

EMPLOYMENT AND TRAINING ADMINISTRATION ADVISORY SYSTEM U.S. DEPARTMENT OF LABOR Washington, D.C. 20210	CLASSIFICATION WIOA-DWG
	CORRESPONDENCE SYMBOL OWI
	DATE November 2, 2020

ADVISORY: TRAINING AND EMPLOYMENT GUIDANCE LETTER NO. 12-19, 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
TRADE ADJUSTMENT ASSISTANCE LEADS

FROM: JOHN PALLASCH /s/
Assistant Secretary

SUBJECT: Change 1 to TEGL 12-19, National Dislocated Worker Grant Program Guidance

1. **Purpose.** To provide clarifying guidance to National Dislocated Worker Grant recipients regarding the review of incremental and supplemental funding requests, and in particular, how the grantee’s past performance will be taken into account.
2. **Action Requested.** Please share with all staff who administer DWGs. States should review their DWG policies and application procedures to comply with this TEGL.
3. **Summary and Background.**
 - a. Summary – This TEGL 12-19 Change 1 augments Attachment I, Section 3 of TEGL 12-19, to provide additional specificity regarding ETA’s review and consideration of incremental and supplemental funding requests for National Dislocated Worker Grants (DWGs), including Employment Recovery DWGs and Disaster Recovery DWGs.
 - b. Background – The Department typically funds DWG awards on an incremental basis, although on rare occasions, it may award funds in full or in larger-than-typical increments, depending on factors such as the severity of the disaster and the viability of a proposed project. Text in TEGL 12-19 described the review of requests for subsequent funding increments. It stated that ETA bases obligation of subsequent funding increments on a recipient’s justification for the additional funds, and continued

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demonstrated need, as evidenced by productive performance, enrollments, and expenditures. ETA has traditionally considered requests for subsequent funding increments when expenditures have reached approximately 70 percent of the total DWG funds awarded to date.

This TEGL 12-19 Change 1 adds the following qualifying language to Attachment I, Section 3.

4. Details.

- a. This TEGL change amends text at TEGL 12-19 Attachment I, Section 3, Incremental Funding, as noted below in italics. The original text is in non-italics.
- b. [Original Text]: The Department typically funds DWG awards on an incremental basis, although on rare occasions, it may award funds in full or in larger-than-typical increments, depending on factors such as the severity of the disaster and the viability of a proposed project. The obligation of subsequent funding increments is based on a recipient's justification for the additional funds and continued demonstrated need, as evidenced by productive enrollments and expenditures. Grantees may request funding when expenditures have reached approximately 70 percent of the total DWG funds awarded to date. ETA may also use the fiscal systems in place to track actual fund disbursements to grantees, in order to verify the usage of funds between quarterly reporting periods, or review grantee quarterly performance reports (QPRs) to ensure that program goals are being met or are on track.

[New Text in the revised Attachment I]: *Prior to awarding incremental funding, ETA may also consider the performance of a grantee's most recent DWG award, as well as the available performance information regarding the grant for which incremental funding is requested. This performance review will confirm that the grantee has a track record of submitting timely and accurate performance reports. Additionally, the review should demonstrate success or progress in meeting or exceeding one or more of the following elements, as applicable:*

- *the primary indicators of performance (see Attachment 6 of TEGL 14-18), as reported in Quarterly Performance Reports (QPRs), for the most recent DWG award;*
- *the specific outcomes and milestones identified by the grantee in the initial application, as reported in Quarterly Narrative Reports (QNRs), for the most recent DWG award¹;*

¹ *These outcome goals will be determined by the grantee based on both the type of DWG and the proposed activities and services to be provided in response to the qualifying events. For example, in a Disaster Recovery DWG responding to wildfires, a milestone might be the date all disaster-relief participants have received OSHA safety training and are ready for employment. For Employment Recovery DWGs, these milestones and outputs may include the number of participants completing English as a Second Language training to enable receipt of further career and training services, or the date that a cohort of participants completed customized training for identified, in-demand jobs.*

- *the number of participants enrolled compared to the planned participant number, for the most recent DWG award;*
- *the primary indicators of performance as reported in QPRs, for the DWG requesting incremental funding (if available);*
- *the specific outcomes and milestones identified by the grantee in the initial application and as reported in QNRs, for the DWG requesting incremental funding; and*
- *the number of participants enrolled compared to the planned participant number, for the DWG requesting incremental funding.*

If no prior DWG performance is available, ETA will review grantee performance relative to the previous two program year targets on other grants to serve dislocated workers (e.g. WIOA Dislocated Worker formula program).

[Existing text] Grantees must adhere to the financial management and reporting requirements of the Office of Management and Budget’s Uniform Guidance at 2 CFR Part 200, the Uniform Guidance’s DOL exceptions at 2 CFR Part 2900, TEGL 28-10, Federal Financial Management and Reporting Definitions, and other guidance applicable to DWG funds.

ETA also made minor edits to three sentences to reduce potential for confusion. First, ETA added the word *should* to a sentence at the bottom of page 1 of the attachment (“Applicants should design and carry out DWG projects to operate in alignment with other state and local programs, including Rapid Response, layoff aversion, and the formula Dislocated Worker program, and *should* focus on addressing employment and training needs in states and local areas.”) Second, ETA added two words to the bottom of page 5 of the attachment (“There is no limitation on what type of entity *or organization* may be a worksite employer.”) Third, ETA added two words to a sentence in the middle of page 6 of the attachment (“Prior approval of the grant officer is required before any disaster-relief employment work on private property *may commence*.”) Fourth, and last, ETA added a reference to the vision of *One Workforce System* and to additional guidance on co-enrollment across programs, to the first paragraph under Co-Enrollment with Trade Adjustment Assistance, on page 10.

5. **Inquiries.** Please direct inquiries to the appropriate Regional Office.

6. **References.**

- TEGL 12-19, *National Dislocated Worker Grant Program Guidance*, dated March 18, 2020;
- Workforce Innovation and Opportunity Act (WIOA) (Pub. L. 113-128) (July 22, 2014);
- Trade Act of 1974, as amended. (19 USC 12 § 2271 - 2331 and § 2391 - 2397a) (June 29, 2015);
- Employment and Training Administration, Workforce Innovation and Opportunity Act; Final Rule (WIOA DOL Final Rule) published at 81 FR 56071 (August 19, 2016), specifically 20 C.F.R. parts 680 and 687;

- *TEGL 14-18, Aligning Performance Accountability Reporting, Definitions, and Policies across Workforce Employment and Training Programs Administered by the U.S. Department of Labor (DOL)*, dated March 25, 2018;
- *TEGL 8-18, Workforce Innovation and Opportunity Act (WIOA) Title I and Wagner-Peysner Act Waiver Requirements and Request Process*, dated December 19, 2018;
- *TEGL 19-16, Guidance on Services provided through the Adult and Dislocated Worker Programs under the Workforce Innovation and Opportunity Act (WIOA) and the Wagner-Peysner Act Employment Service (ES), as amended by title III of WIOA, and for Implementation of the WIOA Final Rules*, dated March 1, 2017;
- *TEGL 16-16, One-Stop Operations Guidance for the American Job Center Network*, dated January 18, 2017;
- *TEGL 28-10, Federal Financial Management and Reporting Definitions*, dated May 27, 2011;
- *TEGL 10-09, Implementing Priority of Service for Veterans and Eligible Spouses in all Qualified Job Training Programs Funded in whole or in part by the U.S. Department of Labor (DOL)*, dated November 10, 2009;
- Information Collection Forms and Participant Individual Record Layouts: Workforce Innovation and Opportunity Act (WIOA) Common Performance Reporting - ETA 9169; and 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 Control No. 1205-0461).

7. Attachment.

- Attachment I - National Dislocated Worker Grant Program Guidance