

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: Disaster-Relief Employment,	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.