

SOP 23-04
National Dislocated Worker Grants (NDWG)
Workforce Innovation and Opportunity Act (WIOA)
Standard Operating Procedures
Grow Southwest Indiana Region 11
Approval Date: 8/25/2023

Purpose

To provide the Local Workforce Development Board (WDB) an overview of grant requirements and basic grantee responsibilities for Disaster Recovery and Employment Recovery Dislocated Worker Grants. Additional technical assistance will be issued for specific qualifying events that may include grantee application instructions, eligibility requirements, implementation requirements, or other information specific to the event.

Rescissions

DWD Policy 2011-08 Guidance on the Process to Request a National Emergency Grant (NEG)

References

See Attachment A

Action

DWD Policy 2022-18: National Dislocated Worker Grants will be implemented as SOP 23-04 National Dislocated Worker Grants (NDWG)

Content

- National Dislocated Worker Grants (DWGs) are discretionary grants enabling states and communities to respond to and recover from large, unexpected dislocation events. Both supplemental and time-limited, DWGs provided funding assistance in response to major economic dislocations or other events that cause a significant impact exceeding the capacity of existing formula funds and other relevant resources.
- DWD may apply to either Disaster Recovery or Employment Recovery DWGs with the potential to sub-award funds to local areas.
- Local WDBs and consortiums of WDBs are eligible to apply for Employment Recovery DWGs.

Disaster Recovery DWG

To minimize the employment and economic impact of declared disasters and emergency situations (events), in disaster-declared areas, Disaster Recovery (DR) DWGs provide appropriate temporary disaster-relief employment as well as employment and training activities as quickly as possible.

Qualifying Events

- Emergencies and major disasters declared by the Federal Emergency Management Agency (FEMA) as eligible for public assistance.
- Emergencies or disaster situations of national significance, natural or man-made, that could result in a potentially large loss of employment (defined by USDOL as the potential loss of a least 50 jobs within the disaster area covered by the relevant declaration) and
- Relocation of a substantial number of individuals from an area affected by a disaster or emergency to areas outside the disaster or emergency area. The definition of substantial will vary depending on the specific DR DWG. (TEGL 16-21)

Participant Eligibility

1. Individuals temporarily or permanently laid off as a consequence of the emergency or disaster
2. Dislocated workers (defined in WIOA Section 3(15), including displaced homemakers (defined in WIOA Section 3(16))
3. Long-term unemployed individuals
4. Self-employed individuals who became unemployed or significantly underemployed as a result of the disaster or emergency.

For each qualifying event:

- DWD will provide additional guidance defining key eligibility terms including but not limited to:
 - Laid off
 - Long-term unemployed individuals
 - Significantly underemployed
- Local staff will collect and maintain eligibility documentation in DWD's case management system.
- DWD will issue guidance outlining proper case management protocol

Allowable Activities

All DR DWG projects will include disaster-relief employment with the following exceptions:

- Disaster Recovery DWGs awarded in response to non-Stafford Act disaster or emergency declarations where circumstances and nature of the disaster do not allow for cleanup or humanitarian temporary employment opportunities authorized by WIOA.
- Disaster Recovery DWGs that are awarded due to an influx of individuals relocated from a disaster area where the grant recipient is not responding to the declared disaster because it is in another geographic area. Under 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 disaster-relief employment where appropriate (working in designated shelters to provide humanitarian assistance) to relocating individuals impacted by the disaster.

Even though, DR DWGs (not including the listed exceptions), are to include disaster-relief employment, not every DR DWG participant must be enrolled in this aspect of the grant; grant recipients may enroll participants in:

- Disaster-relief employment only
- Employment and training activities (including supportive services) only OR
- Both disaster-relief employment and employment and training activities.

Disaster-Relief Employment

DR DWGs provide funding for the creation of temporary, disaster-relief employment; Disaster-relief employment must align with at least one of the following two categories:

Clean up and recovery efforts include possible activities with a focus on demolition, cleaning, repair, renovation, and reconstruction. These clean-up activities must address, mitigate, or limit the damage, or the health and safety impacts of the disaster area. Repairs and reconstruction must be of the areas damaged due to a declared event. WIOA prohibits the use of these funds for new construction or activities aimed at preventing future disasters. Other clean-up activities may be developed in response to specific disaster events

Humanitarian assistance generally includes actions designed to save lives, alleviate suffering, and maintain human dignity in the aftermath of disasters. Humanitarian assistance that solely focuses on prevention and planning of future disaster event is not an allowable activity under a DR DWG. Assistance does include activities that include the provision of food, clothing, and shelter. This assistance will address the needs resulting from the disaster situation named in the DWD DWG application and the federal declaration. DR DWG funds can used cover positions delivering humanitarian assistance, they cannot be used for the supplies being provided.

Wages and Duration

1. Local areas will work with their disaster relief employers to develop participant job descriptions that align with disaster relief employment categories. Entry-level wages for DR employment participants will be guided by two situations:
2. If the DR employer has an existing position, participants will be compensated at the same rate, including periodic increases, shift differential, benefits, or overtime pay, as employees who are similarly situated in similar occupations by the same employer, and who have similar training, experience, and skills, OR

3. If the DR employer does not have other employees doing the same or similar work, the employer should also provide the same benefits, to the participant that they offer other employees working a similar length of time. Local areas will ensure that the wages:
 - Are at least \$15.00 per hour, OR
 - Align with the industry standard for that type of work in the area where the work is to be performed. Industry standards will be supported by documentation such as LMI, similar job postings within DWD's labor exchange system, BLS data, or Hoosiers by the Numbers data. Documentation must be available for grant management and monitoring purposes.

Participants in disaster-relief positions may be employed for a maximum of 12 months or 2,080 hours, whichever is longer. The local area will develop internal processes for tracking participant hours and wage information to be available for grant management and monitoring purposes.

Disaster Relief Employer and Worksites

Disaster-relief employers conduct day-to-day human resources and payroll activities of a DR DWG. There is no limitation on what type of entity or organization may be a disaster relief employer. DR employers will afford the same health and safety standards established under federal and state law applicable to working conditions of permanent employees.

The local area will have a written worksite agreement in place with DR employers to ensure compliance with all DWG requirements, including employment activities, eligibility, safety and health, pay and benefits, unemployment insurance or workers compensation, and state requirements. Negotiations, pricing and any fees contained in the agreement and charge to the grant will be reasonable and fair, and any competition is full and open.

Worksite agreements will be signed by all parties, including the participant. Participants will be provided a copy of the agreement or a document that clearly explain the conditions of the agreement. A copy of the agreement will be maintained in DWD's case management system and available for grant management and monitoring purposes.

Worksites will be in the geographic disaster area covered by the qualifying declaration for the DR DWG. Highest priority will be given to the cleanup of the disaster area's most severely damaged public communities, facilities, and property, and the provision of humanitarian assistance to economically disadvantaged areas within the disaster area. Local grant areas should prioritize enrollment of eligible participants most in need of economic support or workforce development services.

The local area will conduct periodic worksite monitoring that may include virtual, on-site visits, and phone/email communications with the employer, supervisor, and participant to ensure health and safety standards. Participant daily work tasks will be aligned with those specified in the agreement and participant's job description. Monitoring activities will be documented in the participant's electronic file in DWD's case management system.

Work may be performed on private property under the following conditions:

- Work is intended to remove health and safety hazards to the larger community or to address or alleviate specific economic or employment-related impact of the disaster; this may include cleanup work needed for disaster-affected employers to resume or continue operations.
- Work is necessary to remove health and safety hazards on private property and will only return the land to a safe and habitable level, not improve the original condition of the private property.
- DR DWG funds are not used to cover the cost of materials to do repairs.

If the local area determines that work on private property is needed, they must develop and maintain documentation that provides the rationale for the determination, how each private property worksite meets requirements, and make documentation available to grant management and monitoring.

Employment and Training Activities

DR DWGs may fund employment and training activities for eligible participants. Employment and training services may be provided regardless of an individual's participation in disaster relief employment.

Supportive Services

Supportive services are allowable under DR DWGs when needed for individuals to participate in disaster-relief employment and employment and training activities when services cannot be obtained through other programs. Supportive services may be utilized in two ways:

1. Supportive services for employment must be designed to enable the participant to safely and effectively carry out the job for which they have been hired, OR
2. Supportive services for employment and training activities must be aligned with state and local supportive services policies and enable the individual to participate in grant-funded employment and training activities.

Coordination with Emergency Management Agencies

WDBs will coordinate the activities funded under a DR DWG with the appropriate organizations, state emergency agencies or federal agencies, to avoid duplication of efforts through direct contact or contact with state or local agencies who are coordinating with federal agencies.

Employment Recovery DWG

Employment Recovery (ER) DWGs provide resources in response to major economic dislocations which cause significant job losses such as:

- Plant closures
- Mass layoffs
- Closure and realignments of military installations

NOTE: Local WDBs or a consortium of WDBs are eligible to apply for an ER DWG. Application guidance found at TEFL 16-21.

Qualifying Events

- Mass layoff or Plant Closure – Layoffs or plant closures affecting 50 or more workers from one employer within the service area of the applicant may qualify for Mass Layoff or Plant Closure ER DWGs.
- Community Impact – multiple small layoffs occurring over a period of up to 12 months that significantly increase the number of unemployed individuals in a state, or regional workforce area may qualify for a Community Impact ER DWG.
- Higher-than Average Demand for Services from Dislocated Service Members – a higher-than-average demand for employment and training activities from dislocated military service members and dislocated military spouses that exceeds state and local resources for providing such activities may qualify for ER DWG funding.

Participant Eligibility

The following are eligible to participate in an ER DWG:

- Dislocated workers, as defined in WIOA Section 3915) including displaced homemakers as defined in WIOA Section 3(16)
- Civilian employee of the Department of Defense or the Department of Energy employed at a military installation that is being closed, or that will under realignment, within the next 24 months after the date of determination of eligibility
- 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 a risk of termination from employment as a result of reductions in defense expenditures, and whose employer is converting operations from defense to nondefense applications in order to prevent worker layoffs OR
- Member of Armed Forces who:
 - Was on active duty or full-time National Guard duty
 - Is involuntarily separated from active duty or full-time National Guard duty; or is separated from active duty or full-time national Guard duty pursuant to a special separation benefits program under 10 U.S.C. 1174a, or the voluntary separation incentive program under Section 1175 of that title
 - Is not entitled to retired or retained pay incident to the separation AND
 - Applies for employment and training assistance within 180 days of that separation.

- Dislocated members of the Armed Forces (service members who are transitioning to the civilian workforce), including recently separated veterans. This includes all members of the Armed Forces who were discharged under conditions other than dishonorable.
- Dislocated spouses of member of the Armed Forces on active duty, including spouses who have experienced a loss of employment as a direct result of relocation to accommodate a permanent change in the service member’s duty station, or a spouse who:
 - Is a dependent spouse of a member of the Armed Forces on active duty whose family income is significantly reduced – as determined by statutes or policies of the state or local area for defining “significantly reduced” – because of a deployment, a call or order to active duty, a permanent change of station, or the service-connected death or disability of the service member, and
 - Is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment (see WIOA Sections 3(15) E and 3(16)(A) and (B).

Eligibility documentation must be collected and maintained in DWD’s case management system.

Allowable Activities

Employment and Training Assistance

Employment and training assistance includes:

- Career services – designed to help support dislocated workers in making informed decisions for reemployment and education goals to include but are not limited to:
 - Outreach
 - Intake
 - Labor exchange services
 - Initial and comprehensive assessment, development of an IEP
 - Referral
 - Provision of labor market information and
 - Information on eligible training providers and the availability of supportive services
- Training services – allowed under ER DWGs and may include occupational training, work-based learning such as on-the-job training and Registered Apprenticeships, entrepreneurial training, and customized training.
- Supportive services – allowed whenever they are needed for individuals to participate in employment and training activities.

NOTE: DWG supportive services must align with the state or local supportive service policy and have the same requirements as applicable to the WIOA Dislocated Worker formula program.

DR and ER DWG General Provisions

The following apply to both DR and ER DWGs:

- **Veteran’s Priority** – DWGs are subject to priority of service to veterans and eligible spouses in all Department of Labor-funded job training programs. Veterans and eligible

spouses who meet DWG eligibility will receive priority of service for training made available under DWGs.

- **Rapid Response** – Since early intervention is critical and DWGs do not fund early intervention or layoff aversion activities, local Rapid response Teams will work with the State Rapid Response Unit.
- **Employment and Training** – DWG funds are subject to the limits and requirements applicable to the WIOA Dislocated Worker program. This includes the requirement that training providers funded through either type of DWG must be an Eligible Training Provider in Indiana. Exceptions may be found in the EPTL Change 1 policy.

Performance Goals

- Performance measures – DWD may request alternative performance metrics, e.g. enrollment benchmarks, when applying for DWGs. Performance expectations will be communicated by DWD and specific to the DWG award.
- Participant Enrollments – Grant funding is based on the total number of participants the local area proposes to enroll; grant performance assessment requires a consistent expectation for planned participant numbers.

DWD Grant Management

- DWGs are non-formula funded and subject to DWD's Non-Formula Performance Management Policy.
- The DWD Grant Management Team (GMT) will be included in the GMT's routine quarterly meetings. Information will be gathered from DWD data systems.
- Next steps will be developed based on each quarter's performance.
- Grant performance outcomes will be reviewed during routine monitoring and may result in monitoring findings, including disallowed costs, and corrective action.

Attachments

Attachment A – References

Attachment B – USDOL NSDG Desk Reference

Attachment C – Employment Recovery DWG Participant Eligibility Allowable Documentation

Effective Date

Immediately

Ending Date

Upon rescission

Attachment A

References

- WIOA Sections 3, 116, 134, 170, and 181
- 2 CFR parts 200 and 2900
- 20 CFR part 680 and 687
- 10. U.S.C. 1141, 1174(a), and 1175
- 29 U. S. C. 206(a)(1)
- 38 U.S.C. 415
- 42 U.S. C. 5122 Section 102
- TEFL 16-21 *Updated National Dislocated Worker Grant Program Guidance*
- TEGF 12-19, *Change 1 National Dislocated Worker Grant Program Guidance*
- DWD Policy 2022-02, *Change 1 Workforce Innovation and Opportunity Act (WIOA) Title I Adult and Dislocated Worker On-the-Job Training (OJT)*
- DWD Policy 2021-03 *Workforce Innovation and Opportunity Act (WIOA) Title I Adult and Dislocated Worker Program Eligibility*
- DWD Policy 2021-02 *Workforce Innovation and Opportunity Act (WIOA) Supportive Services for Title I Adult and Dislocated Workers*
- DWD Policy 2020-10 *Workforce Innovation and Opportunity Act (WIOA) Title I Service Delivery*
- DWD 2015-08 *Priority of Service for Veterans and Eligible Spouses in Indiana DWD's Integrated WorkOne Offices*
- DWD Policy 2020-16, *Change 1 IN Training and Eligible Training provider List (ETPL) Eligibility and Establishment Under the Workforce Innovation and Opportunity Act (WIOA) Title I*
- National Archives Veterans' *Service Records*
- US Department of Labor's (USDOL) Employment and Training Administration *National Dislocated Worker Grants Comparison of NDWG Types Desk Reference*

Attachment B

Disaster Recovery DWG	Employment Recovery DWG
<p>Provide funding to create temporary employment opportunities to assist with clean-up and recovery efforts, when an area impacted by disaster is declared eligible for public assistance by the Federal Emergency Management Agency (FEMA) or otherwise recognized by a federal agency with authority or jurisdiction over federal response to the emergency or disaster.</p>	<p>Employment Recovery DWGs provide resources to states and other eligible applicants to respond to major economic dislocations, such as large, unexpected layoff events that cause significant job losses, including military base closures and realignments. Employment Recovery DWGs provide employment and training assistance to dislocated workers and other eligible participants.</p>
<p>Emergencies and major disasters, as defined under <u>Section 102 of the Stafford Act</u> (42 U.S.C. 5122(5)), declared by FEMA as eligible for Public Assistance under any category (A through G). 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.</p>	<p>Mass Layoff or Plant Closure - Layoffs or plant closures affecting 50 or more workers from one employer within the service area of the applicant.</p> <p>Industry-Wide Layoffs - Layoff events from multiple companies in the same industry.</p> <p>Community Impact - Multiple small dislocations occurring over a period of up to 12 months that have significantly increased the number of unemployed individuals in a regional or local workforce area.</p>
<p>Eligible applicants for Disaster Recovery DWGs include state/outlying area workforce agencies, or Indian tribal governments.</p>	<p>Eligible applicants include states, outlying areas, local Workforce Development Boards, or entities eligible for funding through the Indian and Native American program (WIOA Section 166(c)). See <u>TEGL 12-19</u> for the full list of eligible applicants.</p>
<p>Those temporarily or permanently laid off due to the disaster; a dislocated worker as defined at <u>WIOA Section 3(15)</u>; a long-term unemployed worker; or a self-employed individual who became unemployed or significantly underemployed as a result of the disaster or emergency.</p>	<p>Dislocated workers as defined in <u>WIOA Section 3(15)</u>, including certain eligible military personnel and their spouses (<u>under certain circumstances</u>) affected by the closure of a military installation.</p>
<p>Disaster Relief Employment - Clean-up and recovery efforts including demolition, repair, renovation and reconstruction of damaged and destroyed structures, facilities and lands located within the disaster area and in offshore areas related to the emergency or disaster. This includes humanitarian assistance employment in the immediate aftermath of the disaster or emergency.</p>	<p>Employment Recovery DWGs allow only employment and training assistance, which includes Career, Training, and Supportive services. See <u>TEGL 12-19</u> and <u>TEGL 12-19, Change 1</u> for additional details regarding these services, including needs-related payments.</p>
<p>Employment & Training Services - DWG projects provide employment and training services to dislocated workers following a qualifying disaster or emergency. These include <u>Supportive Career, and Training</u> services.</p>	

Attachment C

Employment Recovery DWG and Participant Eligibility Allowable Documentation

Eligibility Category	Allowable Documentation
Dislocated Worker (DW) as defined in WIOA Sec 3(15) and displaced homemakers as defined in WIOA Section 3(16);	DW eligibility documentation is unchanged for DWGs.
Civilian employee of the Department of Defense or the Department of Energy employed at a military installation that is being closed, or that will undergo realignment, within the next 24 months after the date of the determination of eligibility;	Base Realignment Assessment Closure (BRAC)
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;	Letter from the Department of Defense
Member of the Armed Forces who: <ul style="list-style-type: none"> a. was on active duty or full-time National Guard duty; b. is involuntarily separated¹ from active duty or full-time National Guard duty; or is separated from active duty or full-time National Guard duty pursuant to a special separation benefits program under 10 U.S.C. 1174a, or the voluntary separation incentive program under section 1175 of that title; c. is not entitled to retired or retained pay incident to the separation described in Subclause b above; and d. applies for employment and training assistance within 180 days of that separation. 	DD-Form 214 Member Copy 4 ²
Dislocated members of the Armed Forces (service members who are transitioning to the civilian workforce), including recently separated veterans. This includes all members of the Armed Forces who were discharged under conditions other than dishonorable. ³	DD-Form 214 Member Copy 4
Dislocated spouses of members of the Armed Forces on active duty, including spouses who have experienced a loss of employment as a direct result of	DD-Form 214 Member Copy 4

<p>relocation to accommodate a permanent change in the service member’s duty station, or a spouse who:</p> <ul style="list-style-type: none"> a. is a dependent spouse of a member of the Armed Forces on active duty whose family income is significantly reduced—as determined by statutes or policies of the state or local area for defining “significantly reduced”—because of a deployment, a call or order to active duty, a permanent change of station, or the service-connected death or disability of the service member; and b. is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment (see WIOA Sections 3(15)(E) and 3(16)(A) and (B)). 	
<p>Member of the Armed Forces who:</p> <ul style="list-style-type: none"> a. was on active duty or full-time National Guard duty (as defined in 10 U.S.C. 1141) and is involuntarily separated or is separated under the special separation benefits program at 10 U.S.C. 1174(a) or the voluntary separation incentive program at 10 U.S.C. 1175; is not entitled to retired or retained pay incident to the separation; and applies for employment and training assistance within 180 days of separation. 	<p>DD-Form 214 Member Copy 4</p>

29 As defined in section 1141 of title 10, United States Code

30 Former service member and deceased service member’s next of kin may request military personnel records(e.g. DD-214s/Separation Documents) through the National Archives, <https://www.archives.gov/veterans/military-service-records> .

31 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, terminate 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.”