

To: Indiana's Workforce System

From: Indiana Department of Workforce Development (DWD)

Date: June 9, 2023

Subject: DWD Policy 2022-18
National Dislocated Worker Grants

Purpose

The purpose of this policy is to provide Local Workforce Development Boards (within this guidance, referred to as local WDBs or local areas) an overview of grant requirements and basic grantee responsibilities for Disaster Recovery and Employment Recovery Dislocated Worker Grants. This guidance is designed to provide high-level grant information, and local areas should review TEGL 16-21 *Updated National Dislocated Worker Grant Program Guidance* for more detailed guidance. Additional technical assistance will be issued for specific qualifying events. Such guidance may include grantee application instructions, eligibility requirements, implementation requirements, or other information specific to the event.

Rescissions

DWD Policy 2011-18 *Guidance on the Process to Request a National Emergency Grant (NEG)*

References

See **Attachment A**

Content

National Dislocated Worker Grants (DWGs) are discretionary grants enabling states and communities to respond to and recover from large, unexpected dislocation events. They are supplemental, time-limited funding assistance provided 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.

There are two types of DWGs: Disaster Recovery and Employment Recovery. DWD may apply for either of these DWGs and can potentially sub-award funds to local areas. In the case of an Employment Recovery DWG, local WDBs and consortiums of WDBs are eligible to apply as well.

Disaster Recovery DWG

Disaster Recovery (DR) DWGs provide temporary disaster-relief employment as well as employment and training activities, as appropriate, to minimize the employment and economic impact of declared disasters and emergency situations (events), in disaster-declared areas.¹ Indiana understands and

¹ As defined in 20 CFR 687.110(b).

emphasizes the importance of quickly beginning services to support post-disaster employment and economic recovery through DR DWGs.

Qualifying Events

The following events are eligible for DR DWGs:

- Emergencies and major disasters² 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 (USDOL defines “large loss of employment” as the potential loss of at 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, per TEGL 16-21.

Participant Eligibility

The following individuals are eligible to participate in a DR DWG:³

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

DWD will issue additional guidance defining key eligibility terms including but not limited to “laid-off,” “long-term unemployed individuals,” and “significantly underemployed” for each qualifying event. Local staff must collect and maintain eligibility documentation in DWD’s case management system. DWD will also issue guidance outlining proper case management protocol for each qualifying event.

Allowable Activities

With the exception of the following situations, all DR DWG projects must include disaster-relief employment⁵:

- Disaster Recovery DWGs awarded in response to non-Stafford Act disaster or emergency declarations, where the circumstances and nature of the disaster do not allow for cleanup or humanitarian temporary employment opportunities authorized by WIOA.

² As defined under Section 102 of the Stafford Act (42 U.S.C.5122).

³ 20 CFR 687.170(b).

⁴ DWD’s *Workforce Innovation and Opportunity Act (WIOA) Title I Adult and Dislocated Worker Program Eligibility* policy provides additional guidance.

⁵ TEGL 16-21.

- Disaster Recovery DWGs that are awarded due to an influx of individuals relocated from a disaster area, where the grant recipient is not responding to the declared disaster, because it is in another geographic area. In these circumstances, the DWG may provide employment and training activities as the primary activity, as participants are outside of the disaster area. However, these grants may also offer participants disaster-relief employment where appropriate, such as working in designated shelters to provide humanitarian assistance to relocating individuals impacted by the disaster.

Although DR DWGs unrelated to the aforementioned exceptions must include disaster-relief employment, not every DR DWG participant must be enrolled in this aspect of the grant. Grant recipients may enroll DR DWG participants in:

- Disaster-relief employment only; or
- 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, which is temporary employment of eligible individuals for the purposes described in WIOA Section 170(b)(1)(B) and (d), as well as 20 CFR 687.180(b) and (c). Disaster-relief employment must align with at least one of the following two categories:

- Cleanup and recovery efforts include a broad set of possible activities that focus on demolition, cleaning, repair, renovation, and reconstruction. Cleanup activities must be designed to address, mitigate, or otherwise limit the damage, or the health and safety impacts, of the declared 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 other activities aimed at preventing future disasters. Other cleanup activities may be developed in response to specific disaster events; or
- Humanitarian assistance generally includes actions designed to save lives, alleviate suffering, and maintain human dignity in the aftermath of disasters. The provision of general humanitarian assistance that solely focuses on prevention and planning of future disaster events is not an allowable activity under a DR DWG. This assistance includes activities such as the provision of food, clothing, and shelter. The assistance must address the needs resulting from the disaster situation named in the DWD DWG application and the federal declaration. Although DR DWG funds can be used to cover positions delivering humanitarian assistance, they cannot be used for the supplies being provided.

Wages and Duration

Local areas must obtain or work collaboratively with their disaster relief employers to develop participant job descriptions that align with disaster relief employment categories. There are two (2) disaster-relief employer situations that will guide entry-level wages for disaster-relief employment participants:

- When a Disaster Relief Employer **has** an existing position, participants must be compensated at the same rate,⁶ 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
- In cases where the Disaster-Relief Employer **does not have** other employees doing the same or similar work, the employer should also provide the same benefits to the grant participant that they offer other employees working a similar length of time. Local areas must also 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, supported by documentation including but not limited to local LMI, similar job postings within DWD's labor exchange system, BLS data, or Hoosiers by the Numbers data. Documentation must be made available on request for DWD 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. Local areas must develop internal processes for tracking participant hours and wage information. This information must be made available on request for DWD grant management and monitoring purposes.

Disaster Relief Employer and Worksites

Disaster-relief employers are the entities that carry out 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.⁷ Disaster-relief employers must ensure that project participants are afforded the same health and safety standards established under federal and state law applicable to working conditions of permanent employees.

Local areas must have a written worksite agreement⁸ in place with disaster-relief employers to ensure that they comply with all DWG requirements, including those regarding employment activities, participant eligibility, participant safety and health (including OSHA safety and work condition standards), pay and benefits, unemployment insurance or workers compensation, and state requirements. Local areas must ensure that negotiations, pricing and, any fees contained in the agreement and charged to the grant are reasonable and fair, and that any competition is full and open.

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

Worksites must be in the geographic disaster area covered by the qualifying declaration for the DR DWG. Local areas must give the highest priority to the cleanup of the disaster areas' most severely damaged public communities, facilities, and property and the provision of humanitarian assistance to

⁶ Such rates must be in accordance with applicable law but in no event less than the higher of the rate specified in Section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) or the applicable state or local minimum wage law.

⁷ Costs charged to the grant by a disaster relief employer must comply with the limitations in the WIOA statute and regulations (including DWG regulations at 20 CFR part 687), grant award terms and conditions (found at, and Uniform Guidance (2 CFR parts 200 and 2900.

⁸ Guidance for contracting and procurement may be found in the Procurement Standards at 2 CFR part 200.

economically disadvantaged areas within the disaster area. Where possible, grant local areas should prioritize enrollment of eligible participants most in need of economic support or workforce development services.

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

Under the following conditions, work may be performed on private property:

- The work is 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;
- The work is necessary to remove health and safety hazards on private property and will only return the land to a safe and habitable level rather than improving the original condition of the private property; and
- The 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 that determination and how each private property worksite meets requirements. This documentation must be made available on request for DWD grant management and monitoring purposes.

Employment and Training Activities⁹

DR DWGs can fund employment and training activities¹⁰ 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 to enable individuals to participate in disaster-relief employment and employment and training activities as well as when the services cannot be obtained through other programs. There are two ways that supportive services may be utilized:

- Supportive services provided to participants in disaster-relief employment must be designed to enable the participant to safely and effectively carry out the job for which they have been hired; or
- Supportive services provided to participants in employment and training activities must align with state¹¹ and local supportive services policies and enable the individual to participate in grant-funded employment and training activities.

⁹ As described in WIOA Section 134(c)(2) and 20 CFR Part 680.

¹⁰ DWD's *Workforce Innovation and Opportunity Act (WIOA) Title I Service Delivery* policy provides additional guidance.

¹¹ DWD's *Workforce Innovation and Opportunity Act (WIOA) Supportive Services for Title I Adult and Dislocated Workers* policy provides additional guidance.

Coordination with Emergency Management Agencies

WDBs must coordinate the activities funded under a DR DWG with the appropriate organizations, including state emergency management agencies, to avoid duplication of efforts and to ensure that its activities appropriately respond to the affected community's needs after a disaster. The board must coordinate with any federal agencies handling the federal response to the disaster or emergency in the local area either through direct contact or contact with state or local agencies coordinating with these federal agencies.

Employment Recovery DWG

Employment Recovery (ER) DWGs provide resources to respond to major economic dislocations, such as plant closures and mass layoffs, as well as closures and realignments of military installations, which cause significant job losses.

NOTE: Local WDBs or a consortium of WDBs are eligible to apply for an ER DWG. See TEGL 16-21 for application guidance.

Qualifying Events¹²

- **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 dislocations occurring over a period of up to 12 months that have significantly increased the number of unemployed individuals in a state, or a regional or local workforce area or areas may qualify for a Community Impact 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

NOTE: Participant eligibility differs between DR DWGs and ER DWGs.

The following individuals are eligible to participate in an ER DWG:

- Dislocated workers, as defined in WIOA Section 3(15) including displaced homemakers as defined in WIOA Section 3(16);¹³
- 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;

¹² TEGL 16-21 provides additional "qualifying event" guidance.

¹³ DWD's *Workforce Innovation and Opportunity Act (WIOA) Title I Adult and Dislocated Worker Program Eligibility* provides additional guidance.

- 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; or
- Member of the Armed Forces who:
 - was on active duty or full-time National Guard duty;
 - is involuntarily separated¹⁴ 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;¹⁵
- Dislocated spouses of members of the Armed Forces on active duty, including spouses who have experienced a loss of employment as a direct result of relocation to accommodate a permanent change in the service member's duty station, or a spouse who:
 - 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 documentation¹⁶ must be collected and maintained in DWD's case management system.

Allowable Activities

Employment and Training Assistance¹⁷

Employment and training assistance¹⁸ includes career services, training services, and supportive services as described below:¹⁹

- **Career services** are designed to help support dislocated workers in making informed decisions for the purpose of achieving reemployment and education goals. Career services may include, but are not limited to outreach, intake, labor exchange services, initial and comprehensive assessments, development of an individual employment plan, referral, provision of labor market information, and information on eligible training providers and the availability of supportive services.

¹⁴ As defined in Section 1141 of Title 10 United States Code.

¹⁵ 20 CFR 687.170(a)(1)(iv).

¹⁶ See **Attachment C** for allowable eligibility documentation for ER DWGs.

¹⁷ For Employment Recovery DWGs, the terms “employment and training assistance” and “employment and training activities” are used interchangeably.

¹⁸ DWD's *Workforce Innovation and Opportunity Act (WIOA) Title I Service Delivery* policy provides additional guidance.

¹⁹ Employment and training activities as described in WIOA Section 134(c)(2) and 20 CFR Part 680.

- **Training services** are allowable under ER-DWGs and may include occupational training, work-based learning such as on-the-job training²⁰ and Registered Apprenticeships, entrepreneurial training, and customized training.
- **Supportive services** are allowable whenever they are needed to enable 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.***²¹

DR and ER DWG General Provisions

The following provisions apply to both DR and ER DWGs.

Veterans' Priority

DWGs are subject to the provisions of 38 U.S.C. 4215, which provides priority of service to veterans and eligible spouses in all Department of Labor-funded job training programs. Veterans and eligible spouses who meet DWG eligibility will receive priority of service for training made available under DWGs.²²

Rapid Response

Although DWGs do not fund early intervention or layoff aversion activities, early intervention is a critical component of successful workforce transition efforts. Local Rapid Response Teams should work collaboratively with the State Rapid Response Unit to ensure rapid response activities and interventions are deployed as appropriate.

Employment and Training

The use of DWG funds for employment and training activities is subject to the limitations and requirements as applicable to the WIOA Dislocated Worker program. Therefore, training providers funded through either type of DWG must be an Eligible Training Provider in Indiana unless they meet the exceptions in 20 CFR 680.320.²³

Performance Goals

Performance Measures. Although measures negotiated with DWD for the Title I Dislocated Worker program may serve as a basis for DWG performance, DWD may request alternative performance metrics (such as enrollment benchmarks) when applying for DWGs.²⁴ DWD will communicate performance expectations for each local area sub-awardee in alignment with the performance requirements specific to the DWG award.

²⁰ DWD's *Workforce Innovation and Opportunity Act (WIOA) Title I Adult and Dislocated Worker On-the-Job Training (OJT), Change 1* policy provides additional guidance.

²¹ TEGL 16-21.

²² DWD's *Priority of Service for Veterans and Eligible Spouses in Indiana DWD's Integrated WorkOne Offices* policy provides additional guidance.

²³ DWD's *INTraining and Eligible Training Provider List (ETPL) Eligibility and Establishment Under the Workforce Innovation and Opportunity Act (WIOA) Title I, Change 1* policy provides additional guidance.

²⁴ These performance measures are Employment Rate the second and fourth quarter after exit, Median Earnings the second quarter after exit, Credential Attainment, Measurable Skill Gains, and Effectiveness Serving Employers.

Participant Enrollments. Grant funding is based in large measure on the total number of participants the local area proposes to enroll, and assessing grant performance requires a consistent expectation for planned participant numbers are met.

DWD Grant Management

DWGs are non-formula funded and are subject to the requirements and practices specified in DWD's *Non-Formula Grant Performance Management* policy.

DWGs are managed by the DWD Grant Management Team (GMT) and will be included as part of the GMT's routine quarterly meetings. The GMT will obtain grant information from appropriate DWD data systems²⁵ and provide local areas with a status update on grant progress and performance. Technical assistance and next steps will be developed based on each quarter's quantitative and qualitative reports.

In addition to the grant management and performance protocols described herein, grant performance outcomes will be reviewed and assessed during routine DWD grantee monitoring and may result in monitoring findings, including questioned or potentially disallowed costs, and corrective action requirements.

Action

Local areas must ensure appropriate staff are aware of and understand the content of this policy as well as any supplemental guidance that is issued as a result of a DR or ER DWG.

Attachments

Attachment A - References

Attachment B – USDOL NWDG Desk Reference

Attachment C - Employment Recovery DWG Participant Eligibility Allowable Documentation

Effective Date

Immediately.

Ending Date

Upon rescission.

Additional Information

Questions regarding the content of this publication should be directed to policy@dwd.in.gov.

²⁵ Specific data systems will be identified in guidance issued for each event.

Attachment A References

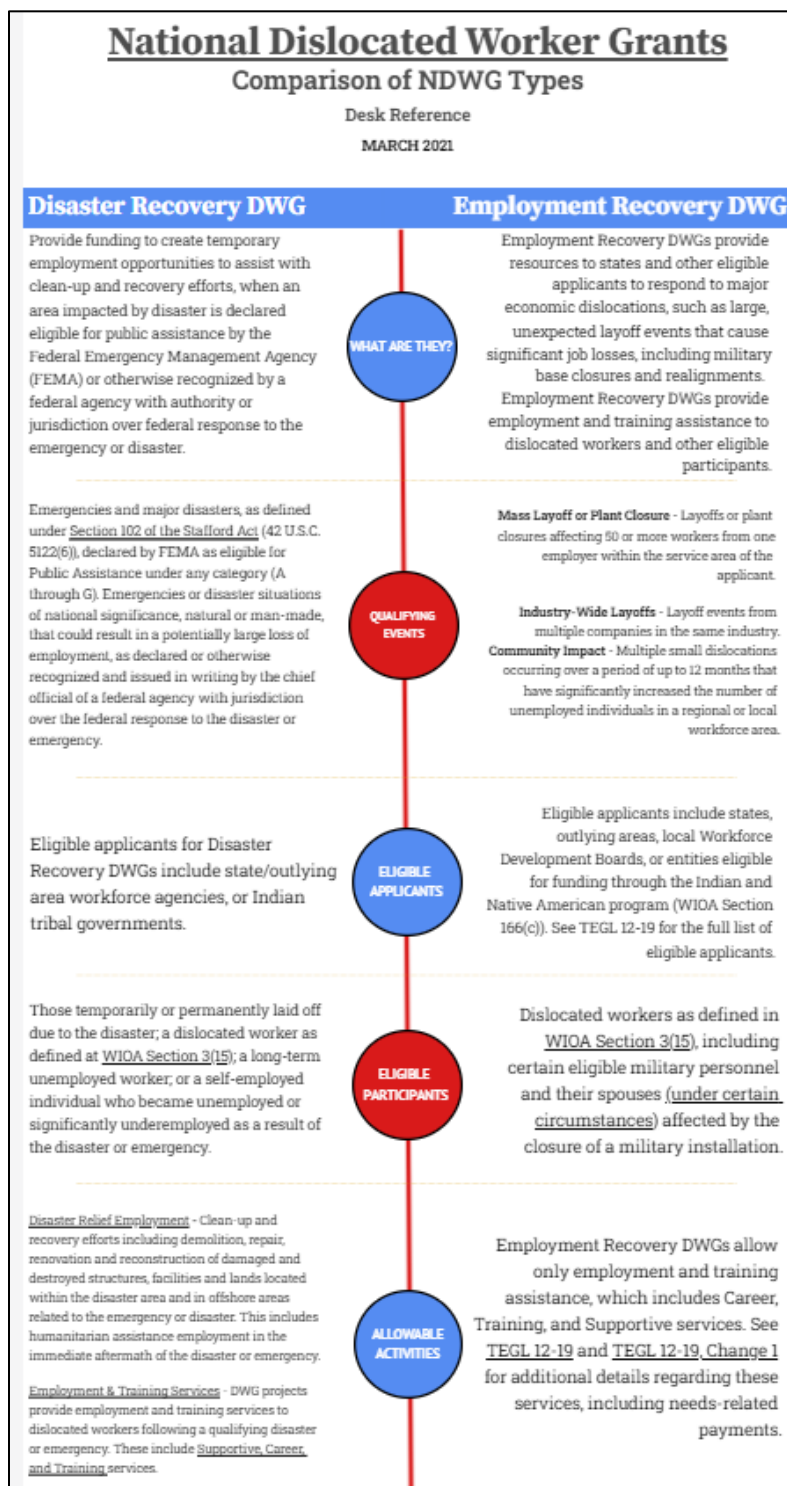
- WIOA Sections 3, 116, 134, 170, and 181
- 2 CFR parts 200 and 2900
- 20 CFR Part 680 and 687
- 10 U.S.C. 1141, 1174(a), and 1175
- 29 U.S.C. 206(a)(1)
- 38 U.S.C. 4215
- 42 U.S.C. 5122 Section 102
- TEGL 16-21 *Updated National Dislocated Worker Grant Program Guidance*
- TEGL 12-19, Change 1 *National 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 *INTraining and Eligible Training Provider List (ETPL) Eligibility and Establishment Under the Workforce Innovation and Opportunity Act (WIOA) Title I*
- National Archives *Veterans' Service Records*²⁶
- US Department of Labor's (USDOL) Employment and Training Administration *National Dislocated Worker Grants Comparison of NDWG Types Desk Reference*²⁷

²⁶ <https://www.archives.gov/veterans/military-service-records>.

²⁷ <https://www.dol.gov/agencies/eta/dislocated-workers/technical-assistance>.

Attachment B

USDOL NWDG Desk Reference²⁸



²⁸ The desk reference and other NWDG resources are available at <https://www.dol.gov/agencies/eta/dislocated-workers/technical-assistance>.

Attachment C

Employment Recovery DWG 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 separated²⁹ 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 ³⁰
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. ³¹	DD-Form 214 Member Copy 4

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

³⁰ Former service members and deceased service members' 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, 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."

Eligibility Category	Allowable Documentation
<p>Dislocated spouses of members of the Armed Forces on active duty, including spouses who have experienced a loss of employment as a direct result of relocation to accommodate a permanent change in the service member's duty station, or a spouse who:</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>DD-Form 214 Member Copy 4</p>
<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>