary employment opportunities authorized by WIOA; or
2. For Disaster Recovery DWGs that are awarded due to an influx of individuals relocated from a disaster area, where the grant recipient is not responding to the declared disaster, because it is in another geographic area. In these circumstances, the DWG may provide employment and training activities as the primary activity, as participants are outside of the disaster area. However, these grants may also offer participants disaster-relief employment where appropriate, such as working in designated shelters to provide humanitarian assistance to relocating individuals impacted by the disaster.

Employment and Training Activities. DWG projects may provide employment and training activities to eligible participants following a qualifying disaster or emergency, per WIOA Section 170(d)(1)(C). As noted above, DWG funds may provide employment and training activities regardless of an individual's participation in disaster relief employment.

In alignment with both 20 CFR 687.180 and the Uniform Guidance, grant recipients must develop and follow policies to effectively carry out employment and training activities.

Supportive Services. Supportive Services provide participants of WIOA activities with resources or payments, beyond career and training services, necessary to achieve success. Supportive services, such as assistance with transportation or childcare, allow participants to remain and to achieve success in services in which a participant is enrolled. For more information on supportive services, see TEGl 19-16.

Supportive services are allowable under Disaster Recovery DWGs when needed to enable individuals to participate in disaster-relief employment and employment and training activities. There are two ways that supportive services may be utilized for Disaster Recovery DWGs:

- Supportive services provided to participants in disaster-relief employment must be designed to enable the participant to safely and effectively carry out the job for which they have been hired; or

- Supportive services provided to participants in employment and training activities must align with a grant recipient's existing state or local supportive services policies and enable the individual to participate in grant-funded employment and training activities.

Any supportive services provided must be consistent with WIOA and applicable ETA regulations and guidance.

Definitions and General Policies: Disaster Recovery DWGs

Disaster-Relief Employer. Disaster-Relief Employers are entities designated by grant recipients or subrecipients to carry out day-to-day human resources and payroll activities of a Disaster Recovery DWG.

ETA encourages grant recipients and project operators to identify appropriate Disaster-Relief Employers based on the nature and scope of the disaster and the types of disaster-relief activities that projects will be carrying out. Grant recipients should ensure that project operators have contracts or other agreements in place with Disaster-Relief Employers to ensure that they comply with all DWG and other relevant rules and requirements, including with regard to employment activities, participant eligibility, participant safety and health (including OSHA safety and work condition standards), pay and benefits, unemployment insurance or workers compensation, and any state requirements.

ETA places no limitation on what type of entity or organization may be a Disaster-Relief Employer; costs charged to the grant by a Disaster-Relief Employer must comply with the limitations in the WIOA statute and regulations (including DWG regulations at 20 CFR part 687), grant award terms and conditions (found at, and Uniform Guidance (2 CFR parts 200 and 2900).

When grant recipients or subrecipients contract with an entity as the Disaster-Relief Employer, including either a non-profit or for-profit entity, they must ensure that negotiations, pricing and any fees contained in the contract and charged to the grant are reasonable and fair, and that any competition is full and open. Additional guidance for contracting and procurement may be found in the Procurement Standards at 2 CFR part 200 and the applicable state procurement policies.

Limit on Disaster-Relief Employment Duration. Participants in disaster-relief positions may be employed for a maximum of 12 months or 2,080 hours, whichever is longer. Grant recipients may submit a modification request to extend the period of employment for existing participants for up to an additional 12 months, and this modification request must justify the reason for extending participants' disaster-relief employment, as required by 20 CFR 687.180(b)(1).

Where an individual has exhausted their allotted disaster-relief employment hours, an existing grant no longer has sufficient work available, or work under an existing grant may not be completed due to the impact of a subsequent disaster, a grantee may enroll individuals in a different Disaster Recovery DWG if available and so long as the individual still meets eligibility requirements. In such cases, these individuals will be eligible for a full and separate 2,080 hours of employment under the new grant.

Participant Wages. Disaster-relief employment participants must receive wages that are at minimum the higher of the Federal, state, or local minimum wage. In accordance with WIOA Section 181(a)(1)(A), generally, participants must be compensated at the same rates, including periodic increases, shift

differential, benefits, or overtime pay, as employees who are similarly situated in similar occupations by the same employer and who have similar training, experience, and skills. Such rates must be in accordance with applicable law but in no event less than the higher of the rate specified in Section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) or the applicable state or local minimum wage law. Where applicable, fringe benefits should be paid in accordance with the benefits that the Disaster-Relief Employer offers its own employees working a similar length of time and doing the same type of work.

However, in cases where the Disaster-Relief Employer **does not have** other employees doing the same or similar work and with similar training, experience, and skills, grant recipients must ensure that the wages that they will pay to participants:

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

These additional wage requirements are beneficial to both workers and communities affected by disasters, as they will ensure that disaster relief employment funds are being used to accelerate the financial recovery of unemployed and underemployed participants. They may also lead to faster hiring and project startup, enabling grantees to more quickly deploy DWG funds to mitigate the effects of disasters. Grant recipients must comply with these requirements under the terms and conditions of their grants, which include compliance with agency policy guidance such as TEGs.

Grant recipients requesting that ETA negotiate different wage terms must provide documentation in the application that particular circumstances warrant different terms and that they are in the best interests of the workers and/or communities being assisted.

Worksite Selection. Disaster-relief worksites must be located in the geographic disaster area covered by the qualifying declaration for the Disaster Recovery DWG (a disaster or emergency declaration under the Stafford Act or other Federal agency's declaration of a disaster or emergency of national significance). There is no worksite limitation for a nationwide disaster declaration, such as the opioid crisis public health emergency and the national emergency declaration for the COVID-19 pandemic; however, ETA may still require an applicant to demonstrate that the areas it intends to serve have needs related to the declared disaster or that they have a greater-than-average need.

Grant recipients must give the highest priority to cleanup of the disaster areas' most severely damaged public communities, facilities, and property, and to the cleanup and the provision of humanitarian assistance to economically disadvantaged areas within the disaster area. Where possible, grant recipients should prioritize enrollment of eligible participants most in need of economic support or workforce development services.

Projects may perform work on private property where the following conditions are met:

1. The work must be intended to remove health and safety hazards to the larger community, or to address or alleviate specific economic or employment-related impacts of the disaster, such as cleanup work needed for disaster-affected employers to resume or continue operations;

2. The activities are necessary to remove health and safety hazards on private lands or around homes or other structures and may only return the land or structure(s) to a safe and habitable level, or operational status, and will not improve the original land or structure(s); and
3. Grant recipients must not use Disaster Recovery DWG funds to cover the cost of materials to do repairs.

Grant recipients are expected to maintain documentation under the Disaster Recovery DWG for all worksites, including the dates and hours worked by each participant. For work on private property, documentation must provide the rationale for the determination that such work was allowable under this guidance. Grant recipients are not required to receive prior approval from the Department to work on private property.

Preventing Future Disaster Impacts. Generally, disaster-relief employment under Disaster Recovery DWGs will not be authorized for activities that are designed primarily to prevent or address the impacts of future disasters. DWG activities help mitigate the ongoing effects of the current declared disaster for which they were awarded; activities that may prevent future disasters or their impacts are permissible only where such activities are an outgrowth of addressing the impacts of the disaster or emergency that served as the current grant's qualifying event. For example, DWG-funded disaster-relief employment may support installing a new tornado siren system to replace one destroyed by a tornado, but it cannot support installing a tornado siren system not previously available in the disaster-affected area. DWG funds may support prevention work only within the requirements of WIOA Section 170(d)(1) for disaster-relief employment.

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

State workforce agencies and DWG grant recipients have an important role to play in disaster response strategic planning in states and outlying areas. By having a seat at the table, the workforce system can ensure that the workforce development perspective is included in these strategies for both short-term recovery activities as well as longer-term resilience by developing the disaster-recovery workforce of the future. Disaster Recovery DWGs and other workforce programming can carry out these workforce strategies.

Health and Safety Standards. In all DWG projects, grant recipients must establish written policies specifying that Disaster-Relief Employers ensure that project participants are afforded the same health and safety standards established under Federal and state law applicable to working conditions of permanent employees. To the extent that state workers' compensation law applies, Disaster-Relief Employers must provide workers' compensation to project participants on the same basis as individuals in similar employment, as required by WIOA Section 181(b)(4). In cases in which a project participant is not covered under a state workers' compensation law, based on the status of the Disaster-Relief Employer with whom they are placed, the temporary nature of their employment, or another reason, the project participant must be provided with appropriate on-site medical and accident insurance for work-related

activities. The grant recipient must also ensure that project participants receive appropriate safety training and assure safe working conditions in accordance with the Occupational Safety and Health (OSH) Act of 1970. For more information, contact the appropriate OSHA field office. A listing of OSHA field offices is available at <https://www.osha.gov/contactus/bystate>.

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

Requirements for Unemployment Insurance (UI) Coverage. In some cases, temporary disaster-relief employment participants may be eligible for unemployment benefits at the conclusion of their employment. Unemployment Insurance eligibility for such individuals is based on state laws and the specific employer for whom they work; state UI laws generally indicate which employers are required to pay relevant UI taxes. Dislocated Worker Grant funds may be used to pay required taxes; however, the grant may not be used to pay penalties for failure to remit employer taxes or provide unemployment insurance coverage where required by law.

Application Requirements: Disaster Recovery DWGs

There are two types of applications that may be submitted for Disaster Recovery DWGs: emergency or full applications.

Emergency Application. Applicants may request Disaster Recovery DWGs through an abbreviated emergency application to facilitate timely delivery of DWG assistance in response to a disaster event. Unless the grant officer permits an extension, emergency applications must be submitted to ETA within 15 business days of the declaration of a qualifying disaster by FEMA or other Federal agency having jurisdiction over the disaster. Applicants must submit the following when submitting a request for a Disaster Recovery DWG through an emergency application:

- A copy of the relevant declaration of a qualifying event;
- A completed form SF-424;
- An abbreviated project summary that includes a brief description of the impacts of the declared emergency or disaster, including the initial number of expected participants, and the urgent needs that may be addressed; and
- Where applicable, a description of any disaster-relief employment positions that the applicant intends to begin following approval of an emergency application and prior to the full award.

For more information regarding these requirements, including additional emergency application instructions, sample forms and other resources, please see Section 6 of this TEGl and <https://www.dol.gov/agencies/eta/grants/apply>.

ETA encourages grant recipients awarded Disaster Recovery DWG funding under an emergency application to begin grant operations as quickly as possible to support economic and employment-related recovery in the disaster area(s). Activities such as participant outreach, implementing subrecipient or project operator agreements, identifying potential worksite employers, and enrolling participants in employment and training activities may begin immediately upon approval of an emergency application.

In addition, applicants may request, as part of the emergency application, approval for disaster-relief employment positions that address the impacts of the declared disaster and begin cleanup or humanitarian assistance disaster-relief employment as soon as an emergency award is approved.

In some cases, applicants may be able to begin some activities prior to the approval of the emergency application. Applicants may request a start date that aligns with the date of the qualifying declaration rather than the date of award; see Grant Start Date in Section 3 below for more information on what information must be provided in such cases.

Grant recipients should work to ensure that other activities begin immediately after award so the grant can begin to provide full services as soon as possible after the full application is approved.

Within 60 business days following the award of Disaster Recovery DWG funds requested via an emergency application, the grant recipient must modify the grant to provide a full and complete application. Grant recipients who anticipate challenges with meeting the 60-day requirement should notify ETA for technical assistance or to request an extension. Where applicable, applicants may decide to submit a full application containing a complete budget and plan in lieu of an emergency application. However, ETA recommends applicants consider the urgency of the need for funds to address the emergency or disaster situation when determining whether to submit a full application, which will be more time consuming to prepare and review.

Full Application. The full application must be completed in accordance with Section 6 of this TEGL and <https://www.dol.gov/agencies/eta/grants/apply>. The full application includes: 1) a current SF-424; 2) Statement of Work inclusive of a completed Community Needs Assessment; 3) budget (SF-424A) and budget narrative including median wages anticipated for disaster-relief employment (see Participant Wages section above), the proposed disaster-relief jobs to be created that were not previously approved as part of an emergency application; and 4) a draft or preliminary Project Implementation Plan (see Section 8 below).

Note: Full applications that are submitted following an initial emergency award must also address any special conditions included in their grant agreement.

B. Employment Recovery DWGs

Description

Employment Recovery DWGs provide resources to states and other eligible applicants to respond to major economic dislocations, such as plant closures and mass layoffs, as well as closures and realignments of military installations, which cause significant job losses. The Secretary of Labor has the discretion to award DWGs to eligible entities where the eligible entity can demonstrate a qualifying event resulted in the need for additional funds to provide allowable employment and training assistance to eligible participants. ETA will examine each application on a case-by-case basis to determine if the applicant has met these requirements.

Employment Recovery DWGs provide employment and training assistance to dislocated workers (including trade-affected workers³) and other eligible participants as described below.

Qualifying Layoff Events

The following dislocation scenarios could qualify an eligible applicant for an Employment Recovery DWG under 20 CFR 687.110(a).

Mass Layoff or Plant Closure. Layoffs or plant closures affecting 50 or more workers from one employer within the service area of the applicant may qualify for Mass Layoff or Plant Closure Employment Recovery DWGs. Applicants are not required to demonstrate more than one layoff of 50 or more workers for the qualifying event; however, additional information on layoffs or other data may be required to substantiate the funding request based on the planned number of participants and the proposed project area as part of an application.

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 state, or a regional or local workforce area or areas may qualify for a Community Impact Employment Recovery DWG. Community Impact grants are typically awarded to serve rural areas where the employer base is predominantly smaller companies with fewer than 50 employees each, and where such layoffs may not meet the definition of “mass layoffs” noted above.

Higher-than-Average Demand for Services from Dislocated Service Members. A higher-than-average demand for employment and training activities from dislocated military service members and dislocated military spouses that exceeds state and local resources for providing such activities may qualify for Employment Recovery DWG funding. Such events have requirements in addition to those for other Employment Recovery DWGs; see Eligible Participants section below for specific information.

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

³ The Trade Act, as amended, contains provisions allowing the costs of a training program approved under the Act to be paid by TAA funds or from other sources but does not allow duplication of payment of training costs, in accordance with Sections 236 and 239 of the Act. Under certain circumstances, the costs of training may be shared across TAA and DW formula or DWG programs. DW or DWG funds can pay for necessary services or training before a participant is determined eligible for TAA. However, states may not use TAA funds before a participant is determined eligible for TAA. Additionally, the TAA Governor-Secretary Agreement, Section D, requires that the TAA Program will be the primary source of assistance to trade-affected workers. To the extent trade-affected workers require assistance or services not authorized under the TAA Program, or for which TAA Program funds are unavailable or insufficient (including for required employment and case management services), the state will make such assistance available through the American Job Center network, including DW and DWGs. For more information on the Trade Act visit: <https://www.dol.gov/agencies/eta/tradeact>.

To demonstrate higher-than-average demand, an applicant must provide:

- 1) Data showing an increase in unemployment, separations, or other relevant information for the potentially-eligible population for the current year compared against the average of the prior three years for the same population;
- 2) An indication of how the applicant determined that this potentially-eligible population has sought, or will seek, relevant employment and training activities; and
- 3) A demonstration that existing resources, including those available through VETS, the Department of Veterans Affairs, and the Department of Defense, cannot meet the needs due to the higher-than-average demand for services.

Applicants must draw from administrative data sources to document the increase in unemployment levels among potentially eligible participants; appropriate sources of data include, but are not limited to, workforce data and Unemployment Compensation for Ex-service members (UCX) data. Service members with notification before separation may be included in the calculation of higher-than-average demand.

Those applicants who are not a state workforce agency or local workforce development board (WDB) must coordinate with appropriate local WDBs or with the state to obtain data to determine the demand from military service members for employment and training activities, as well as information on limitations of available formula funds to meet the higher-than-average demand. WIOA Section 166 Indian and Native American Program applicants can coordinate with states or local areas to obtain such data, and ETA will consider alternative data sources from these applicants.

Eligible Applicants

Eligible applicants for Employment Recovery DWGs include:

1. State or outlying area, or a consortium of states;
2. Local WDB or a consortium of WDBs;
3. Entities eligible for funding through the Indian and Native American Program in WIOA Section 166(c);
4. Entities determined to be appropriate by the governor of the state or outlying area involved;
 - a. To be eligible, such entities must attach a signed letter from the Governor, on official letterhead, identifying the organization and indicating why the Governor has determined it appropriate to carry out a DWG project; or
5. Entities that demonstrate to the Secretary of Labor their capability to effectively respond to circumstances related to particular dislocations.
 - a. To demonstrate its capability to the Secretary, such an applicant must submit documentation that the applicant has:
 - i. expertise with workforce development or training and addressing the impacts of large-scale dislocation events on affected workers;
 - ii. the geographic or administrative reach to handle large-scale workforce issues;
 - iii. financial and administrative capability to administer a Federal grant;
 - iv. a letter of support for its DWG application from the relevant state workforce agency(ies) and WDBs for all of the geographic area(s) the DWG will serve;
 - v. the capacity to submit required performance data through ETA's performance reporting system; and
 - vi. completed the pre-application activities required by 20 CFR 687.140.

In cases where the applicant is not the state workforce agency (i.e. the state agency that receives WIOA Dislocated Worker formula funds), the applicant must work collaboratively with its state workforce agency or appropriate local WDBs to ensure that the applicant coordinates with Rapid Response efforts, or otherwise coordinates with early intervention activities as required in 20 CFR 687.140. Such applicants are also responsible for collecting and reporting applicable performance data per WIOA requirements; where appropriate, partnering with applicable workforce system entities may provide support in understanding and reporting of performance data.

Eligible Participants

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

1. Dislocated worker as defined in WIOA Section 3(15), including displaced homemakers as defined in WIOA Section 3(16); see TEGL 19-16 for more specific information on the flexibilities that WIOA provides to Governors with regard to establishing procedures for interpreting and applying the definition of dislocated worker to individuals;
2. 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. 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. Member of the Armed Forces who:
 - a. was on active duty or full-time National Guard duty;
 - b. is involuntarily separated (as defined in section 1141 of title 10, United States Code) from active duty or full-time National Guard duty; or is separated from active duty or full-time National Guard duty pursuant to a special separation benefits program under 10 U.S.C. 1174a, or the voluntary separation incentive program under section 1175 of that title;
 - c. is not entitled to retired or retained pay incident to the separation described in Subclause b above; and
 - d. applies for employment and training assistance within 180 days of that separation.

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

1. Dislocated members of the Armed Forces (service members who are transitioning to the civilian workforce), including recently separated veterans. This includes all members of the Armed Forces who were discharged under conditions other than dishonorable.⁴

⁴ A basic requirement to qualify as a dislocated worker is that the worker be terminated or laid-off. The term “terminated” is not defined in the WIOA statute or regulations. It is Department of Labor policy that being discharged, under conditions other than dishonorable, either voluntarily or involuntarily, terminates the employment relationship between the individual and the military for the purposes of the WIOA definition of a dislocated worker. To be eligible, the separating or separated service member must also satisfy other criteria for dislocated worker eligibility, including the requirement that the individual is “unlikely to return to a previous industry or occupation.”)

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

As with Disaster Recovery DWGs, where not in conflict with WIOA, grant recipients are responsible for developing written policies and procedures for determining participant eligibility. These policies should include a protocol to verify participant eligibility that aligns with WIOA, in particular for situations when disaster events may impact the ability to gather and document participant eligibility and warrant the use of self-attestation as source documentation. Grant recipients must demonstrate that they have made a reasonable effort to collect, during the disaster and after the disaster, the additional documentation necessary to ensure that each participant is eligible under 20 CFR 687.170(a).

While ETA encourages applicants for Employment Recovery DWGs to enroll participants who were affected by the qualifying layoff event(s), any individuals who meet the eligibility requirements above may be served. Applicants may be asked to provide sufficient detail in an application to establish that the requested funding amount and planned participant numbers align with demonstrable needs.

Timing of Application

To the extent possible, applications should be submitted within 120 days of a qualifying layoff event to facilitate the timely delivery of reemployment services.⁵ DWG services may be provided to participants at the time of eligibility determination, which may be as early as 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 should consider the needs of eligible participants and other factors and request a grant start date that enables such services to be provided through the Employment Recovery DWG as quickly as possible. See the Grant Start Date description in Section 3 below for more information on when grant activities may begin.

The full application must be completed in accordance with Section 6 of this TEGL and the application instructions found at <https://www.dol.gov/agencies/eta/grants/apply>. The full application includes: 1) a

⁵ For Employment Recovery DWGs requested in response to a Community Impact qualifying event, applicants should consider the 120-day timeframe to begin at the time of the last layoff event included in the calculation that a qualifying Community Impact is occurring, or no later than one year after the first of the layoffs included in the calculation occurred.

current SF-424; 2) Statement of Work inclusive of information regarding early intervention and layoff aversion activities; and 3) budget (SF-424A) and budget narrative.

Allowable Activities

Employment and Training Assistance. For Employment Recovery DWGs, the terms “employment and training assistance” and “employment and training activities” are used interchangeably, and include career services, training services, and supportive services, as described below. In alignment with both 20 CFR 687.180 and the Uniform Guidance, grant recipients must develop and follow policies to effectively carry out employment and training assistance.

Career Services. Career services are described in WIOA Section 134(c)(2), 20 CFR Part 680, and TEGL 19-16. These are activities designed to help support dislocated workers in making informed decisions for the purpose of achieving reemployment and education goals. Career services may include, but are not limited to: outreach, intake, labor exchange services, initial and comprehensive assessments, development of an individual employment plan, referral, provision of labor market information, and information on eligible training providers and the availability of supportive services.

Training Services. As described in WIOA Section 134(c)(3)(D), training services are allowable under Employment Recovery DWGs and may include occupational training, work-based learning such as on-the-job training and Registered Apprenticeships, entrepreneurial training, and customized training. DWG funds may be used to reimburse up to 50 percent of the wage rate for on-the-job training or up to the reimbursement percentage the Governor or local WDB has approved for on-the-job training for WIOA formula programs according to the criteria outlined in WIOA Section 134(c)(3)(H) and 20 CFR 680.730. If a state has a waiver to reimburse on-the-job training at higher rates, that waiver may be applied to the DWG. See Section 5, Administrative Policies, for more information. The use of DWG funds for training is subject to the limitations or requirements as applicable to the WIOA Dislocated Worker formula program delineated in 20 CFR part 680 and TEGL 19-16.

Supportive Services. Supportive services are often an important element in participants’ success and are allowable whenever they are needed to enable individuals to participate in employment and training activities. Supportive services offered to participants under an Employment Recovery DWG have the same requirements and features of supportive services delivered in the WIOA Dislocated Worker formula program. DWG supportive services must align with the state or local area supportive service policy and have the same requirements as applicable to the WIOA Dislocated Worker formula program, in 20 CFR part 680 and TEGL 19-16.

Factors Considered in Awarding Employment Recovery DWGs and Award Amounts

Employment Recovery DWGs are awarded at the Secretary’s discretion to assist grant recipients in dealing with dislocation events, such as layoffs and plant closures, that cannot be handled through the local workforce development system’s normal capacity. ETA will determine whether the dislocation exceeds the normal capacity of the local workforce system on a case-by-case basis.

Section 3: Grant Funding Approach

The following describes ETA's typical approach to funding DWGs; however, ETA may use other methods when determining funding amounts as appropriate.

Incremental Funding

For DWGs, ETA generally awards in one-third increments of the requested funding amount, with an overall ceiling (often referred to as the "up-to" amount) equal to the total funding request. ETA may fund DWGs with a reduced initial award, in full, or in larger-than-typical increments, depending on factors such as the severity of a disaster, the viability of a proposed project, and the applicant's prior experience or performance implementing DWGs. Applicants should note that prior DWG experience and performance are only considerations for how funds are disbursed, and are not included in determinations of whether an applicant or project is funded; however, approval of the award "up-to" ceiling does not represent obligation of funds beyond the immediate incremental award, and each subsequent increment up to the award ceiling is contingent upon progress made toward the enrollment goals and milestones established in the approved grant agreement.

Requesting the Next Increment

Grant recipients may request the next increment when:

1. Expenditures or obligations have reached, or are within 45 days of reaching, approximately 70 percent of the total DWG funds awarded to date;
2. The Community Needs Assessment demonstrates continued need for the funds. The obligation of subsequent funding increments is based on a recipient's justification for the additional resources and continued demonstrated need, as evidenced by enrollments, expenditures, and performance measure outcomes, as applicable; and
3. ETA reports and documentation demonstrate the grant recipient is making a reasonable effort to achieve program goals.

ETA's review of a request for funding increments may consider an applicant's demonstrated success or progress towards meeting or exceeding any specific outcomes and milestones identified in the initial application, as well as progress in responding to monitoring reports and compliance with the grant terms and conditions (found at <https://www.dol.gov/agencies/eta/grants/resources>). ETA may review quarterly performance reports to ensure that the recipient is making a reasonable effort to achieve program goals and may review monitoring reports and corrective action plans to ensure that the recipient is managing the program in compliance with the grant agreement and federal regulations. Such a demonstration should be included in the modification requesting a funding increment, and may include evidence of efforts made to achieve specific outcomes, milestones or enrollment numbers, even where the grant recipient has been unable to meet those goals.

Grant recipients may not reduce their total participant enrollment goal after approval of a full application. ETA expects grant recipients to work toward the enrollment goal, planning each increment to fully serve participants at the levels that those participants require, and request the next increment per the above to continue working toward that goal. ETA will provide technical assistance and support to applicants and grant recipients to ensure that they are able to meet grant requirements.

Additional Funding

Additional funding refers to those funds that are requested after a grant's full "up-to" amount has already been awarded, or the initial project has been completed. A project is considered complete once it reaches the end of the approved period of performance (see Period of Performance section below).

A DWG grant recipient may request additional funding if it demonstrates that its current, approved project will need additional funding to complete. In requesting additional funding, grant recipients will be expected to fully justify the need for additional funds. Such justifications could include, but are not limited to: evidence that the employment- or cleanup-related impacts identified in the initial application continue to impact the service area; extension of a disaster declaration; needs higher than projected; or costs in excess of what was anticipated.

Additionally, the same considerations for incremental funding requests apply to requests for additional funding. See ***Requesting the Next Increment*** section above.

ETA will determine on a case-by-case basis whether grant recipients receive additional funding, or are required to apply for a new grant. Requests for funding to meet workforce needs beyond the approved period of performance must be addressed by submitting a new grant application and demonstrate DWG requirements for time-limited funding for a Disaster Recovery or Employment Recovery qualifying event.

Period of Performance & Closeout

The period of performance for DWG funds begins at the project start date and continues through the project end date, as specified in the grant award. Generally, the period of performance does not exceed 24 months from the project start date. All funds must be obligated during the period of performance. The period of performance established with the initial award governs the ability to obtain incremental and additional funding. ETA will consider a one-time extension of the period of performance by up to 12 months with appropriate justification in accordance with the Uniform Guidance at 2 CFR 200.309.

The grant closeout period will commence and proceed within 120 days of the end of the period of performance in accordance with 2 CFR parts 200 and 2900.

Grant Start Date

In general, ETA expects that the start date for a DWG project is the date of award, and all grant-funded services will begin following the date of award. Once established, the start date cannot be modified. Applicants may request in their application an earlier start date to reimburse allowable costs incurred for DWG activities started before the date of the award, as long as:

- a formal request with justification is included in the application; and
- the proposed start date does not occur before the latest of either the qualifying event for the particular DWG application or the first day of the current fiscal year.

Section 4: DWG Cost Limitations

2 CFR Part 200 – Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards

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

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. Grant recipients have two options to claim reimbursement of indirect costs.

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

Option 2: Any non-Federal entity that does not have a current negotiated (including provisional) rate, with the exceptions noted at 2 CFR 200.414(f) in the Cost Principles, may elect to charge a de minimis rate of 10 percent of modified total direct costs (see 2 CFR 200.1 for definition), which may be used indefinitely. If a grant recipient chooses this option, this methodology must be used consistently for all Federal awards until such time it chooses to negotiate for an indirect cost rate, which it may apply to do at any time. (See 2 CFR 200.414(f) for more information on use of the de minimis rate.)

Applicants charging indirect costs to a grant must submit a NICRA or CAP, which has been approved by their Federal Cognizant Agency, that covers the entire period of performance.

Administrative Costs

ETA applies administrative cost limitations to all DWGs, as follows.

1. If a state is the grant recipient and has one or more subrecipients or project operators, the state may retain up to 5 percent of the award amount for administrative costs, and the subrecipients may retain up to 10 percent of the award amount (for a total of 15 percent of the award).
2. If a state or a local workforce area is the grant recipient, total administrative costs must not exceed 10 percent.
3. ETA will negotiate administrative cost limitations with all other grant recipients.

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

Reasonableness of Costs

Applicants will be expected to justify the reasonableness of the costs associated with a DWG application. ETA considers the average cost for participants enrolled in project activities as well as the applicant's justification provided in alignment with the applicant's existing fiscal policies or costs for comparable programs. The justification should describe:

- how costs are determined;
- relevant existing fiscal policies or costs for comparable programs; and
- alignment with the proposed project activities and community assessment needs.

Generally, the justification may include information such as regional wage and benefits for the participants, case management costs for serving participants, supportive services and career and training costs to serve participants, or other relevant direct costs associated with the proposed program.

Section 5: Administrative Policies and Other Definitions

DWGs: Partnership in the American Job Center (AJC) Network

DWG grants are funded through Title I of WIOA and are considered required one-stop partners in the local AJC network.⁶ Partnership in the one-stop system provides an array of benefits to the partner organization and participants being served by the DWG, including: access to a wide array of services and resources, outreach and recruitment, connections to businesses, access to economic or labor market information, and participation in a regional economic partnership.

Most DWGs are awarded as supplemental funds to support an already existing Title I dislocated worker program, which renders them part of the existing local one-stop partnership. As such, DWG grant recipients that are currently one-stop partners would not be required to update or modify the existing Memoranda of Understanding (MOUs) or Infrastructure Funding Agreements (IFAs).

However, DWGs awarded to grant recipients that are not already one-stop partners must engage with the local workforce development board to become a partner in the AJC network and be included in the local MOUs and IFA.⁷ DWG recipients must become one-stop partners and recognized in the MOU and IFA no later than six months from the grant award date. For more information on MOUs and IFAs, a technical assistance resource called the Sample MOU and IFA Toolkit may be found on www.workforceegs.org.

⁶ Guidance related to required WIOA partners, MOUs, and IFAs can be found in TEGL 16-16 (https://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=8772) and TEGL 17-16 (https://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=4968).

⁷ As required one-stop partners, Native American programs (described in WIOA sec. 166) are strongly encouraged to contribute to infrastructure costs, but they are not required to make such contributions under WIOA. Any agreement regarding the contribution or non-contribution to infrastructure costs by Native American programs must be documented in the MOU (WIOA sec. 121(h)(2)(D)(iv); see also 81 FR 55911-55912 of the preamble to the Joint WIOA Final Rule). See TEGL 17-16 (https://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=4968) for more information on infrastructure costs.

An application for a DWG will require an applicant to indicate that they are or commit to becoming a one-stop partner. Tools and resources to support an applicant's efforts to become a partner may be found at: <https://www.dol.gov/agencies/eta/grants/apply>. The Grant Agreement will provide more information on this requirement.

Waivers

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

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

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

Veterans' Priority

DWGs are subject to the provisions of 38 U.S.C. 4215, which provides priority of service to veterans and eligible spouses in all Department of Labor-funded job training programs. Veterans and eligible spouses who meet DWG eligibility will receive priority of service for training made available under DWGs, as described in TEGL No. 10-09, *Implementing Priority of Service for Veterans and Eligible Spouses in all Qualified Job Training Programs Funded in whole or in part by the U.S. Department of Labor (DOL)*.

Other Terms

ETA may negotiate and fund projects under terms other than those specified in these DWG guidelines when applicants can demonstrate that such adjustments will achieve a greater positive benefit for the workers and/or the communities assisted, and provided the altered terms are allowable under WIOA and 20 CFR part 687; for more information visit the grant terms and conditions website at <https://www.dol.gov/agencies/eta/grants/resources>.

Other Definitions

Community Needs Assessment. The Community Needs Assessment, to be submitted as part of a DWG application and conducted pursuant to 20 CFR 687.140, provides the context for the effects of the qualifying event, and sets the scope of the planned response.

For Disaster Recovery DWG applications, the Community Needs Assessment describes:

- the impacts of the declared emergency or disaster event, including how the proposed grant will prioritize communities and individuals most at-need due to the effects of the declared disaster or emergency situation or due to economic or other disadvantage,

- the cleanup or humanitarian needs that stem from the impacts of the declared emergency or disaster, and
- how proposed disaster-relief employment will address the needs and help mitigate the effects of the declared emergency or disaster event, and promote community recovery including through creating high-quality employment opportunities.

For emergencies or disasters of national significance, the Community Needs Assessment should also demonstrate that the declared emergency or disaster could result in the loss of at least 50 jobs in the area covered by the declaration.

For Employment Recovery DWGs (and for Disaster Recovery DWGs that anticipate including employment and training activities in addition to disaster-relief employment), the Community Needs Assessment:

- provides an overview of the economic situation or layoff impacts on the communities to be included in the project,
- addresses the workforce or employment-related needs in the communities impacted,
- identifies populations to be targeted for services including those who have been historically marginalized, and
- describes how DWG funds will assist support the goal of enabling individuals to return to high-quality employment as a result of grant activities. For purposes of this Community Needs Assessment, applicants are encouraged to describe how they will provide employment and training activities that will lead to participants' employment in high-quality jobs. These goals might prioritize employment that includes a living wage and benefits, promotion potential, offers workers a voice in the operation of the organization, equitable hiring practices, or other factors as described by the applicant.

Applicants also must demonstrate that they have coordinated with local elected official and workforce development boards in the areas where the applicant would execute its project.

For more information on the Community Needs Assessment and other application requirements, see <https://www.dol.gov/agencies/eta/grants/apply>.

Project Operators. DWG recipients or subrecipients may designate an entity as a Project Operator to provide services. Project Operators may be responsible for all or part of enrolling participants in disaster-relief employment, employment and training activities, or both; identifying, retaining and overseeing worksite employers; meeting project goals; and more. Their specific roles and responsibilities are determined by the grant recipient or subrecipient based upon the project implementation plan. A project operator is considered a subrecipient of Federal funds and must adhere to the same provisions as applicable to the DWG grant recipient.

Subrecipients. As found in 2 CFR part 200, a subrecipient means an entity, usually but not limited to non-Federal entities, that receives a subaward to carry out part of a Federal grant; but does not include an individual that is a beneficiary of such award. A subrecipient may also be a recipient of other Federal awards directly from a Federal awarding agency.

Subawards, as described 2 CFR part 200, are awards provided by a pass-through entity to a subrecipient to carry out part of a Federal award received by the pass-through entity. They do 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.

Section 6: How to Apply

Application Submission

Applications for DWG funding are accepted at any time through Grants.gov, provided the appropriated funding for the DWG program is available. The application must meet the requirements outlined in Section 170 of WIOA and implementing regulations at 20 CFR 687.100 - 200, and this DWG operational guidance, and be responsive to information requested on the How to Apply page. Applications that are incomplete or do not meet the requirements of this TEGL may be returned; applicants may resubmit an amended funding request in full for further consideration. For detailed instructions on applying for DWGs, see <https://www.dol.gov/agencies/eta/grants/apply>.

Unique Entity ID (UEI) and Sam.gov Registration

Submission requirements stipulate that all applicants for Federal grant and funding opportunities must have a Unique Entity Identifier (UEI) and must supply their UEI number on the SF-424.⁸

Before submitting their application, applicants must also ensure their registration with the System for Award Management (SAM) is current. Applicants may find instructions for registering with SAM at <https://sam.gov/SAM/>. A grant 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, entities must review and update the registration at least every 12 months from the date of initial registration. Failure to register with SAM and maintain an active account will result in Grants.gov rejecting the application submission.

Applicant information provided on the SF-424 must match with the SAM registration, including the Applicant Legal Name, Address, nine-digit zip code, employer identification number (EIN), and UEI.

Risk Review

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

NOTE: ETA will determine if the applicant had any restriction on spending for any ETA grant due to adverse monitoring findings within the past three years. Depending on the severity of the findings, the

⁸ In April of 2022, the federal government stopped using the DUNS number to uniquely identify entities registered in the System for Award Management (SAM). Entities doing business with the federal government must now use a Unique Entity Identifier (UEI) created in SAM.gov.

Grant Officer may elect to not provide the applicant a grant award or impose conditions on the award.

All applications deemed to be complete and responsive by the Grant Officer will go through a risk review process. Before making an award, ETA will review information available through any OMB-designated repository of government-wide eligibility qualification or Federal integrity information, such as the Federal Awardee Performance and Integrity System (FAPIIS), Dun and Bradstreet, and “Do Not Pay.” Additionally, ETA will comply with the requirements of 2 CFR Part 180 (Government-wide Debarment and Suspension Non-Procurement). This risk evaluation may incorporate results of the evaluation of the applicant’s eligibility (application screening) or the quality of its application (technical review). If ETA determines that an entity is responsible and an award will be made, special conditions that correspond to the degree of risk assessed may be applied to the award. Risk-related criteria evaluated include:

1. Financial stability;
2. Quality of management systems and ability to meet the management standards prescribed in the Uniform Grant Guidance;
3. History of performance as evident in the applicant’s record in managing awards, cooperative agreements, or procurement awards; if it is a prior recipient of such Federal awards, including timeliness of compliance with applicable reporting requirements, conformance to terms and conditions; and if available, the extent to which any previously awarded amounts will be expended prior to future awards;
4. Reports and findings from audits performed under Subpart F – Audit Requirements of the Uniform Grant Guidance (2 CFR Sections 200.500 – 200.521) or the reports and findings of any other available audits, as well as audits and monitoring reports containing findings and issues of non-compliance or questioned costs; and
5. The applicant’s ability to effectively implement statutory, regulatory, or other requirements imposed on recipients.

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

For-Profit Applicants – For-profit or commercial entities that are submitting an application must adhere to the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Uniform Guidance) at 2 CFR 200 and 2 CFR 2900. Please see 2 CFR 2900.2. This requirement extends to subrecipients that are for-profit or commercial entities.

Award Procedures

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

Section 7: Performance Targets and Reporting

Performance Goals

Performance Measures. For grant recipients that are states or outlying areas, the negotiated performance measures for the title I WIOA Dislocated Worker program serve as a basis for each DWG's performance goals. These performance measures are Employment Rate the second and fourth quarter after exit, Median Earnings the second quarter after exit, Credential Attainment, Measurable Skill Gains, and Effectiveness Serving Employers. ETA negotiates with states to determine acceptable performance measures for the title I Dislocated Worker program. These measures will be used for DWGs unless applicants request additional considerations to setting performance measures for an individual grant. Grant recipients that are local WDBs should use the performance measures negotiated with the state for the title I Dislocated Worker program. Grant recipients that are entities described in WIOA Section 166(c) Indian and Native American Program should use the measures established for that program as a basis for DWG performance targets. Goals approved in the DWG application serve as final performance measures for all grant recipients.

Participant Enrollments. An important element in demonstrating performance success for DWG projects is participant enrollment. Grant funding is based in large measure on the total number of participants an applicant proposes to enroll, and assessing grant performance requires a consistent expectation for planned participant numbers.

As a result, ETA generally will not entertain requests to decrease planned participant goals after approval of a full application without substantial justification. ETA encourages grant recipients to make all reasonable efforts to achieve or exceed planned participant levels; grant recipients who can demonstrate that they have made substantial efforts to meet enrollment goals will not face penalties on the current grant or future grant applications for failure to meet these goals. In addition, planned participant numbers for Disaster Recovery DWGs are inclusive of disaster-relief employment and employment and training activities; therefore, grant recipients are only expected to meet the total number of planned participants, not the sub-total for each category separately. When receiving incremental funding, grant recipients should establish target goals, based upon the increment received, that will lead to the total approved participant enrollment should full funding be received.

Reporting

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

Further resources and information on DWG performance are available on the DWG performance web page (<https://www.dol.gov/agencies/eta/dislocated-workers/performance>). DWG recipients must submit financial reports using the ETA-9130 (G) Financial Report, including training expenditures under Section 11c. Guidance and instructions are available at the following link: <https://www.dol.gov/agencies/eta/grants/management/reporting>.

Section 8: Post-Award Policies

Project Implementation Plan

Unless otherwise specified by the regional office, each grant recipient must develop a Project Implementation Plan to reflect the approved project design and funding parameters in the grant award as well as identify project timelines, anticipated outcomes, potential challenges for reaching targets, and other information that will enable ETA to support the grant recipient. The grant recipient must complete the implementation plan within 60 business days of the award of a grant following a full application and transmit it the plan to the Federal Project Officer upon completion.

Grant Modifications

DWG recipients must request and obtain prior written approval for most revisions to a grant project, per the Uniform Guidance at 2 CFR 200.308. In order to request such changes (e.g., statement of work changes, budget realignments, and period of performance extensions), recipients must submit modifications to address the changing circumstances affecting the project's implementation. Recipients must also submit DWG modifications to respond to special conditions of award, or to request incremental or additional funding. For additional information on the DWG modification process, go to the following link: <https://www.dol.gov/agencies/eta/grants/apply>.

Not all changes to grants require modifications. Grant recipients should work with their ETA regional office to determine if grant changes require formal modifications.