



LOCAL INSTRUCTION NUMBER 20-04

To: Local Catawba Workforce Development Area

Subject: Disaster Recovery National Dislocated Worker Grants

Issuance Date: March 19, 2021

Effective Date: Immediately

Purpose: To provide guidance on Disaster Recovery National Dislocated Worker Grants (DWGs), including requirements for Disaster Recovery DWGs, how to apply for funding, and how projects are managed and monitored.

References:

- Workforce Innovation and Opportunity Act, Public Law 113-128 §§ 3(15), 170
- Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act), Public Law 93-288, as amended, § 102(6), (10)
- 20 CFR §§ 687.110, 687.170(b), 687.180(b)-(c)
- Training and Employment Guidance Letters 10-09; 14-18; 12-19, Change 1

Background: National Dislocated Worker Grants (DWGs) are discretionary grants awarded by the Department of Labor (DOL) under WIOA § 170 to provide employment-related services for dislocated workers. DWGs are time-limited funding assistance in response to major economic dislocations or other events that cause significant impact on states and local areas that exceed the capacity of existing formula funds and other relevant resources to address. Disaster Recovery is one type of DWG intended to provide disaster-relief and humanitarian assistance employment, as well as employment and training services, as appropriate, to minimize the employment and economic impact of federally declared disasters and emergency situations, in disaster-declared areas as defined in 20 CFR 687.110(b). DWG projects should align with other state and local programs, including Rapid Response, layoff aversion, and the WIOA Title I Dislocated Worker Program, and should focus on addressing employment and training needs in states and local areas.

Policy:

Requirements for Disaster Recovery DWGs

Qualifying Events

Not every federal declaration of a disaster qualifies an applicant for Disaster Recovery DWG assistance. Qualifying events that are eligible for Disaster Recovery DWGs include the following:

- Emergencies and major disasters, as defined under the Stafford Act § 102, 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—potential loss of 50 jobs or more—as declared or otherwise recognized and issued in writing by the chief official of a federal agency with jurisdiction over the federal response to the disaster or emergency.

Note: Applicants must demonstrate that a potentially large loss of employment could result from the disaster or emergency. The application for Disaster Recovery DWG funds must include a rationale justifying the projected level of job loss.

- 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.

Note: Applicants must demonstrate that at least 50 individuals have relocated or evacuated from an area receiving a federal declaration for the disaster event.

Eligible Applicants

Eligible applicants for Disaster Recovery DWGs are the state, outlying area, or Indian tribal governments as defined by the Stafford Act § 102. The eligible agency or organization will be the grantee, as well as the fiscal agent responsible for the appropriate allocation of funding to the affected areas. States may sub-grant funds to Local Workforce Development Boards (LWDBs) and/or may expend such funds through public and private agencies and organizations engaged in such projects consistent with DWG cost limitations. Sub-grantees or sub-recipients will be the Project Operators for purposes of implementing the DWG project.

Eligible Individuals

An individual eligible for services through a Disaster Recovery DWG must be one of the following:

- A worker temporarily or permanently laid off as a consequence of the disaster;
- A dislocated worker as defined by WIOA § 3(15);
- A long-term unemployed worker; or
- A self-employed individual who became unemployed or significantly underemployed as a result of the disaster or emergency.

Veterans and eligible spouses who meet DWG eligibility will receive priority of service for training made available under DWGs as described in TEGL 10-09, Implementing Priority of Service for Veterans and Eligible Spouses in all Qualified Job Training Programs Funded in Whole or in Part by the US Department of Labor.

Allowable Grant Activities

The following activities are allowable grant activities under Disaster Recovery DWGs:

- Disaster Relief Employment—Disaster Recovery DWGs provide funding for the creation of disaster relief employment, which is temporary employment of eligible individuals for the purposes described in WIOA § 170(b)(1)(B) and (d), as well as 20 CFR 687.180(b) and (c).
- Employment and Training Services—DWG projects provide employment and training services to dislocated workers and other eligible participants following a qualifying disaster or emergency. DWG funds may provide employment and training services regardless of an individual's participation in disaster relief employment.
- Supportive Services—Supportive services are allowable when they are needed to enable individuals to participate in disaster relief employment and employment and training services and when supportive services cannot be obtained through other programs. Supportive service policies for a disaster project must align with the state or local area supportive service policy; any supportive services provided must be consistent with WIOA.

To be eligible for funding, all Disaster Recovery DWG projects must include disaster-relief employment in response to the federally declared disaster event, except in the exceptions described below. However, not all participants in a Disaster Recovery DWG project must participate in disaster-relief employment. Grantees may provide employment and training activities to participants not in disaster-relief employment. Furthermore, grantees are encouraged to co-enroll participants in both disaster-relief employment and employment and training activities, providing supportive services, as applicable. Co-enrollment in other workforce development partner programs, such as the Trade Adjustment Assistance (TAA) program, Wagner-Peyser (WP) program, and local WIOA programs, is also encouraged.

Individual enrollment in temporary employment is limited to 12 months (or 2,080 hours) unless the grantee requests an extension of up to an additional 12 months through a grant modification, and the Secretary of Labor grants such an extension. If an extension is granted, grantees are encouraged to employ new eligible individuals to continue the work rather than continue the employment or re-employment of participants who have reached 12 months or 2,080 hours of disaster-relief employment.

DOL, at its discretion, may choose to approve only employment and training activities for the following situations:

- For Disaster Recovery DWGs awarded in response to non-Stafford Act disaster or emergency declarations, where the circumstances and nature of the disaster do not allow for the clean-up and humanitarian temporary employment opportunities authorized by WIOA.
- For Disaster Recovery DWGs that are awarded due to an influx of individuals relocated from a disaster area, where the grantee is not responding to the actual disaster, because it is in another geographic area. In these circumstances, the DWG will provide employment and training services as the primary activity, as participants are outside of

the disaster area. However, these grants may also offer participants disaster relief employment where appropriate.

Applicants must demonstrate that disaster-relief employment created under a Disaster Recovery DWG aligns with the following categories:

- 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; or
- Employment related to the delivery of appropriate humanitarian assistance in the immediate aftermath of the disaster or emergency; more information on humanitarian assistance is provided below.

Humanitarian Assistance

Humanitarian assistance generally includes actions designed to save lives, alleviate suffering, and maintain human dignity in the immediate aftermath of disasters. This assistance includes activities such as the provision of food, clothing, and shelter. The humanitarian assistance provided by disaster-relief workers must relate directly to immediate response to the disaster situation named in the DWG application and the federal declaration.

The provision of general humanitarian assistance that solely focuses on prevention and planning of future disaster events is not an allowable activity under a Disaster Recovery DWG. DOL will allow activities that provide prevention and planning for future events only if these activities are incidental to responding to the humanitarian assistance needs created by the disaster. For example, where the disaster event is the contamination of the local water supply, an allowable humanitarian assistance activity could be installation of water filters to ensure access to clean water. These filters could protect the affected population from future contaminations, but a grantee 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. Due to the variable nature of disasters declared across federal agencies, DOL will consider humanitarian assistance activities on a case-by-case basis.

Health and Safety Standards

In all DWG projects, grantees must ensure that project participants follow 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, workers' compensation shall be provided to project participants on the same basis as individuals in similar employment, as required by WIOA § 181(b)(4). In cases in which a project participant is not covered under a state workers' compensation law, the project participant must be provided with adequate on-site medical and accident insurance for work-related activities. The grantee must also ensure that project participants receive appropriate safety training in accordance with the Occupational Safety and Health Act (OSHA) of 1970 and assure safe working conditions. For more information, contact the OSHA field office. A listing of OSHA field offices is available at <http://www.osha.gov/html/RAmap.html>.

Participant Wages

The worksite employer that provides participants temporary disaster-relief employment under a Disaster Recovery DWG is required to pay the higher of the federal, state, or local minimum wage, or the comparable rates of pay for other individuals employed in similar occupations by the same employer. Participants must be compensated at the same rates, including periodic increases, as employees who are similarly situated in similar occupations by the same employer and who have similar training, experience, and skills. Where applicable, fringe benefits would be paid in accordance with the policies of the worksite employer. Grantees must apportion DWG funding allocated for wages of the temporary workers to only the chosen worksite employer for the Disaster Recovery DWG project.

Worksite Selection

Disaster-relief worksites must be located in the geographic disaster area covered by the qualifying declaration for the Disaster Recovery DWG. Grantees must give the highest priority to clean-up of the disaster area's most severely damaged public facilities and to the cleanup and the provision of humanitarian assistance to economically disadvantaged areas within the disaster area. Project Operators are strongly encouraged to focus disaster recovery efforts on public facilities.

Projects may perform work on private property only under these circumstances:

- 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 clean-up work needed for disaster-affected employers to resume operation;
- The activities necessary to remove health and safety hazards on private lands or around homes or other structures may only return the land or structure(s) to a safe and habitable level, and not improve the original land or structure(s);
- The project prioritizes service to older individuals and individuals with disabilities; and
- Grantees must not use Disaster Recovery DWG funds to cover the cost of materials to do repairs.

Prior approval by the federal grant officer is required before any disaster-relief employment work on private property may commence.

While there is no limitation on what type of entity or organization may be a worksite employer, Project Operators should use the **Worksite Selection Checklist** (attached) when identifying disaster employment worksites.

Mitigation

Generally, disaster relief employment under Disaster Recovery DWGs will not be authorized for activities that are designed to mitigate future disasters. DWG activities may help mitigate the ongoing effects of the disaster and prevent future disaster only where such activities are necessarily part of temporary employment to clean up or provide humanitarian assistance to victims of the disaster or emergency that served as the grant's qualifying event. For example, DWG-funded disaster-relief employment may support installing a new tornado siren system to replace one destroyed by a tornado, but it cannot support installing a tornado siren system not

previously available in the disaster-affected area. DWG funds may support mitigation work only within the requirements of WIOA § 170(d)(1) for disaster relief employment.

Coordination with Emergency Management Agencies

Activities funded under a Disaster Recovery DWG must be coordinated with the appropriate organizations, including the SC Emergency Management Division (SCEMD) and the SC Department of Employment and Workforce (DEW), to avoid duplication of efforts and to ensure that its activities appropriately respond to the affected community's needs after a disaster. Grantees are expected to coordinate with other programs, as appropriate, including Rapid Response, TAA, WP, Reemployment Services and Eligibility Assessment (RESEA), and Unemployment Insurance (UI). The grantee must coordinate with federal agencies handling the federal response to the disaster or emergency, either through direct contact or contact with DEW coordinating with these federal agencies. The grantee must have a plan in place to recover WIOA funds expended for activities or services for which other funds become available. Examples include, but are not limited to: activities/resources provided by FEMA or other federal agencies; public or private insurance; and construction workers employed by private for-profit firms whose employment is covered by other available resources.

Compliance with Laws, Regulations, and Guidance

Recipients of Disaster Recovery DWGs must comply with the provisions of WIOA; its implementing regulations; the OMB Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (2 CFR Part 200); TEGL 12-19, Change 1; the Notice of Award; and any additional applicable federal and state laws, regulations, and guidance.

Process for Requesting DWG Funds

Emergency Application

As an eligible applicant, DEW may request Disaster Recovery DWGs through an abbreviated emergency application to facilitate timely delivery of DWG assistance in response to a disaster event. Following a disaster event, DEW may request information from LWDAs on local conditions, including:

- A damage assessment;
- Closings, including centers, schools, libraries, and other public facilities that provide education, training, health, and human services;
- Immediate needs for disaster recovery assistance, such as the need for debris removal and clean-up or the provision of humanitarian assistance (food, water, clothing, etc.); and
- Other applicable information that demonstrates a need for DWG funds.

DEW may use this information to compile its Emergency Application for Disaster Recovery DWG funds.

Full Application

Within 60 business days following an award of Disaster Recovery DWG funds requested via an emergency application, DEW must modify the grant to provide a full application. This includes a

budget, implementation plan, and a list of worksites where the disaster relief work will be performed. DOL may also require DEW to submit additional information per the special conditions of the initial DWG award. The 60-day window for submitting a full application is based on the date the signed grant award from DOL is received by DEW.

During the 60-day window for submitting a full application, DEW will publish a non-competitive Notice of Funding Opportunity (NOFO) and request applications/requests for funding from LWDAs that have a need for disaster recovery assistance. At a minimum, local requests for funding must include:

- A detailed needs assessment;
- A list of worksites;
- A description of the process used for identifying worksites;
- Proposed disaster employment positions;
- Proposed employment and training activities;
- Projected enrollment and expenditure information;
- A description of the process for monitoring and oversight of project and worksite; and
- A budget and detailed budget narrative.

Local requests for funding must include Disaster Relief Employment as a recovery strategy. Additionally, local areas must coordinate with local 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.

DEW will use this information to compile its Full Modification and to award funding to LWDAs.

Process for Evaluating LWDA Applications/Requests

Requests for DWG funding is a non-competitive process; however, applications will be evaluated using the **DWG Application Checklist** (attached) to ensure overall compliance with federal guidance and that the need for assistance is clearly articulated and disaster recovery activities closely align with the need for assistance. DEW may request additional information or clarification on any part of a local area's application. Additionally, DEW may partially fund a local area's request or withhold funding altogether.

Management, Oversight, and Monitoring

Required LWDA Policies and Procedures

Project Operators are required to develop and maintain policies and internal controls to ensure compliance with general requirements for disaster recovery under TEGL 12-19, Change 1. At a minimum, local policies should outline procedures for establishing worksites, identifying temporary jobs, and supervising temporary employment. These policies should establish procedures for the following:

- ensuring that worksites and disaster-relief jobs are selected based upon the needs identified in the area to be served;
- ensuring that worksites give the highest priority to the cleanup and the provision of humanitarian assistance to economically disadvantaged areas within the disaster area;

- establishing, reviewing, and updating worksite agreements; and
- determining and responding to new needs or challenges in accordance with DWG requirements, such as limits on disaster-relief employment duration, participant wages, worksite selection, work on private property, and health and safety standards.

Local policies and internal controls are subject to programmatic monitoring.

Performance

DWG performance accountability is outlined in TEGL 14-18, Attachment 6. Participants who receive only disaster relief employment are not included in the primary indicators of performance unless they receive other allowable career and training services provided through the grant or through co-enrollment in another WIOA core or partner program that shares a common exit with the DWG.

Monitoring of Grant Recipients

DEW conducts regular desktop monitoring through the review of quarterly progress reports, monthly Financial Status Reports and Requests for Payment, and SCWOS participant file reviews. DEW also conducts annual programmatic and financial compliance monitoring of each LWDA. Annual monitoring extends to discretionary grants, including DWGs. Project Operators are required to participate in monitoring activities conducted by DEW and DOL.

Additionally, Project Operators are required to monitor sub-grantees, sub-contractors, and disaster-relief worksites for compliance with applicable regulations and laws governing DWGs and agreed upon contract statements of work. Monitoring reviews of the Disaster Recovery DWG program should include a combination of desktop and on-site visits, including worksite inspections and interviews with employers and participants. At a minimum, the monitoring review should cover:

- Participant eligibility;
- Assessment;
- Individual Employment Plans (IEPs);
- Expenditures, including disaster employment wages and fringe benefits;
- SCWOS data entry; and
- Activity reports submitted by worksite employers/supervisors.

Project Operators should conduct worksite employer and participant interviews as part of regular monitoring activities to ensure that DWG activities are being implemented at the worksite as initially planned and in compliance with DWG guidance. The **Worksite Inspection Checklist** (attached) can be used as a tool when conducting monitoring activities. Project Operators must submit written monitoring reports to DEW, summarizing any findings and/or observations and corrective action, if required.

Action: Please ensure that all appropriate staff receive and understand this policy.

Inquiries: Questions may be directed to Nicole Lawing at nlawing@catawbacog.org or 803.327.9041.

A handwritten signature in blue ink that reads "Nicole Lawing". The signature is written in a cursive, flowing style.

Nicole Lawing, WIOA Administrator

Attachments:

DWG Application Checklist

DWG Worksite Selection Checklist

DWG Worksite Inspection Checklist