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**ADVISORY: TRAINING AND EMPLOYMENT GUIDANCE LETTER NO. 09-24
Change 1**

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

FROM: HENRY MACK, ED.D. 
Assistant Secretary

SUBJECT: Change 1 to Training and Employment Guidance Letter Number 09-24, *Updated National Dislocated Worker Grant Program Guidance and Application Information*

1. **Purpose.** To inform the state and local workforce development system of changes to the policies and priorities that govern the award and use of Disaster Recovery 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. The workforce development system, all DWG recipients, and eligible applicants should review and update applicable policies and procedures to comply with this Training and Employment Guidance Letter (TEGL).
3. **Summary and Background.**
 - a. Summary – This Change 1 to TEGL Number (No.) 9-24 includes updates to requirements for Disaster Recovery DWGs in response to the opioid crisis¹ as well as revisions to reflect current policies and priorities for the overall DWG program. In December 2024, the Department of Labor (DOL) published TEGL No. 09-24 *Updated National Dislocated Worker Grant Program Guidance and Application Information*, which described the policies and priority of the program at that time.

¹ As defined by the Department of Health and Human Services, “opioids are a class of drugs that include the illegal drug heroin, synthetic opioids such as fentanyl, and pain relievers available legally by prescription, such as oxycodone (OxyContin®), hydrocodone (Vicodin®), codeine, morphine, and many others.” See <https://www.hhs.gov/opioids/prevention/index.html>.

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For Disaster Recovery DWGs responding to the opioid crisis,² key updates in this TEGL No. 09-24, Change 1 include:

- i. Funding approach – For Disaster Recovery DWGs in response to the opioid crisis, DOL will prioritize awards to applicants with a demonstrated need for the funding that have not previously been awarded an opioid-related DWG, and to those that do not have an active opioid-related DWG at the time of proposed start date. DOL will only consider one Opioid DWG per eligible applicant at any one time, with the state determining the appropriate service area within the state. Applicants must demonstrate, with sourced data, the severity of the impacts (e.g., rates of death related to opioid use, rates of non-fatal hospitalizations related to opioid abuse, number of children affected due to parental/primary caregiver substance abuse/misuse, etc.) of the opioid crisis in the proposed service area. Note that DOL will only accept these applications during the fourth quarter of the fiscal year (July 1–September 30) to ensure that funds remain available for natural disaster recovery and employment recovery DWGs throughout the year. (Attachment I, pages I-17 and I-25).
- ii. Disaster-Relief Employment – DOL will consider applications for opioid-disaster DWGs without the inclusion of Disaster-Relief Employment as a service strategy. (Attachment I, page I-6).
- iii. Updated Application Requirements – Among other updates, applicants must demonstrate ongoing state efforts to use workforce resources to address the opioid crisis and that available workforce resources are inadequate to meet demand for services to respond to the opioid crisis, and describe plans to sustain activities carried out after the grant period of performance (Attachment I, page I-20).
- iv. Employment and Training - DOL encourages applications that emphasize employment and training participant services focused on increasing the number of qualified professionals in fields mitigating the opioid crisis. DOL includes law enforcement and first responders among these professions (Attachment I, page I-6).

Other key updates in this Change 1 include:

- Qualifying Events for Disaster Recovery DWGs – Updated to clarify that for emergencies or disasters involving a Federal Emergency Management Agency (FEMA) declaration, FEMA must designate the event is eligible for public assistance in order to qualify for a DWG (Attachment I, page I-2).
- Eligible Applicants for Disaster Recovery DWGs – Updated to clarify that the term “state workforce agencies” refers to state workforce agencies administering WIOA formula funds (Attachment I, page I-3).
- Participant Eligibility and Documentation – Updated requirements for self-attestation policies and the collection of all documentation needed to demonstrate participant eligibility (Attachment I, pages I-4 and I-13).

² The Secretary of the Department of Health and Human Services declared the opioid crisis a Public Health Emergency on October 26, 2017, and this declaration has been renewed every 90 days. At time of this writing, the most recent renewal was signed on March 16, 2026. <https://aspr.hhs.gov/legal/PHE/Pages/Opioids-Renewal-15Dec2025.aspx>

- Disaster-Relief Employment – Updated wage requirements to remove the \$15 hourly wage rate minimum in the absence of an industry standard (Attachment I, page I-8).
 - Administrative Costs Limitation – Updated total administrative costs to 10 percent of the total grant award, with rare exceptions (Attachment I, page I-31).
 - Performance Measures – Updated required performance goals to remove Measurable Skills Gains (Attachment I, Page 1-32).
- 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 and other eligible individuals.

DWGs provide supplemental funding in response to major economic dislocations or other events that cause or contribute to a shortage of existing WIOA Dislocated Worker formula funds and other relevant resources in states and local areas, creating challenges in their ability to provide workforce services to eligible participants. DWGs enable states and communities to respond to and recover from large, often unexpected dislocation events and their associated impacts.

The WIOA statute allows DOL to fund 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 FEMA or is declared or recognized as an emergency or disaster of national significance by a Federal agency with authority or jurisdiction over Federal response to the disaster or emergency, including public health emergencies. Employment Recovery DWGs expand capacity to serve dislocated workers and to meet the increased demand for employment and training services following a qualifying dislocation event such as a mass layoff, plant closure, or higher-than-average demand for employment and training activities for dislocated members of the Armed Forces and their spouses. While the two DWG types serve different purposes, both play an important role in helping communities, individuals, and businesses recover from large-scale economic events.

DWGs in response to the opioid crisis are a specific type of Disaster Recovery DWG, where the qualifying event is a declaration by the Department of Health and Human Services (HHS) designating the opioid crisis as a Public Health Emergency.³

4. **DWG Program Guidance.** See Attachment I, National Dislocated Worker Grant Program Guidance and Application Information, for a full discussion of NDWGs’ purpose, policies, priorities, and requirements. See Attachment II, Policy Explanations and Examples to Support DWG Program Guidance, for additional supporting information.
5. **Paperwork Reduction Act Statement.** Applicants for DWGs must submit an application, as described in Attachment I. The OMB Information Collection Number for that application,

³ Health and Human Services Declaration of Opioid Public Health Emergency renewed March 2026 <https://aspr.hhs.gov/legal/PHE/Pages/Opioid-Renewal-16Mar2026.aspx>.

1225-0086, expires June 30, 2028. The current approval and subsequent approvals for this information collection are tracked in <https://www.reginfo.gov/public/do/PRAMain>.

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless such collection displays a valid OMB control number. Public reporting burden for this collection of information is estimated to average 20 hours per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

This information is being collected for the purpose of awarding a grant and is required to be considered for a DWG. DOL will use the information collected through this solicitation to ensure that grants are awarded to the applicants best suited to perform the functions of the grant.

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

7. **References.**

- TEGL No. 09-24, *Updated National Dislocated Worker Grant Program Guidance and Application Information*, issued December 17, 2024, <https://www.dol.gov/agencies/eta/advisories/tegl-09-24>;
- Workforce Innovation and Opportunity Act (WIOA) (Pub. L. 113-128) (July 22, 2014);
- 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 No. 23-19 Change 3, *Guidance for Validating Required Performance Data Submitted by Grant Recipients of U.S. Department of Labor (DOL) Workforce Programs*, issued December 1, 2025, <https://www.dol.gov/agencies/eta/advisories/tegl-23-19-change-3>;
- TEGL 5-25, *Maximizing Innovation in Workforce Innovation and Opportunity Act Programs*, issued November 25, 2025, <https://www.dol.gov/agencies/eta/advisories/tegl-05-25>;
- TEGL No. 14-18, *Aligning Performance Accountability Reporting, Definitions, and Policies across Workforce Employment and Training Programs Administered by the U.S. Department of Labor (DOL)*, issued March 25, 2019, <https://www.dol.gov/agencies/eta/advisories/training-and-employment-guidance-letter-no-14-18>;
- TEGL No. 8-18, *Workforce Innovation and Opportunity Act (WIOA) Title I and Wagner-Peyser Act Waiver Requirements and Request Process*, issued December 19, 2018, <https://www.dol.gov/agencies/eta/advisories/training-and-employment-guidance-letter-no-08-18>;
- TEGL No. 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*, issued March 1, 2017, <https://www.dol.gov/agencies/eta/advisories/training-and-employment-guidance-letter-no-19-16>;

- TEGL No. 17-16, Infrastructure Funding of the One-Stop Delivery System, issued January 18, 2017, <https://www.dol.gov/agencies/eta/advisories/training-and-employment-guidance-letter-no-17-16>;
- TEGL No. 16-16, *One-Stop Operations Guidance for the American Job Center Network*, issued January 18, 2017, <https://www.dol.gov/agencies/eta/advisories/training-and-employment-guidance-letter-no-16-16>;
- TEGL No. 16-16, Change 1, *Change 1 to Training and Employment Guidance Letter (TEGL) 16-16 One-Stop Operations Guidance for the American Job Center Network*, issued June 16, 2017, <https://www.dol.gov/agencies/eta/advisories/training-and-employment-guidance-letter-no-16-16-change-1>;
- TEGL No. 28-10, *Federal Financial Management and Reporting Definitions*, issued May 27, 2011, <https://www.dol.gov/agencies/eta/advisories/training-and-employment-guidance-letter-no-28-10>;
- 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)*, issued November 10, 2009, <https://www.dol.gov/agencies/eta/advisories/training-and-employment-guidance-letter-no-10-09>;
- TEN No. 19-24, *Announcing the Disaster Lifecycle from Preparedness through Resiliency: A Guide for State Workforce Agencies*, issued January 17, 2025, <https://www.dol.gov/agencies/eta/advisories/ten-19-24>; 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).

8. **Attachments.**

- Attachment I – National Dislocated Worker Grant Program Guidance and Application Information
- Attachment II - Policy Explanations and Examples to Support DWG Program Guidance

National Dislocated Worker Grant Program Guidance and Application Information

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Purpose of this Program Guidance

This program guidance outlines the framework for the National Dislocated Worker Grant (DWG) Program, detailing its purpose, policies, priorities, and requirements. Additionally, the guidance includes various examples (see Attachment II) to clarify specific policies, requirements, and expectations.

Part 1: National Dislocated Worker Grant Program Policies

Section 1.A: Types of DWGs

Disaster Recovery DWGs

Description

Disaster Recovery DWGs provide temporary disaster-relief employment, as well as employment and training activities, as appropriate, in response to applicable emergency or disaster declarations as defined in 20 CFR 687.110(b), including public health emergencies. Disaster Recovery DWGs help address employment and economic recovery from the impact of disasters and emergencies in disaster-declared areas.

Disaster Recovery DWGs help communities address and recover from the impacts of a disaster or emergency including public health emergencies, and to help develop a workforce better equipped for resilience to disaster events in the future. The Employment and Training Administration (ETA) expects that the State Workforce Agency (or DWG grant recipient or subrecipient) actively participates to better coordinate with existing or developing emergency response efforts. ETA will also use this information to facilitate any necessary communication with FEMA. ETA encourages states and other entities eligible to apply for Disaster Recovery DWGs to maintain readiness and play a role in disaster preparedness by actively:

- Supporting and participating in disaster preparedness planning activities carried out by state emergency management agencies or others; and
- Planning for the types of disaster-relief employment positions that have identified pathways to unsubsidized employment. (Note that such positions must abide by employment laws and certain standards described below).

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. Federal agency declarations might be made by the Department of Health and Human Services, the Environmental Protection Agency, the Small Business Administration, Economic Development Administration, or others. In some cases, these declarations, such as the public health emergency declarations for COVID-19 or the opioid epidemic, established a new qualifying event that remains in effect until the qualifying declaration is rescinded or expires.

Not every Federal emergency or disaster declaration will automatically meet the standard for “national significance” as required by WIOA. Applicants requesting a Disaster Recovery DWG for an emergency or disaster of national significance must demonstrate that a potentially large loss of employment could result from a disaster or emergency.

ETA defines “potentially large” in this context as the potential loss of at least 50 jobs within the disaster area covered by the relevant declaration within the jurisdiction of the applicant.

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.

Eligible Applicants

Eligible applicants for Disaster Recovery DWGs include the state workforce agencies administering WIOA formula funds, outlying areas, or Indian tribal government as defined by the Stafford Act, 42 U.S.C. 5122(6).

Eligible Participants

The following individuals are eligible to 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;⁴
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 concerning establishing procedures for interpreting and applying the definition of dislocated worker to individuals;
3. Long-term unemployed individuals,⁵ as defined by the state workforce agency or other eligible entity; or
4. Self-employed individuals who became unemployed or significantly underemployed as a result of the emergency or disaster.

Note that the statute and its regulations do not restrict enrollment in a Disaster Recovery DWG to individuals impacted by the qualifying event. Grant recipients can enroll individuals who meet the definition of “dislocated worker” in WIOA, and long-term unemployed individuals as defined by the grant recipient, even if the dislocation or the unemployment is not a result of the qualifying event. For opioid-related Disaster Recovery DWGs, participant eligibility does not require that an individual be personally impacted by opioid addiction.

⁴ This eligibility category provides grant recipients flexibility to identify and enroll participants in a Disaster Recovery DWG, as it contains several terms that grant recipients can apply to best fit the disaster situation. See Attachment II for additional information.

⁵ This definition of a long-term unemployed individual is unique to the DWG program. Unlike other WIOA Title I Programs, 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 state workforce agencies and other entities eligible to apply for Disaster Recovery DWGs develop a definition for long-term unemployed individuals that is most appropriate to best carry out the Disaster Recovery DWG activities. See Attachment II for additional information.

When determining participant eligibility, grant recipients must develop and follow written policies and procedures. Such policies and procedures should address terms such as “laid off as a consequence of the emergency or disaster,” long-term unemployed, and significantly underemployed. See Attachment II for additional information and examples related to the Disaster Recovery DWG participant eligibility categories.

Grant recipient policies should include a protocol for verifying participant eligibility and for collecting and validating participant data in alignment with Section 4 of TEGL No. 23-19, Change 3, which removed self-attestation as an acceptable form of source documentation for one participant eligibility-related data element, date of birth. While self-attestation may be used as source documentation for some required participant eligibility data elements,⁶ grantees are encouraged to use other forms of source documentation whenever possible. DWG grant recipients must retain documentation of self-attestations provided by participants.

Allowable Grant Activities

Disaster-Relief Employment. Disaster Recovery DWGs provide funding for the creation of disaster-relief employment, 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).⁷ Applicants must demonstrate that any disaster-relief employment they intend to create under a Disaster Recovery DWG will be designed to mitigate the humanitarian, physical, or economic impacts of the disaster, and that the proposed work 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. Cleanup and recovery include a broad set of 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, developed in response to specific disaster events.

Cleanup and recovery activities’ design must address, mitigate, or otherwise limit the damage, or the health and safety impacts, of the current disaster. Repairs and reconstruction must be limited to 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 the impacts of future disasters.

⁶ TEGL no. 23-19, Change 3 is the most recent data validation guidance as of the publication of this TEGL. Attachment II of TEGL no. 23-19 Change 3 eliminates self-attestation for data element (DE) 200 Date of Birth. Self-attestation is an allowable source document for DE 401- UC Eligible Status, DE 402 - Long-Term Unemployed at Program Entry, and DE 410 - Date of Actual Dislocation.

⁷ 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)).

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 supporting projects that distribute food, clothing, shelter and other humanitarian assistance. The humanitarian assistance provided by disaster-relief employment participants must respond to the impacts or the needs resulting from the disaster situation named in the Federal declaration.

When using DWG-funded Disaster-Relief Employment to deliver or provide humanitarian assistance, grant recipients cannot use DWG funds to purchase the material goods for delivery to individuals impacted by the disaster.

Examples of humanitarian assistance in a public health emergency include providing support for addiction treatment services and serving as peer recovery navigators or in other peer-focused positions that support individuals struggling with opioid addiction or recovery from opioid addiction.

Due to the variable nature of emergencies and disasters, DOL will consider humanitarian assistance activities on a case-by-case basis; therefore, applicants should demonstrate that any proposed disaster-relief employment for humanitarian assistance thoroughly addresses the following:

1. How the proposed employment activities and duties will address specific humanitarian assistance needs created by the declared disaster,
2. How the disaster created the need for disaster-relief employment positions; and
3. How the proposed disaster-relief employment will help mitigate the effects of the declared disaster by addressing the humanitarian need.

For more information on application requirements, please review the Community Needs Assessment in Section 2.A below. For examples of cleanup and humanitarian assistance activities, see Attachment II.

The provision of general humanitarian assistance that *solely or primarily* focuses on the prevention of or planning for future disaster events is not allowable under a Disaster Recovery DWG. WIOA allows 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 current event.

Exception to the Disaster-Relief Employment Requirement. Generally, Disaster Recovery DWG projects must include disaster-relief employment in response to the Federally declared disaster event. As necessary, ETA may approve grants that offer employment and training activities only, and it will consider such an exception in the following situations:

1. For Disaster Recovery DWGs responding 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 responding to declared disasters in other geographic areas due to an influx of individuals who have relocated to the recipients' location. In these circumstances, the DWG may provide employment and training activities as the primary

activity since participants are outside of the disaster area. However, these grants may also offer participants disaster-relief employment where appropriate.

Exception to Disaster Relief Employment for Opioid Disaster Recovery DWGs: For Disaster Recovery DWGs responding to the opioid crisis, DOL will consider applications whether they propose Disaster-Relief Employment or do not propose Disaster-Relief Employment. Applicants should only propose Disaster-Relief Employment if that is the most significant workforce need related to the opioid public health emergency and would be the most effective use of funds.

In alignment with 20 CFR 687.180, grant recipients must develop and follow policies to effectively carry out disaster-relief employment activities.

Employment and Training Activities. Disaster Recovery DWGs 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.

As a general goal, employment and training activities should be designed to allow participants to obtain unsubsidized 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 employment and training activities.

Opioid Disaster Recovery Employment and Training Emphasis: For Opioid Disaster Recovery DWGs, DOL encourages applications that emphasize provision of employment and training participant services focused on increasing the number of qualified professionals in fields mitigating the opioid crisis. Professional fields may include addiction treatment and related services; pain therapy and pain management services that could reduce or prevent dependence on prescription painkillers; mental health care treatment services for disorders and issues that could lead to or exacerbate opioid abuse and addiction, law enforcement and first responders.

Participant Enrollment Options. While most Disaster Recovery DWG projects must include disaster-relief employment, not all participants in a Disaster Recovery DWG project must participate 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.

Grant recipients should assess the specific needs of each participant, and consider the needs and priorities created by the declared emergency or disaster event, to determine the appropriate disaster recovery activity for participants: disaster-relief employment, employment and training activities, or both. These activities may occur concurrently, or one may occur before the other. Participants receiving disaster-relief employment should also receive basic career services described in WIOA Section 134(c)(2)(A)(i)-(xi), such as initial assessment of skill level, labor exchange services, and provision of information and assistance to file for unemployment compensation.

Supportive Services. Supportive services provide resources or payments necessary to enable individuals enrolled in WIOA Title 1 programs to participate in and achieve successful outcomes in WIOA-funded activities.

Under Disaster Recovery DWGs, supportive services may be utilized:

- To enable a participant to participate in disaster-relief employment, and to safely and effectively carry out the job for which they have been hired; or
- To enable a participant to engage in grant-funded employment and training activities or obtain unsubsidized employment.

Any supportive services provided must be consistent with WIOA, applicable DOL regulations and guidance, and grant recipient policies.⁸ DOL encourages grantees to engage with area programs and entities in the area that offer supportive services and refer participants to these services when available, prior to utilizing DWG funds for these services.

Other Allowable Activities. To enable successful grant activities and outcomes, support participants in achieving successful placement in unsubsidized employment, and better serve participants from impacted communities, Disaster Recovery DWGs may use grant funds to carry out additional activities. Attachment II includes examples of other allowable activities under a Disaster Recovery DWG.

DOL encourages applicants to describe any of these or other activities as part of the Community Needs Assessment or other parts of the application for Disaster Recovery DWG funds to help tell the story of the full scope of planned interventions.

General Policies: Disaster Recovery DWGs

Limit on Disaster-Relief Employment Duration. Participants in disaster-relief employment positions may be employed for a maximum of 12 months or 2,080 hours, whichever is longer.⁹ See Attachment II for information on how this disaster-relief employment limitation may apply in cases where there may be more than one Disaster Recovery DWG operating. Note that the limit on employment duration is determined by an *individual participant's* hours worked, not by the start date of the grant, or the date of an award of a contract to a Disaster-Relief Employer.

Participant Wages. In accordance with WIOA Section 181(a)(1)(A), generally, grantees must compensate disaster-relief employment participants at the same rates, including periodic increases, shift differential, benefits, or overtime pay, as any employees who are similarly situated working in similar positions at the same employer and who have similar training, experience, and skills. In cases where the Disaster-Relief Employer does not have any other temporary employees working in similar positions with similar training, experience and skills as the grant participants, DOL interprets this section to require that the employer pay the DRE employees the same as the employer's permanent employees who are working in similar

⁸ For more information on supportive services, see TEGL No. 19-16 (<https://www.dol.gov/agencies/eta/advisories/training-and-employment-guidance-letter-no-19-16>).

⁹ Grant recipients may request a grant amendment to extend the period of employment for existing participants for up to an additional 12 months. This amendment request must justify extending participants' disaster-relief employment, as required by 20 CFR 687.180(b)(1).

positions. Such rates must be in accordance with applicable laws but must not be 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. *See Section 2.A for more information on Disaster-Relief Employers.*

In cases where the Disaster-Relief Employer does not have non-participant 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 align 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.

Disaster-Relief Employment Locations. Generally, grant-funded disaster-relief employment must take place in the geographic area covered by the qualifying disaster declaration.

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 impacted areas within the disaster area. Where possible, grant recipients should prioritize enrollment of eligible individuals most in need of economic support or workforce development services.

While Disaster Recovery DWG projects generally take place on public property, work may also occur on private property when 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, businesses 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 must maintain documentation under the Disaster Recovery DWG for all worksites, including the dates and hours worked by each participant. For work on private property, grant recipients must document the rationale for determining the allowability of such work in accordance with this guidance. The Department does not require grant recipients to receive its approval to work on private property.

Preventing Future Disaster Impacts. Generally, DOL will not authorize disaster-relief employment for activities primarily designed to prevent or address the impacts of future disasters. Under WIOA Section 170(d)(1), DWG activities must be designed to mitigate the effects of the current declared disaster for which the grant was awarded; activities that may prevent future disasters or their impacts are permissible only where such activities are incidental to addressing the impacts of the current disaster or emergency. See Attachment II for a comparison of activities that may be allowable and those that may not.

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 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. See Section 2.A below for required application to meet this requirement.

Health and Safety Standards. Grant recipients must establish written policies that require Disaster-Relief Employers to provide participants 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 participants on the same basis as individuals in similar employment, as required by WIOA Section 181(b)(4). In cases in which a participant is not covered under a state workers' compensation law, based on the status of the Disaster-Relief Employer with whom the participant is placed, the temporary nature of their employment, or another reason, the employer must provide the participant with appropriate on-site medical and accident insurance for work-related activities. The grant recipient must also ensure that participants receive appropriate safety training and ensure safe working conditions in accordance with the Occupational Safety and Health (OSH) Act of 1970.¹⁰

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 amendment request.

Requirements for Unemployment Insurance (UI) Coverage. While disaster relief employment serves an important role in stabilizing a community and dislocated workers during the aftermath of a disaster, the ultimate goal for all participants is entry into unsubsidized employment. To support this outcome, grantees must make efforts to develop direct pathways from disaster relief employment into unsubsidized employment. In rare instances where disaster relief participants do not enter employment, those temporary disaster-relief employment participants may qualify for unemployment benefits at the conclusion of their disaster relief employment. Unemployment Compensation eligibility for disaster relief employment participants is based on state laws and the specific Disaster Relief Employer for whom they worked. State UI laws generally indicate which employers must pay relevant UI taxes, and grantees may use DWG funds to pay required UI-related taxes for each Disaster Relief Employment participant, in accordance with State UI laws. Since not all employers are required to pay UI taxes depending on their business entity type, the state workforce agency should check with the state's UI agency and the employer with which the grantee has established a DRE relationship regarding UI payroll tax requirements. Grant recipients should contact their Federal Project Officer for questions on grant allocable costs related to Disaster Relief Employers' UI taxes. Note that the grant may not be used to pay

¹⁰ For more information, contact the appropriate OSHA field office. A listing of OSHA field offices is available at <https://www.osha.gov/contactus/bystate>.

penalties for failure to remit employer taxes or provide unemployment insurance coverage where required by law.

Employment Recovery DWGs

Description

Employment Recovery DWGs provide resources for eligible applicants that demonstrate the state, local area, or WIOA Section 166-eligible entities' WIOA formula funds are insufficient to respond to major economic dislocations and their associated economic impacts. Major economic dislocations include plant closures and mass layoffs, closures and realignments of military installations, and other economic events that cause significant job losses.

Employment Recovery DWGs help support economic and employment-related recovery after mass layoffs or other instances of large-scale job loss and the associated employment impacts that these losses may generate. When such events occur, the economic and other impacts can be widespread and negatively affect workers, businesses, and communities, as well as the ability of the public workforce system to effectively serve dislocated workers. Employment Recovery DWGs enable the delivery of critical career, training, and other resources to support reemployment efforts.

ETA requires projects funded with DWG resources to align with existing state, local, or tribal strategic priorities and focus on preparing dislocated workers and other eligible individuals for in-demand jobs with family-supporting wages.

WIOA considers DWGs part of a continuum of support for workers, businesses and communities that begins with early intervention or layoff aversion activities. The continuum of services also includes planning for large-scale layoffs and using resources from other WIOA programs and from federal, state, and local economic development agencies or from other agencies. This coordinated support mitigates the impacts of layoffs and unemployment caused by many factors, including, for example, mass layoffs, a series of related layoffs in a single industry, and other layoff situations. The American Job Center (AJC) Network provides regular assistance to people out of work, and these coordinated resources exist to support workers and job seekers under a variety of circumstances for rapid reemployment

Early intervention activities facilitate the gathering of demographic information and identification of the needs and interests of affected workers. Therefore, DOL expects DWG applications to reflect the results of early intervention processes and strategies. Assessments of participant demographics, current labor market information, business demands, and potential participants' needs should inform the content of applications. Information gathered from early intervention activities helps applicants provide a rationale for enrollment estimates and how proposed grant activities will meet the needs of the participants.

States and local workforce areas must prioritize efforts designed to prevent or minimize the impacts of dislocations through layoff aversion efforts and other reemployment efforts through Rapid Response before requesting supplemental funds through a DWG. To maximize the effectiveness of early intervention strategies for dislocated workers, and to deliver services while a DWG application is pending, the Department encourages states to initiate services for comprehensive Rapid Response services where Rapid Response funds are available. For more information on Rapid Response and layoff aversion activities, see 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*.

Employment Recovery DWGs provide employment and training assistance to dislocated workers and other eligible participants as described below.

Qualifying Layoff Events

The below lists qualifying events which permit an eligible entity to submit an application for Employment Recovery DWG funding. After receiving the application, DOL will review the application and determine whether to award DWG funding. 20 CFR 687.110(a)(5) states that the Secretary of Labor may determine additional qualifying events. Qualifying events for Employment Recovery DWGs include:

Mass Layoff or Plant Closure. Layoffs or plant closures affecting 50 or more workers from at least one employer within the applicant's service area. As long as applicants document at least one layoff or plant closure affecting 50 or more workers, applicants are not required to demonstrate more than one layoff of 50 or more workers as part of the qualifying event. However, DOL may require additional information in an application to substantiate the size and scope of a DWG funding request.

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, regional, or local workforce area or areas, often in rural areas, may qualify for an Employment Recovery DWG. These community impact events might not reach 50 affected workers but create a substantial economic impact.

Higher-than-Average Demand for Services from Dislocated Members of the Armed Services. A higher-than-average demand for employment and training activities for dislocated members of the Armed Services and dislocated military spouses that exceed state, local, or tribal resources for providing such activities may qualify for Employment Recovery DWG funding.

The higher-than average demand qualifying event, unlike a mass layoff or community impact, requires additional information to demonstrate that the qualifying event described in WIOA Section 170(b)(1)(D) has occurred. DOL expects an applicant to demonstrate each of the following elements:

- 1) A demand for employment and training services for dislocated members of the Armed Services and dislocated military spouses that is above average; and
- 2) This demand for employment and training services by this population will exceed existing state, local, or tribal resources for providing such services.

An applicant also must demonstrate that it will carry out the activities in its proposed project in partnership with Department of Defense and Department of Veterans Affairs transition assistance programs, as well as other programs serving this population within the American Job Center (AJC) system or through partner programs, as appropriate.

For a detailed description of how these requirements can be demonstrated in an application, please see Section 2.A below.

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 for employment and training activities for military service members and spouses, as well as information on limitations of available formula funds to meet the higher-than-average demand. WIOA Section 166-eligible applicants can submit their own data or coordinate with state workforce agencies or local workforce development 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. States workforce agencies or outlying areas, or a consortium of state workforce agencies;
2. Local WDBs or a consortium of WDBs;
3. Entities eligible for funding through the Indian and Native American Program in WIOA Section 166(c);
4. Appropriate entities determined by the governor of the state or outlying area involved; or
5. Entities that demonstrate to the Secretary of Labor their capability to effectively respond to circumstances related to particular dislocations.

See section 2.A for information on the documentation required for the entities identified in items 4 and 5 above to demonstrate their eligibility to apply for Employment Recovery DWGs.

Eligible Participants

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

1. Dislocated workers as defined in WIOA Section 3(15), including displaced homemakers as defined in WIOA Section 3(16), dislocated members of the Armed Forces (service members who are transitioning to the civilian workforce) and recently separated veterans who are dislocated. This includes all members of the Armed Forces who were discharged under conditions other than dishonorable.¹¹ See TEGL 19-16 for more specific information on the flexibilities that WIOA provides to Governors with regard to

¹¹ 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.”

establishing procedures for interpreting and applying the definition of dislocated worker to individuals.

2. Other members of the Armed Forces.¹²
3. An individual who is employed in a non-managerial position with a Department of Defense contractor, who is determined by the Secretary of Defense to be at risk of termination from employment as a result of reductions in defense expenditures, and whose employer is converting operations from defense to nondefense applications in order to prevent worker layoffs.
4. In the case of the passage of a formal Base Realignment and Closure (BRAC) law, additional Employment Recovery DWG participant eligibility may exist. DOL will issue special program guidance in such cases.

Grant recipient policies should include a protocol for verifying participant eligibility and for collecting and validating participant data in alignment with WIOA core programs and Section 4 of TEGL No. 23-19, Change 3 which removed self-attestation as an acceptable form of source documentation for one participant eligibility-related data element, date of birth. While self-attestation may be used as source documentation for some required participant eligibility data elements,¹³ grantees should use other forms of source documentation whenever possible. Grantees must retain documentation of self-attestations provided by participants.

Please note that WIOA does not require that participants served under an Employment Recovery be a worker laid off from the qualifying event; WIOA only requires that participants must meet eligibility requirements for dislocated workers. Once the qualifying event has been established, an applicant may request funds to enroll and serve eligible dislocated workers in the proposed service area. DOL may require applicants to provide sufficient detail in an application to establish that the requested funding amount and planned participant numbers align with demonstrable needs, as described in Section 2.A below.

Allowable Activities

Employment and Training Assistance. For 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 provide employment and training assistance.

Career Services. Career services, described in WIOA Section 134(c)(2), 20 CFR Part 680, and TEGL 19-16, are activities designed to help support dislocated workers in making informed decisions for the purpose of achieving reemployment and education goals. Career services may

¹² A member of the Armed Forces who 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, is eligible to receive services under an Employment Recovery DWG.

¹³ TEGL no. 23-19, Change 3 is the most recent data validation guidance as of the publication of this TEGL. Attachment II of TEGL no. 23-19 Change 3 eliminates self-attestation for data element (DE) 200 Date of Birth. Self-attestation is an allowable source document for DE 401- UC Eligible Status, DE 402 - Long-Term Unemployed at Program Entry, and DE 410 - Date of Actual Dislocation. Self-attestation is an allowable source document for data element numbers 401- UC Eligible Status, 402 - Long-Term Unemployed at Program Entry, and 410 - Date of Actual Dislocation.

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, work experiences including transitional jobs or internships, and information on eligible training providers and the availability of supportive services.

Training Services. As described in WIOA Section 134(c)(3)(D), allowable training services under Employment Recovery DWGs may include occupational training, work-based learning such as on-the-job training and Registered Apprenticeships, entrepreneurial training, and customized training. Grantees may use DWG funds 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, then grantees may apply that waiver to DWG-funded on-the-job training. *See Part 4, 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 often contribute to 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, local area, or WIOA Section 166(c) Indian and Native American program grantee's supportive service policy and have the same requirements as WIOA Dislocated Worker formula program supportive services per 20 CFR part 680 and TEGL 19-16.

Other Allowable Activities. To ensure successful participant outcomes and entry into unsubsidized employment, Employment Recovery DWGs may further use grant funds to carry out other necessary activities that directly benefit enrolled participants. *See Attachment II for examples of activities that may be allowable and appropriate for Employment Recovery DWG projects.*

Part 2: DWG Applications

Section 2.A: Application Information and Requirements

Demonstrating Applicant Eligibility

DOL requires some entities to provide additional information to demonstrate their eligibility to apply for Employment Recovery DWGs as described in section I.A.2 above. These requirements include:

1. Entities determined to be appropriate by the governor of the state or outlying area 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.
2. Entities that aim to demonstrate to the Secretary of Labor their capability to effectively respond to circumstances related to particular dislocations 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;¹⁴
 - 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.

Application Submission

Grant recipients and applicants must submit any applications for funding through Grants.gov (<https://www.grants.gov>). Except as noted on page I-17, for opioid-related events, DOL will accept applications for DWGs at any time. The application must meet the requirements outlined in Section 170 of WIOA and implementing regulations at 20 CFR part 687, and this DWG operational guidance, and respond to any additional information requested by the Grant Officer. Applications that are incomplete or do not meet the requirements of this TEGL may be returned; applicants may resubmit an amended funding request for further consideration. For detailed

¹⁴ This requirement is designed to ensure that there will not be duplication of services for the same potentially eligible participant population between local AJCs and a DWG grant applicant working to meet this eligibility requirement, should the applicant be awarded a DWG.

instructions on applying for DWGs, and information on the Suggested Application, see ETA's How to Apply webpage (<https://www.dol.gov/agencies/eta/grants/apply>).

Unique Entity ID (UEI) and Sam.gov Registration

Before applying, applicants must register with the System for Award Management (SAM) and obtain a Unique Entity Identifier (UEI). Submission requirements stipulate that all applicants for Federal grant and funding opportunities must supply their UEI number on the SF-424.

Instructions for registering with SAM are available online (<https://sam.gov/content/entity-registration>). An awardee 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, states 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 your submission.

Applicant information provided on the SF-424 must match with the SAM registration, including the applicant's legal name, address, nine-digit zip code, employer identification number (EIN), and UEI.

Timing of Applications

Disaster Recovery DWGs

Emergency Application. DOL offers the opportunity for eligible applicants to submit an abbreviated emergency application for Disaster Recovery DWG funds in the immediate aftermath of a qualifying emergency or disaster declaration, which may enable the recipient to begin grant activities while continuing to assess the full impact of the disaster and develop a full application. As noted in Section 2.B below, applicants need not identify their full funding request when submitting an emergency application; ETA will award an initial funding allotment designed to provide sufficient funding to begin grant activities while the grant recipient develops a full Disaster Recovery DWG application.

Generally, DOL will accept emergency applications as follows:

1. When a declaration of a qualifying disaster by FEMA as eligible for Public Assistance, or a declaration by a Federal agency having jurisdiction over the disaster is made within 45 business days of the date of the emergency or disaster event; and
2. An emergency application is submitted not more than 15 business days after the qualifying declaration.

In cases where a qualifying emergency or disaster declaration is issued more than 45 business days after the disaster event began, applicants should submit a full application reflecting a comprehensive assessment of the impacts of the declared emergency or disaster.

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

date of the qualifying emergency or disaster declaration, if requested in the application and approved in the grant award.

As part of the emergency application, applicants may request approval for disaster-relief employment positions that address the impacts of the declared disaster. Cleanup or humanitarian assistance disaster-relief employment may begin as soon as an emergency award is approved, or as early as the date of the qualifying emergency or disaster event, if requested in the application and approved in the grant award.

See Grant Start Date in Section 2.B for more information on what information applicants must provide when the proposed start date for grant precedes the award date. In addition, see Section 3.D for more information on how ETA funds emergency applications and required application information.

Full Application. A full application for a Disaster Recovery DWG should reflect the results of the following activities, as described in § 687.140(b): (1) Conduct a preliminary assessment of the clean-up and humanitarian needs of the affected areas; (2) Reasonably ascertain that there is a sufficient population of eligible individuals to conduct the planned work; and (3) Coordinate with the Local WDB(s) and chief elected official(s) of the local area(s) in which the proposed project is to operate.

Within 60 business days following the notification of an award of a Disaster Recovery DWG requested via an emergency application, the grant recipient must amend the grant to provide a full and complete application, including a funding request. Grant recipients who anticipate challenges with meeting the 60-day requirement should notify ETA for technical assistance or to request an extension not to exceed 30 business days. DOL will consider failure to submit a full application within the required timeframe a factor when determining future requests for funding and period of performance extensions. Additionally, failure to submit a timely full application may result in other restrictions placed on the grant award.

In lieu of an emergency application, applicants may also submit a full application, which must contain a complete statement of work, project budget, and other applicable documents or information that support the project. The full application submission must clearly merit the funding request, be reasonable based upon the disaster's impact and resulting needs on the community and demonstrate compliance with WIOA. Applicants should consider the needs of eligible participants and other factors and request a grant start date that enables provision of DWG-funded services as quickly as possible. See the Grant Start Date description in Section 2.B. below for more information on when grant activities may begin.

Opioid-related Disaster-Recovery DWGs. DOL must carefully manage appropriated resources throughout each program year to ensure sufficiency of resources for essential Disaster Recovery and Employment Recovery DWGs. Therefore, for Disaster Recovery DWGs in response to the opioid crisis, DOL will prioritize awards to applicants with a demonstrated need for the funding that have not previously been awarded an opioid-related DWG, and to those that do not have an active opioid-related DWG at the time of proposed start date. DOL will only consider one Opioid DWG per eligible applicant at any one time, with the state determining the appropriate service area within the state. Applicants must demonstrate, with sourced data, the severity of the impacts of the opioid crisis in the proposed service area. Note that DOL will only accept these

applications received during the fourth quarter of the fiscal year (July 1–September 30) in order to ensure that funds remain available for natural disaster recovery and employment recovery DWGs throughout the year.

Employment Recovery DWGs. To the extent possible, applicants should submit an Employment Recovery DWG application within 120 days of a qualifying layoff event to facilitate the timely delivery of reemployment services.¹⁵ Applicants may provide DWG services 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 provision of DWG-funded services as quickly as possible. See the Grant Start Date description in Section 2.B. below for more information on when grant activities may begin.

Applications for DWG Funds

Applicants for DWG funds, must submit all DWG funding requests through an application submitted to ETA. There is no required application format for DWGs, and applicants may use any format they choose, as long as they address all required application elements. However, to support a streamlined application process, DOL has developed suggested application forms that contain all the required information, available at Grants.gov (<https://www.grants.gov>).

Application Information for “Higher-than-Average Demand for Services” Employment Recovery DWG Qualifying Events. DOL requires applicants to provide additional information to demonstrate that a Higher-than-Average Demand for Services qualifying event has occurred.

To demonstrate that demand for employment and training services by dislocated members of the Armed Forces and eligible spouses is “higher-than-average” and therefore constitutes a qualifying event for an Employment Recovery DWG, an applicant must address each of the three main elements described below, as required by WIOA Section 170(b)(1)(D). While WIOA requires these main elements, the methods, data sources, and time frames that demonstrate the required elements are at the discretion of the applicant. The language below includes examples or options that may be useful to applicants.

First, an applicant must demonstrate that the current demand for services by dislocated members of the Armed Services and dislocated spouses exceeds average demand. An applicant may demonstrate this demand through any applicable data or information including the number of dislocated members of the Armed Services and eligible spouses who have sought any employment or training-related services from AJCs (in-person or virtually) in one or more local areas, or statewide. Such data may be gathered from one or more local workforce areas within a state or territory, or from a regional area which may cover more than one state as appropriate, to best enable the applicant to determine the average demand.

An application therefore must address:

¹⁵ 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.

1. *Average Demand.* An application must show how the applicant calculated the *average* demand for employment and training services by dislocated members of the Armed Services and dislocated spouses. To determine average demand, use data for at least the two years immediately prior to the year that will be used to determine the current demand. For example, an applicant could identify the average demand on a program year basis by calculating the average demand for services for the three previous full Program Years (July 1–June 30) for which there are data available at the time of application. In this example, the average demand for services should not include the current Program Year’s data.
2. *Current Demand.* The application must show how the applicant calculated the *current* demand for employment and training services by dislocated members of the Armed Services and dislocated spouses, using the same methodology or information used to determine the average demand. Current demand may be related to a one-time event such as a large transition of military members leaving service from a base or other facility, an ongoing transition over a longer period of time (up to the 12 months prior to the date of application), or from an increase in dislocated service members and dislocated spouses moving into a community, region, local workforce area, or state over a period of up to 12 months prior to the application. For example, if an applicant calculated the average demand using the program year basis, an applicant may show the demand for services, or a projected total demand, for the *current* program year.
3. *Current Demand Exceeds the Average.* The application must demonstrate that the *current* demand for employment and training services (as described in #2 above) for this same population exceeds, or is on target to exceed, the average demand (as described in #1 above).

Note that WIOA only requires that an applicant demonstrate that *current demand* is higher than *average demand* to establish this element of the qualifying event.

Second, an applicant must demonstrate that the higher-than-average demand exceeds existing resources for providing employment and training services. In alignment with the other Employment Recovery DWG qualifying events (mass layoff and community impact), to show that the demand will exceed existing resources, an applicant must provide sufficient information to demonstrate that either:

1. The total number of dislocated members of the Armed Services and spouses seeking, or intending to seek, employment and training services in one or more local areas, or statewide, is at least 50; or
2. The total number of dislocated members of the Armed Services and spouses seeking employment and training services is fewer than 50 individuals, but the impact still exceeds existing state, WIOA Section 166-eligible entities’, or local resources to provide employment and training services.

Third, an applicant must demonstrate that they will deliver services to dislocated members of the Armed Services and dislocated military spouses in partnership with the Department of Defense and Department of Veterans Affairs transition assistance programs. To demonstrate this, an applicant must provide evidence of existing partnerships, or concrete plans for developing partnerships, with entities that provide transition assistance to veterans and dislocated service members and spouses through the Department of Veterans Affairs, Department of Defense, or DOL VETS.

Applications for Opioid-response Disaster Recovery DWGs: DOL requires applicants for opioid-response Disaster Recovery DWGs to include additional information in the application to:

- Demonstrate significant ongoing impacts to the workforce from the opioid public health emergency.
- Demonstrate ongoing state or tribal government efforts to use available workforce resources to address the impacts of the public health emergency, including either the use of WIOA formula funds, WIOA governor’s reserve, or Rapid Response funding, to carry out activities proposed in the application.
- Demonstrate that these funding sources listed above are inadequate to meet demand for services to respond to the opioid crisis.
- As discussed in Section 5 below, for states and outlying area grant recipients, the negotiated performance outcome measures for the WIOA title I Dislocated Worker program serve as a basis for each DWG’s performance goals unless applicants request additional considerations to set performance measures for an individual grant. If proposing a set of performance goals lower than those established for the WIOA Dislocated Worker formula program, explain why.
- Describe the applicant’s plans to sustain activities carried out under the grant after the period of performance, should the workforce impacts stemming from the opioid crisis continue.

DWG Funding Requests. DOL expects that funding amounts requested in applications for all DWGs meet the requirements of “allowable” as defined by the Uniform Guidance (necessary, reasonable, and allocable) based on the impact of the qualifying event and its associated economic and employment-related impacts on the affected community or communities, the total projected number of participants, the planned mix of services, and other relevant criteria. Applicants must provide sufficient justification in an application to establish that the requested funding amount, service areas, and planned participant numbers align with demonstrable needs. See Section 2.B below for more information on how DOL assesses “allowability” when reviewing funding requests for DWGs.

An applicant may submit an application that includes relevant information on the overall availability of formula funds to serve eligible dislocated workers in the service area of the proposed grant, including:

- The qualifying event and its direct and indirect impacts on dislocations in the project service area; or
- Other related economic events within the project service area that further affect the ability of the workforce system to provide services to eligible dislocated workers.

This information supports an applicant’s request to serve an appropriate number of planned participants (regardless of the circumstances that caused their dislocation) and the total funding amount requested.

Community Needs Assessment. The Community Needs Assessment, submitted as part of a DWG application and conducted pursuant to 20 CFR 687.140, describes the qualifying event and its associated impacts and sets the scope of the planned response.

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

- 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;
- The cleanup or humanitarian needs that stem from the impacts of the declared emergency or disaster;
- How the 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 a pathway to in-demand and high-wage employment opportunities;
- How the grant recipient expects to recruit and enroll eligible individuals and ensure that participants can successfully complete their grant-funded activities. This may include partnering with other programs or utilizing grant funds to provide supportive services such as child care, transportation, or other critical resources to reduce or remove barriers to participation that often affect eligible participants; and
- How DWG funds will provide opportunities for individuals to return to unsubsidized employment as a result of grant activities.

For emergencies or disasters of national significance (i.e., those declared by a Federal agency other than FEMA, such as the opioid crisis), the Community Needs Assessment must additionally demonstrate that the declared emergency or disaster has “national significance that could result in a potentially large loss of employment,” as required by WIOA Section 170(a)(1)(B). Applicants do this by demonstrating that the 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 must:

- Describe the qualifying layoff or other event as required in Part I above;
- Describe the resulting economic impacts of the qualifying event as well as any broader or additional economic effects or challenges including secondary or related layoffs, increases in unemployment, or other factors where applicable, that impact the community or communities to be covered by the proposed project;
- Explain why existing formula and/or other funds are unable to meet the employment and training needs created by the qualifying event and other associated layoffs or numbers of eligible dislocated workers, by providing current formula funds, Rapid Response funds (or other funds) available, number of participants generally served through these funds, and the unmet need created by the qualifying event and associated impacts;
- Provide an overview of the broader economic situation, layoff impacts, or other challenges impacting the ability of the grant recipient and any subrecipients to effectively serve eligible dislocated workers in the communities to be included in the project where appropriate to justify the planned participant and funding level request;
- Describe how DWG funds will be used to engage with industry and local employers and to leverage industry-driven strategies to prepare participants for in-demand jobs and strengthen the local economy;

- Describe how grant efforts will be integrated into existing workforce and education activities in the state and local area including how grant efforts will leverage these partnerships, infrastructure and funding; and
- Describe how DWG funds will provide opportunities for individuals to return to unsubsidized employment as a result of grant activities.

Demonstrating Coordination with Emergency Management Agencies. Under WIOA, as described in Section I.A. above, Disaster Recovery DWG recipients must ensure coordination with FEMA or other emergency management agencies, as appropriate. Entities submitting a full application for Disaster Recovery DWG funding should include a contact from the relevant state or other applicable emergency management agency and provide a description of the anticipated coordination activities to limit duplication of activities to best respond to and recover from the effects of the declared emergency or disaster event.

For Disaster Recovery DWGs submitted to address the impacts of the opioid epidemic or other public health emergency situations, an applicant could coordinate with a state health, mental health, opioid response, or other similar agency to meet this requirement.

For more information on the Community Needs Assessment and other application requirements, see ETA's How to Apply website (<https://www.dol.gov/agencies/eta/grants/apply>).

Disaster-Relief Employer. Generally, Disaster Recovery DWG applications require the identification of Disaster-Relief Employers. For purposes of the DWG program, Disaster-Relief Employers are entities designated by grant recipients or subrecipients to serve as the employer for disaster-relief employment participants; as such, they have the responsibility of carrying out all day-to-day human resources and payroll activities for disaster-relief employment participants in a Disaster Recovery DWG.

DOL places no limitation on what type of entity or organization may be a Disaster-Relief Employer. Disaster Relief Employers may include public or private organizations. 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 may be found in the Uniform Guidance's Procurement Standards at 2 CFR 200 and the applicable state procurement policies.

Subrecipients & Subawards. Where applicable, DWG applicants must identify any subrecipients that will support grant activities. As defined in 2 CFR 200.1, a subrecipient means an entity that receives a subaward to carry out part of a Federal grant but does not include an individual who is a beneficiary of such award.

Subawards, as described 2 CFR 200.1, 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, payments to an individual who is a beneficiary of a Federal program, or payments to a participant. A subaward may be provided through any form of legal agreement, including an agreement that the pass-through entity considers a contract.

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. A grant recipient, when working with subrecipients, must ensure that it works with responsible entities to ensure successful performance. The grant recipient's due diligence to work with responsible entities may include risk evaluations or assessments to ensure that each entity has the internal controls and systems in place to effectively manage the grants funds in accordance with program requirements, 2 CFR part 200, and the terms and conditions of the subaward. Subrecipients must adhere to the same terms and conditions applicable to the DWG grant recipient. Project operators are subrecipients of a DWG grant.

Proposed Project Timeline. An application must include a timeline of the proposed project that reflects the applicant's proposed project design. The timeline should include the anticipated project implementation schedule, project goals and objectives, expected participant enrollment targets, and other relevant information that demonstrates that multiple aspects of the proposed project have been considered to achieve the most effective results. The timeline should also demonstrate that the funding request is reasonable based on anticipated activities, costs, enrollments, or other elements.

Section 2.B: Grant Awards

Allowability of Costs. DOL reviews DWG applications to determine whether the costs associated with the proposed activities are allowable (necessary, reasonable, and allocable) based on the information provided in the application. Generally, a DWG application must include information that explains how the applicant determined the estimated costs based upon existing fiscal policies or costs for comparable programs, and in alignment with the proposed project activities and Community Needs Assessment.

Award Procedures. Within 45 calendar days of the receipt of a complete and responsive application meeting all DWG submission requirements, DOL will make a decision to approve or disapprove the request. Awards are based on the availability of Federal funding and are made at DOL's discretion. DOL will issue a notice of award for successful applications no later than 10 days following the Secretary's approval of the grant award.

Grant Start Date. Unless otherwise requested by an applicant, DOL will award DWGs with start dates that align with the date of award, and all grant-funded services will begin following the date of award.

However, to better enable DWG projects to rapidly address the impacts of the qualifying disaster or layoff event, DOL encourages applicants to consider requesting 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 for an earlier start date is included in the application and that request is approved in the grant award. The proposed start date may not precede the latest of either the first day of the current fiscal year or the date of the qualifying disaster or emergency event, for Disaster Recovery DWGs, or the qualifying layoff notification or layoff, for Employment Recovery DWGs.

Once established, the start date cannot be modified.

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. DOL will generally award DWGs with a period of performance not to exceed 36 months from the project start date, unless an applicant specifically requests a shorter period of performance. Grant recipients must obligate all funds during the period of performance. The period of performance established with the initial award governs the ability to obtain incremental and additional funding. DOL will consider a one-time extension of the period of performance by up to 12 months in exceptional circumstances, and with appropriate justification, which includes a demonstration that the recipient will be able to complete planned grant activities within the extended period. DOL will not consider extensions to the period of performance for the **sole** purpose of grantee's spending down funds or exceeding performance goals or where DOL has identified the grant recipient as high risk.

Grantees must submit all final reports no later than 120 calendar days after the conclusion of the period of performance. (2 CFR 200.344(b)).

Part 3: Grant Funding Approach

DWG Funding Approach. TEGL 9-24 introduced a new funding approach for DWGs when it was published in December 2024, and ETA is continuing to use that funding approach. Where DOL historically funded nearly all DWGs on an incremental basis, DOL since December 2024 aims to award DWGs in-full, with funding limitations as described in this section. This change in approach was driven by ETA's analysis of the DWG grants over the three-year period preceding the publication of TEGL 9-24 guidance, and by considering the last few years' history of decreased federal funding generally available for DWGs.

This funding approach is not intended to affect how or when eligible applicants apply for funding. This section describes DOL's approach to determining funding levels after receiving an application and deciding to make an award. DOL will continue to evaluate each DWG application on a case-by-case basis and determine if it is appropriate to fund in full or incrementally based on a number of factors, including availability of funds, severity of qualifying event as demonstrated in the application or as determined by the Secretary, the viability of a proposed project, and an applicant's prior performance or demonstrated capacity to effectively manage a DWG.¹⁶

DWG Funding Limitations. Availability of funds fluctuate throughout the year based upon appropriated funds and the number and severity of qualifying events affecting the workforce system. To best manage DWG resources and to ensure that DWG funds remain available throughout the year to address the needs that arise, DOL generally limits the funding amounts for both Disaster Recovery and Employment Recovery DWG awards, whether funded in full at the time of the award or funded incrementally. DWG awards will generally not exceed, but can be less than, the following limits.

¹⁶ 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.

- **Disaster Recovery DWGs**

For emergencies declared by FEMA as eligible for public assistance, there is a limit of \$5 million. In cases where a disaster affects multiple large population centers within a state or where the applicant demonstrates the impacts of the qualifying event require higher funding levels, DOL may provide awards of up to \$10 million. Note that the limits apply to a single grant award and do not necessarily represent a limit on how much assistance will ultimately be awarded to address the overall impacts of the disaster or the number of awards for the same disaster. Eligible applicants may submit one application per qualifying event. See Section 3.C. on requesting additional funding.

For Disaster Recovery DWGs for emergencies or disasters of national significance, such as the public health emergency declaration for the opioid epidemic, a limit of \$2 million (except in extraordinary circumstances that indicate a higher award amount is appropriate).

For Disaster Recovery DWGs in response to the opioid crisis, DOL will prioritize awards to applicants with a strong demonstrated need for the funding that have not previously been awarded an opioid-related DWG, and to those that do not have an active opioid-related DWG at the time of proposed start date. DOL will only consider one Opioid DWG per eligible applicant at any one time, with the state determining the appropriate service area within the state. Applicants must demonstrate, with sourced data, the severity of the impacts of the opioid crisis in the proposed service area. Note that DOL will only accept these applications received during the fourth quarter of the fiscal year (July 1–September 30) in order to ensure that funds remain available for natural disaster recovery and employment recovery DWGs throughout the year.

- **Employment Recovery DWGs**

For Employment Recovery DWGs, there is a limit of \$2 million (except in specific circumstances).

These funding limitations are based on DOL’s analysis of DWG grant applications, awards, and the amount and rate of grant expenditures over the three-year period preceding the publication of this guidance. DOL will update DWG funding limitations as necessary to account for changing circumstances. At her discretion, the Secretary will determine the appropriateness of higher award amounts where the severity, scale, or other factors associated with a DWG qualifying event indicate a need. For Employment Recovery DWGs, DOL will take into consideration the availability of current formula funds and Rapid Response funds available, number of participants generally served through these funds, and the unmet need created by the qualifying event and associated impacts.

DOL may fund DWG awards at levels that exceed the limitations identified in this section in exceptional circumstances. While DOL will determine such exceptions on a case-by-case basis, examples of circumstances that might trigger an exception could include:

- Disaster events of exceptionally large scale or impact.
- Disaster events that create impacts that pose a serious threat to the national economy or to national security.
- Layoff events that result in an outsized impact on a community or region.

Whether DOL funds DWGs in full or incrementally, the approved funding amount may be lower than the amount requested by the applicant. DOL may authorize reduced awards in situations such as:

- For applications requesting funding that exceeds the availability of funds or published funding limitations including those scenarios where DOL does not have a full appropriation;
- For evolving qualifying events where additional time is needed to determine the full impact, such as layoff events that are spread out over time;
- Where applicants have not demonstrated experience or successful performance with DWGs; or
- Based on other circumstances as determined by the Secretary.

Section 3.A: Grant Awards Funded in Full

In general, DOL will fund DWG awards "in full," rather than incrementally, up to the funding limitations described above. When DOL funds grants in full at the time of award, those will generally be the only funds the recipient will receive under that award.

DOL will consider additional funding under certain circumstances described in Section 3.C.

Section 3.B: Grant Awards Funded Incrementally

Where appropriate, DOL may choose to fund DWGs incrementally. Such situations may include:

- Limited availability of DWG funds;
- When the Secretary has determined that a grant award should exceed the funding limitation;
- For awards to entities with limited or no prior experience operating DWGs, including those entities that are not a part of the public workforce system (for example, those applicants that meet the eligibility criteria of "other entities that demonstrate their capability to apply"); or
- When an applicant has a history of failing to meet performance or other benchmarks in previous DWGs.

In the few scenarios where DOL awards DWGs incrementally, DOL generally awards funds with an overall "up-to" amount, with funds released in approximately three increments as funds are expended, as project goals are met, or on a schedule established as part of the grant Terms and Conditions. Approval of the award "up-to" ceiling does not represent obligation of funds beyond the immediate increment, and each subsequent increment up to the award ceiling is contingent upon demonstration of need to support ongoing disaster-relief employment or employment and training activities, continuing or evolving community needs, and progress made toward the enrollment goals and milestones established in the approved grant agreement.

For incrementally-funded DWGs, DOL may consider awarding the next increment when:

- The recipient has addressed all outstanding Conditions of Award;
- The recipient demonstrates that expenditures have reached, or are within 45 days of reaching, approximately 70 percent of the total DWG funds awarded to date. The recipient may provide evidence of obligations occurring within the 45 days to demonstrate expenditures are within 45 days of reaching 70 percent;

- The recipient demonstrates that program needs continue, as evidenced by enrollments, expenditures, performance measure outcomes, and other data as applicable;
- ETA reports and documentation demonstrate the grant recipient is making a reasonable effort to achieve program goals;¹⁷ and
- Sufficient time remains in the period of performance to complete the full complement of services for any existing or potential new participants and fully expend the next increment.

Grant recipients may request subsequent increments of funding by submitting a grant modification request to their Federal Project Officer. Grant recipients may request a subsequent increment higher than the amount established in the grant Terms and Conditions; however, Contingent on availability of funds, DOL will only consider such requests if the grant recipient has sufficiently demonstrated that an increase to the next increment is in the best interest of the grant program and DOL. When additional funds become available or other factors indicate, DOL may initiate renegotiation of the grant Terms and Conditions with the grant recipient as appropriate.

Section 3.C: Additional Funding

Additional funding refers to funds requested after a grant has been fully funded. As noted above, for particularly large disasters, grantees may need additional resources after using the full funding provided in the initial DWG award. (This is different than “incremental funding” which refers to partial funds received up to an approved award threshold.) ETA will consider a grant recipient’s request for additional funding for DWG awards as follows:

- For DWGs funded in full: When the grant recipient demonstrates progress on program goals, via quarterly performance and expenditure reports and other documentation, and it needs additional funds due to the ongoing or changing effects of the qualifying event and its associated impacts as described in the Community Needs Assessment in the original application. Alternatively, when the grant recipient demonstrates that it needs additional funds to complete the approved project within the approved period of performance.
- For DWGs funded incrementally: When the grant recipient demonstrates the requirements above for requesting the next increment, and when the grant recipient demonstrates that it needs additional funds to complete the approved project within the approved period of performance.

Section 3.D: Emergency Applications

Eligible applicants may submit an emergency application for a Disaster Recovery DWG as described in Section 2.A. above. DOL will award Disaster Recovery DWGs in response to

¹⁷ ETA’s review of a request for funding increments will consider an applicant’s demonstrated success or progress towards meeting any specific outcomes and milestones identified in the initial application, as well as progress in responding to monitoring reports, audit reports, high risk notifications, and compliance with the grant agreement including terms and conditions found at the ETA Grant Resources webpage (<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 all relevant federal regulations. Such a demonstration should be included in the amendment 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.

emergency applications for up to \$1,000,000 to enable grant recipients to begin grant activities as quickly as possible. Subsequently, grant recipients may request funding up to the funding amount limitation for Disaster Recovery DWGs, as part of their full application submission. The initial emergency funding amount is counted toward this total funding amount in the full application. The funding request included in the full application is contingent upon the grant recipient's assessment of the specific impacts of the declared disaster as described in the Community Needs Assessment, the expected number of participants to be enrolled, the anticipated costs associated with these services. DOL may consider other factors as noted above under Funding Approach, including the availability of funds, the severity of qualifying event as demonstrated in the application or as determined by the Secretary, the viability of a proposed project, and an applicant's prior performance or demonstrated capacity to effectively manage a DWG.¹⁸

Section 3.E: Other DWG Funding Criteria

The period of performance for all DWGs will be 36 months from the start date established in the grant agreement for the initial award. Grant recipients may request one period of performance extension of up to 12 months. Such a request may be made only in the final year of the period of performance and may not include a request for additional funds. See Period of Performance & Closeout on page I-24 of this TEG.

DOL will not consider requests for incremental or additional funding, or period of performance extensions, and may impose fund drawdown or other award restrictions in cases where a grant recipient has not demonstrated compliance with the grant award Terms and Conditions or has not met established timelines for addressing conditions of award as described in a grant award document.

Part 4: Administrative Policies

Section 4.A: Risk Review

At its discretion, DOL funds applicants that adequately demonstrate eligibility according to the application requirements. DOL may elect to award a grant with or without discussions with the applicant. Should DOL award a grant without discussions, DOL 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 that DOL will determine if the applicant had any restriction on spending for any DOL grant due to adverse monitoring findings within the past three years. Depending on the severity of the findings, the Grant Officer may elect to not provide the applicant a grant award or impose conditions on the award.

All applications deemed complete and responsive by the Grant Officer will undergo a risk review process. Before making an award, DOL 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), Sam.gov's suspension and disbarment, and "Do Not Pay." Additionally, ETA will comply with

¹⁸ 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.

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 DOL 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 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 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 it awards the actual grant, DOL 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. DOL reserves the right to not fund any application related to this TEGL.

Applications submitted by for-profit or commercial entities must adhere to the Uniform Guidance at 2 CFR part 200 and 2 CFR part 2900. This requirement also extends to for-profit or commercial subrecipients.

Section 4.B: Partnership in the American Job Center (AJC) Network

Title I of WIOA authorizes and funds DWGs, and therefore, recipients are considered required one-stop partners in the local AJC network.¹⁹ 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

¹⁹ Guidance related to required WIOA partners, MOUs, and IFAs can be found in TEGL 16-16 and TEGL 17-16.

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.²⁰ 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.workforcegps.org.

DWG applications 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 on ETA's How to Apply website (<https://www.dol.gov/agencies/eta/grants/apply>). The Grant Agreement will provide more information on this requirement.

Section 4.C: 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. DOL 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 and TEGL 5-25, *Maximizing Innovation in Workforce Innovation and Opportunity Act Programs*.

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

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

Section 4.D: 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 requirements 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 \(DOL\)](#).

²⁰ As required one-stop partners, Native American programs (described in WIOA Section 166) are 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 Section 121(h)(2)(D)(iv); see also 81 FR 55911-55912 of the preamble to the Joint WIOA Final Rule). See TEGL 17-16 for more information on infrastructure costs.

Section 4.E: DWG Limitations

Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Uniform Guidance). All proposed project costs must be necessary, reasonable, and in accordance with Federal guidelines. DOL 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 DOL's regulations at 2 CFR part 2900. Disallowed costs are those charges to a grant that DOL or its representative determines unallowable in accordance with the Uniform Guidance or other conditions contained in the grant.

Indirect Costs. As specified in the Uniform Guidance, 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 15 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 in the Uniform Guidance, may elect to charge a de minimis rate of 15 percent of modified total direct costs (see 2 CFR 200.1 for definition). The de minimis rate does not require documentation to justify its use and 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 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. DOL applies administrative cost limitations to all DWGs as follows.

1. Total administrative costs, including the administrative costs for the grant recipient and any subrecipients must not exceed 10 percent of the total grant award. The grant recipient may determine the distribution of total administrative costs across the grant recipient and any subrecipients.
2. In rare circumstances, ETA will consider requests for a higher total administrative cost percentage, of up to 15 percent of the total award, as part of the DWG application, if the grant applicant provides sufficient justification. These justifications should demonstrate how grantees are using existing service delivery infrastructure established by the WIOA formula programs before devoting funds to additional administrative costs.

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.

Section 4.F: Other Terms

DOL 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](https://www.dol.gov/agencies/eta/grants/resources) (<https://www.dol.gov/agencies/eta/grants/resources>).

Part 5: Post-Award Requirements and Information

Section 5.A: Participant Enrollment and Grant Performance

Participant Enrollment. Participant enrollment serves as an important element in demonstrating success for DWG projects. DOL bases grant funding amounts, including “up-to” award amounts for incrementally funded grants, in part on the total number of participants an applicant proposes to enroll. Assessing grant progress requires a consistent expectation for planned participant numbers.

Grant recipients may not reduce their total participant enrollment goal after approval of a full application. DOL 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 be penalized in future grant applications for failure to meet these goals.

Grant Performance

Performance Measures. For states and outlying area grant recipients, the negotiated performance outcome measures for the WIOA title I Dislocated Worker program serve as a basis for each DWG’s performance goals unless applicants request additional considerations to set performance measures for an individual grant. Performance measures include: Employment Rate the second and fourth quarter after exit; Median Earnings the second quarter after exit; Credential Attainment; Measurable Skill Gains; and Effectiveness in Serving Employers. DWG grantees must set goals for employment, earnings, and credential attainment. DOL negotiates with states to determine acceptable performance measures for the title I Dislocated Worker program. Local WDB grant recipients use performance measures negotiated with the state for the title I Dislocated Worker program. WIOA Section 166 Indian and Native American program grantees serving as grant recipients use 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.

Reporting. DWG 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.

See the DWG performance web page (<https://www.dol.gov/agencies/eta/dislocated-workers/performance>) for resources and information on DWG performance. DOL may post DWG performance outcome data publicly on ETA's website.

DWG recipients must submit financial reports using the ETA-9130 (G) Financial Report, including training expenditures under Section 11c. For financial reporting guidance and instructions, see (<https://www.dol.gov/agencies/eta/grants/management/reporting>).

Section 5.B: Post-Award Information

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 DOL 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 the plan to the Federal Project Officer upon completion.

Grant Amendments. 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. Grant recipients must contact their assigned Federal Project Officer (FPO) to prepare and submit amendment requests to modify existing grant awards. To request such changes (e.g., statement of work changes, budget realignments, and period of performance extensions), recipients must submit amendments to address the changing circumstances affecting the project's implementation. Recipients must also submit amendments to respond to special conditions of award, or to request incremental or additional funding. For additional information on the DWG amendment process, see ETA's How to Apply webpage (<https://www.dol.gov/agencies/eta/grants/apply>).

Grant Recipients Covered by the "477 Program". Public Law 102-477, the Indian Employment, Training and Related Services Demonstration Act of 1992, as amended, which is commonly called the 477 Program, was developed to tackle issues within Native communities by promoting Tribal self-determination and comprehensive community development. The 477 Program allows Federally-recognized Tribes to integrate funds and programs from across several Federal agencies into a single program to enable streamlined operations, reduced administrative burdens, and enhance employment, training, and related program services within Native American communities.

DWGs are among the funds eligible for consolidation under a 477 plan. To best support the 477 process, DOL encourages Tribes which expect to consolidate their DWG award into an existing 477 plan to notify DOL in their application.

Policy Explanations and Examples to Support DWG Program Guidance

Attachment II provides additional information, explanations, and examples for how applicants and grant recipients can operationalize the program requirements and flexibilities of the DWG program to enable grant recipients to design their grants for successful outcomes and tailored to the needs on the ground.

The information in this Attachment is organized into four sections:

- Descriptions of flexibilities and examples of **participant eligibility** in Disaster Recovery DWGs.
- Examples and clarifications for **other DWG program policies** to support the development of allowable and flexible grant activities.
- Understanding the difference between “**mitigation**” and “**prevention**” activities in disaster-relief employment.
- Consolidating information specific to Indian tribal government and WIOA Section 166-eligible entities.

Section 1: Participant Eligibility, Disaster Recovery DWGs

Eligibility categories for participants represent the most commonly asked questions related to Disaster Recovery DWGs. This section of Attachment II provides additional context and information on the four categories of participant eligibility, as well as some ideas on how grant recipients might develop policies that maximize enrollments to better address the needs of individuals following a qualifying emergency or disaster event.

Per Section 1.A of TEGL Attachment I, grant recipients must develop and follow written policies and procedures for determining participant eligibility; these policies should include how the grant recipient applies terms such as “laid off as a consequence of the emergency or disaster,” “long-term unemployed,” and “significantly underemployed.” To best ensure that grant recipients can enroll participants quickly, grant recipients may apply these eligibility terms and protocols in a manner that provides the most flexibility, enables identification of the broadest participant eligibility pool, and ensures speedy enrollment. The table below provides some examples of the kinds of flexibility that might be associated with each of the Disaster Recovery DWG participant eligibility categories.

Table 1: Disaster Recovery DWG Participant Eligibility Categories

Eligibility Categories	Elements of Potential Flexibility	Example(s) of Use
<i>Temporarily</i> or permanently <i>laid off as a consequence of</i> the emergency or disaster [emphasis added.]	This category contains three separate elements that provide flexibility to grant recipients: <ul style="list-style-type: none"> • WIOA lists “temporarily or permanently laid off” separately from “dislocated worker,” and thus it has a different 	A low-wage worker cannot work for four weeks due to flood-related road damage but returns to work following repairs. A grant recipient policy may consider the worker to be “temporarily laid off.” Under this policy, this worker could be eligible to receive services under a

	<p>meaning than “dislocated” and is not limited to the definition at WIOA Section 3(15). For purposes of this participant eligibility category, “laid off” may be read as “lost a job.”</p> <ul style="list-style-type: none"> • How the grant recipient determines the meaning of the phrase “<i>as a consequence of the emergency or disaster</i>” in conjunction with the reason for a job loss may create unique opportunities to enroll individuals who would not otherwise be eligible as dislocated workers. • “Temporarily” laid off: the WIOA statute does not require any specific amount of time for an individual to be without work. 	<p>Disaster Recovery DWG and enroll in training for higher-wage employment opportunities.</p> <p>In another example, the term “laid off as a consequence of the disaster” might apply to an individual who is fired from employment for use of opioid. When the disaster is the HHS public health emergency declaration related to the opioid crisis. The term “laid off” here may be interpreted to mean that such an individual lost their employment as a result of the declared disaster, making them eligible to participate in a Disaster Recovery DWG addressing the opioid crisis.</p>
<p>Dislocated workers</p>	<ul style="list-style-type: none"> • Several aspects of the WIOA definition at Section 3(15) must be interpreted and applied to determine participant eligibility; the most obvious being the criteria that an individual be “unlikely to return” to their prior industry <i>or</i> occupation. • WIOA Section 3(15) includes language that addresses “individual” eligibility 3(15)(A) as well as “group eligibility” at 3(15)(B) which may provide additional avenues for participant eligibility determinations. • Any flexibilities that WIOA provides to 	<p>A grant recipient’s existing policy for determination of eligibility as a dislocated worker is applicable in a Disaster Recovery DWG.</p>

	Governors concerning establishing procedures for interpreting and applying the definition of dislocated worker to individuals apply under Disaster Recovery DWGs as well.	
Long-term unemployed individuals	WIOA, and this guidance, leave this definition to the state or other entity who is the grant recipient, which creates substantial opportunity to establish a definition that enables the broadest eligibility to be applicable.	A grant recipient might determine that the long-term unemployed individual eligibility category applies for: <ul style="list-style-type: none"> • Individuals with sparse work history. • Currently incarcerated individuals who will soon be released. • Homeless Veterans Reintegration Program (HVRP) grant participants who are unemployed. • Individuals who recently completed incarceration.
Self-employed individuals who became unemployed or <i>significantly underemployed</i> as a result of the emergency or disaster [emphasis added.]	States may define the term “significantly underemployed” in implementing this aspect of eligibility.	Significantly underemployed might be defined as: <ul style="list-style-type: none"> • A percentage or amount of income loss due to the impacts of a disaster event. • Loss of a major client or customer of a self-employed individual, caused by the disaster event.

Section 2: Other DWG Program Clarifications

This section highlights a series of specific topics and provides examples for how a grant recipient might interpret, understand, or implement DWG-funded practices or policies. The table below additionally includes reference(s) to the relevant TEGL content.

Table 2: Other DWG Program Clarifications

Topic	Example	Reference
Disaster Recovery DWG: <i>Disaster-Relief Employment,</i>	Cleanup and recovery activities must be designed to address, mitigate, or otherwise limit the damage, or the health and safety impacts, of the current disaster. Repairs and reconstruction must be of facilities,	Pg I-4

<p><i>Cleanup and Recovery Activities</i></p>	<p>lands, or offshore areas damaged as a consequence of a declared disaster event.</p> <p>For Disaster Recovery Dislocated Worker Grants in response to the opioid crisis, ETA will consider applications that propose to only provide employment and training activities. Applicants should only propose Disaster-Relief Employment if that is the most significant workforce need related to the opioid public health emergency and would be the most effective use of funds.</p>	
<p>Disaster Recovery DWG: Disaster-Relief Employment, Humanitarian Assistance</p>	<p>Humanitarian assistance generally includes actions designed to save lives, alleviate suffering, and maintain human dignity in the aftermath of disasters. Humanitarian assistance disaster-relief employment may include activities supporting projects that provide food, clothing, shelter, and other assistance in response to the direct impacts of, or needs resulting from, the disaster situation named in the Federal declaration. Some examples include:</p> <ol style="list-style-type: none"> 1. Some disasters contribute to a shortage of child care opportunities, which in turn may create difficulties for many parents to be able to return to work following an emergency or disaster event. In response, DWGs might create disaster-relief employment opportunities that provide child care when a grant recipient can show that enabling people to go back to work would help to alleviate the economic impacts of the disaster. 2. Similarly, in a public health emergency such as the opioid crisis, humanitarian assistance disaster-relief employment positions might include: <ul style="list-style-type: none"> • Staffing support for addiction treatment services; • Serving as peer recovery navigators or in other peer-focused positions that support individuals struggling with opioid addiction or recovery from opioid addiction; or • Carrying out intake and coordination services that connect homeless individuals affected by the opioid crisis to partners who can provide shelter, food, and other assistance. 	<p>Pg I-5</p>

	<p>3. In the opioid public health epidemic, overdose is a major concern. To help ensure that members of the community may respond to incidents of overdose, Disaster Recovery DWG funds could be used to create disaster-relief employment opportunities that train members of the community to use naloxone (which is used to reverse the effects of opioid overdose). (Note that DWG funds cannot be used to purchase naloxone for general use in the community.)</p> <p>4. Disaster Recovery DWGs that are awarded to grant recipients responding to declared disasters in other geographic areas due to an influx of individuals who have relocated to the recipients' location may offer participants disaster-relief employment where appropriate, such as working in designated shelters to provide humanitarian assistance to relocating individuals impacted by the disaster.</p>	
<p>Disaster Recovery DWG: <i>Choosing the Best Option for Disaster-Relief Employers</i></p>	<p>DOL 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 conduct. DOL encourages grant recipients and subrecipients to 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 other Federal, state, or local requirements.</p> <p>Employers must adhere to Federal, state, and local labor standards and laws covering all workers.</p>	<p>Pg I-22</p>
<p>Disaster Recovery DWG: <i>Supportive Services</i></p>	<p>All DWG participants, in either Disaster Recovery or Employment Recovery DWGs, may receive supportive services. While supportive services for participants receiving employment and training services generally align with state or local policies, Disaster Recovery DWG grant recipients are encouraged to design and offer supportive services</p>	<p>Pg I-6</p>

	<p>for disaster-relief employment participants that are customized to the specific needs created by the declared disaster event. DOL encourages grantees to engage with area programs and entities in the area that offer supportive services and refer participants to these services when available, prior to utilizing DWG funds for these services.</p> <p>The opioid public health emergency may require specific interventions to support grant participants maintaining, obtaining, or re-obtaining employment, or to complete employment or training services. Some examples of supportive services for a Disaster Recovery DWG related to the opioid crisis include:</p> <ul style="list-style-type: none"> • Healthcare, mental health treatment, addiction treatment, or other forms of outpatient treatment that may impact opioid addiction and related, underlying, or complicating conditions. • Additional services needed to facilitate post-training employment of participants impacted by the opioid crisis. • Linkages to community services. • Purchase and provision of items necessary for participants to perform disaster-relief employment. • Assistance with child care and dependent care. • Payments and fees for employment and training-related applications, tests, and certifications. 	
<p>Disaster Recovery DWG: Disaster Recovery Employment (DRE) Participant Employment Duration Limitations and Exceptions</p>	<p>Participants in disaster-relief employment positions may be employed for a maximum of 12 months or 2,080 hours, whichever is longer.</p> <p>However, there may be cases where a participant enrolled in disaster-relief employment under a Disaster Recovery DWG may be enrolled into a new Disaster Recovery DWG and receive disaster-relief employment under this new grant. Individuals who still meet Disaster Recovery DWG participant eligibility requirements may be enrolled in a new grant, if one is available and one or more of the following conditions are met:</p> <ul style="list-style-type: none"> • An existing grant no longer has sufficient work available. Or 	<p>Pg I-7</p>

	<ul style="list-style-type: none"> • Work under an existing grant cannot be completed due to the impact of a subsequent disaster. <p>In such cases, these individuals will be eligible for a full and separate 2,080 hours of employment under the new grant.</p>	
<p>All DWGs: <i>Participant Eligibility, Individuals Impacted by Qualifying Event</i></p>	<p>Per WIOA, DWG participant eligibility is not restricted to individuals directly impacted by the qualifying event. Any individuals who meet the eligibility criteria for the type of DWG that is awarded may be enrolled in the grant.</p> <p>For example, grant recipients who receive a Disaster Recovery 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.</p> <p>For an Employment Recovery DWG, a grant recipient may enroll any individuals who meet the eligibility criteria; grant recipients are not restricted to enrolling individuals affected by the qualifying layoff(s) event(s).</p>	<p>Pg I-3 (Disaster Recovery DWG)</p> <p>Pg I-12 (Employment Recovery DWG)</p>
<p>All DWGs: <i>Other Allowable Activities</i></p>	<p>DWGs support a broad range of activities that enable successful grant activities and outcomes, support participants in achieving unsubsidized employment, and better serve participants. DWG recipients might consider carrying out activities such as:</p> <ul style="list-style-type: none"> • Aligning disaster-relief employment activities with classroom training, work-based learning opportunities, or both, to support long-term employment opportunities for participants in high-paying jobs. • Working with businesses to develop customized training plans or models, work experiences (including paid or subsidized work experiences), pre-apprenticeships, Registered Apprenticeships, or other activities to enable participants to succeed in training and ultimately obtain unsubsidized employment following their participation in the DWG. 	<p>Pg I-7 (Disaster Recovery DWG)</p> <p>Pg I-14 (Employment Recovery DWG)</p>

	<ul style="list-style-type: none"> • Developing and utilizing competency-based assessment tools to validate the competencies of DWG participants and identify the appropriate employment and training opportunities to accelerate their return to workforce. • Supporting the development of recovery-friendly workplaces to support DWG participants who may be struggling with or in recovery from substance misuse. • Hosting job fairs or hiring events to enable DWG participants to obtain employment. • Organizing and implementing outreach and recruitment efforts to identify and enroll eligible participants. 	
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Section 3: Understanding the Difference Between Allowable and Unallowable Disaster-Relief Employment

As described on pages I-4, I-5, and I-8 of Attachment I of this TEGL, WIOA requires that the grantee to design any disaster-relief employment activities it implements address, mitigate, or otherwise limit the damage, health and safety impacts, or other humanitarian effects of the current disaster. Disaster-relief employment activities that *solely or primarily* focus on prevention of and planning for future disaster events are not allowable under a Disaster Recovery DWG. WIOA allows 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.

The table below provides some examples that help distinguish between possible mitigation (allowable) and prevention (not allowable) activities. Grant recipients should consult with DOL when developing proposed disaster-relief employment to ensure the allowability of all activities.

Table 3: Mitigation vs Prevention in Disaster-Relief Employment Examples

Mitigation: Allowable	Prevention: Not Allowable
Repairing damaged seawall.	Building a new seawall where one did not previously exist.
Replanting trees following a wildfire, which may prevent a new disaster (landslides) but is allowable as “restoration” under WIOA.	Planting trees to prevent landslides where trees did not exist previously.
Installing a new tornado warning siren system to replace one destroyed by a tornado.	Installing a tornado warning siren system that was not previously available in the disaster-affected area.
Repair of a damaged storm shelter.	Construction of new storm shelters.
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. While such filters could protect	Where the disaster event is a hurricane, the DWG would not support the installation of water filtration systems that might be needed, but such need was not created by the disaster event.

the affected population from future contaminations, 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.	
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Section 4: Information for Tribal and Native Applicants and Grant Recipients

DOL encourages Indian, Native American, Native Hawaiian, and Alaska Native governments and grant recipients to apply for Disaster Recovery or Employment Recovery DWGs, where appropriate. While generally the rules and requirements for the DWG program apply across all types of grant recipients, there are some unique to native and tribal communities. This TEGL provides context for those elements as applicable, and they are consolidated here in this Attachment as well.

Table 4: DWG Information for Tribal and Native Applicants

DWG Type and Topic	TEGL Language	TEGL Reference
Disaster Recovery DWGs		
<i>Applicant Eligibility</i>	Indian tribal governments as defined by the Stafford Act, 42 U.S.C. 5122(6)	I-3
<i>Eligible Qualifying Events</i>	<ol style="list-style-type: none"> 1. Emergencies and major disasters. 2. Emergencies or disaster situations of national significance. 3. Relocation of a substantial number of individuals from a state, <i>tribal area</i>, or outlying area affected by a disaster or emergency to other states, <i>tribal areas</i>, or outlying areas outside the disaster or emergency area. 	I-2
<i>Allowable Employment & Training Activities</i>	Indian tribal governments that receive a Disaster Recovery DWG and may be unfamiliar with the requirements of WIOA related to allowable employment and training activities are encouraged to work with ETA regional office staff to ensure alignment with these requirements.	I-6
Employment Recovery DWGs		
<i>Applicant Eligibility</i>	Entities eligible for funding through the Indian and Native American Program in WIOA Section 166(c)	I-11
<i>Eligible Qualifying Events</i>	<ol style="list-style-type: none"> 1. Mass Layoff or Plant Closure 2. Community Impact 3. Higher-than-Average Demand for Services from Dislocated Members of the Armed Services. 	I-10

<i>Applications for “Higher-than-Average Demand” Qualifying Event</i>	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.	I-11
<i>Developing Grant Performance Targets</i>	Grant recipients that are entities described in WIOA Section 166(c) Indian and Native American Program use measures established for that program as a basis for DWG performance targets.	I-32
All DWG Types		
<i>“477 Plan” Consolidation Eligible</i>	DWGs are among the funds that are eligible to be consolidated under a 477 plan. DOL encourages grant recipients who expect to consolidate their DWG award into an existing 477 plan to begin the process to implement the consolidation as quickly as possible after an award to maximize the benefit of the receipt of the funding.	I-33

Section 5: DWGs and the Continuum of Resources for Affected Individuals Under Different Scenarios

The following examples provide some context for how Employment Recovery DWGs can contribute to a resource mix to support workers and communities affected by job losses. Three primary themes in the examples below are:

- The workforce system should begin services as soon as layoffs occur, with available resources, such as dislocated worker formula funding and state Rapid Response funds. That is, do not wait to serve people affected by layoffs even in cases where an Employment Recovery DWG application has been submitted. Take advantage of other existing resources. Applicants can even request a DWG with a start date earlier than the date of award so that allowable costs occurring prior to the award can be allocated to the grant once the award is received.
- Be prepared and also flexible.
- Understand that Employment Recovery DWGs are not the only resource available and that there may be other resources that are appropriate vehicles for providing services to all affected individuals. State workforce agencies and local areas should always look to minimize response times and maximize available resources and opportunities through effective and adaptable plans.

Example 1: A state workforce agency’s Rapid Response coordinator receives a WARN notice announcing a layoff of several hundred scientists, technicians, and other highly paid workers at a pharmaceutical factory in a rural area of the state. While these direct layoffs will cause hardship on the affected workers, including their ability to obtain new employment with comparable wages in the region, the trickle-down effects of the primary layoff will create additional economic and employment challenges. Creating a timely and effective response to these impacts requires a comprehensive, coordinated and innovative approach, aligning a range of different

programs and resources to support economic and workforce recovery. In these situations, Employment Recovery DWGs can be an important, even if not a central, part of the suite of resources deployed to address the crisis.

In this scenario, state workforce agencies, local workforce areas, and partners can take advantage of the lead time offered by the advance layoff notification to come together to develop customized strategies for addressing the specific situation. Maximizing the impact of WIOA-funded resources and other resources is critical to providing the most value with limited resources. Employment Recovery DWG recipients, along with other state and local partners from inside and outside the public workforce system, should consider how best to deploy the grant funds alongside all other resources to provide the most appropriate services to the most affected workers possible.

Example 2: Workers arriving for their shift on a Monday morning at the town's largest employer, an automotive parts manufacturer, find the front gates locked and a sign indicating that the factory, a subsidiary of a major manufacturing firm, is being relocated outside of the country. With 125 employees immediately unemployed and the jobs of dozens of vendors and others who serve or benefit from the factory at risk of being lost as well, the local workforce area does not have time to do in-depth planning for how best to address the situation. While the local area will apply for an Employment Recovery DWG, those funds will not be immediately available. In this scenario, ensuring that affected workers are not made to wait for services until the DWG is awarded is vital to creating the best opportunities for individuals to be reemployed as quickly as possible. In most cases this requires being prepared for such situations before they ever occur, and developing the partnerships and strategies that can be quickly triggered should such an event happen. But even the best plans will not be able to predict or prepare for all possibilities. Making sure that the plans are adaptable, and state, local, and partner staff are empowered to be innovative to address changing situations, is greatly important.