

WIOA National Dislocated Worker Grant Local Policy

Policy Memorandum 23-01

Date: November 27, 2023

To: All WIOA Service Providers

Purpose: To provide guidance to contractors (service providers) enrolling participants in the WIOA National Dislocated Worker Grant (NDWG) program in local area.

Rescissions: N/A

References: Workforce Innovation and Opportunity Act (WIOA) Section 170, National Dislocated Worker Grants; 20 CFR Section 687; Training and Employment Guidance Letter (TEGL) 19-16, March 1, 2017: Guidance on Services provided through the Adult and Dislocated Worker Programs under WIOA, et al.; TEGL 14-18, March 25, 2019: Aligning Performance Accountability Reporting, Definitions, and Policies Across Workforce Employment and Training Programs Administered by the U.S. Department of Labor (DOL), Attachment 6, National Dislocated Worker Grants; TEGL 16-21, June 16, 2022: National Dislocated Worker Program Guidance; Employment Development Department (EDD) Workforce Services Directive WSD16-18, April 10, 2017, Selective Service Registration; EDD Workforce Services Directive WSD17-01, August 1, 2017, Nondiscrimination and Equal Opportunity Procedures; EDD Workforce Services Directive WSD19-06, December 27, 2019, CalJOBS Activity Codes; EDD Workforce Services Directive WSD22-02, July 27, 2022, Standards for oversight and Instructions for Substate Monitoring; EDD Workforce Services Directive WSD22-03, August 12, 2022, WIOA Data Validation Source Documentation; EDD Workforce Services Directive WSD22-04, September 1, 2022, WIOA Data Validation; EDD Workforce Services Information Notice WSIN22-11, September 29, 2022, Federal Grant Funding Disclosure: Stevens Amendment; EDD Workforce Services Directive WSDD-246, April 26, 2023, Operational Guidance for National Dislocated Worker Grants; EDD Workforce Services Directive WSD23-01, July 12, 2023, Operational Guidance for National Dislocated Worker Grants

Policy:

A. General Provisions for Local Grant/Award

Dislocated Worker grants are discretionary grants awarded to provide employment-related services for dislocated workers. NDWGs are supplemental, time limited funding assistance provided in response to major economic dislocations or other events that cause significant impact that exceed the capacity of existing WIOA formula funds. There are two (2) types of NDWGs:

- 1) **Employment Recovery.** Provides resources to eligible applicants in response to major economic dislocations, such as plant closures and mass layoffs which caused significant job losses.
- 2) **Disaster Recovery.** Allows for the creation of disaster relief employment and employment and training activities to assist with clean-up and recovery efforts from emergencies or major disasters.

Qualifying Event

The following qualifying event justified local area NDWG:

- Emergency or major disaster which was declared eligible for public assistance by the Federal Emergency Management Agency (FEMA)

Allowable Grant Activities

Disaster relief employment provides clean-up and repair of structures, facilities and lands located within the disaster area caused by the disaster.

B. Outreach and Recruitment

Contracted service provider will provide outreach and recruitment consistent with local procedures and priority of service below for the National Dislocated Worker Grant target population. Contractor will recruit participants for the specific NDWG services and ensure that participants have access to self-directed services through CalJOBS (<https://www.caljobs.ca.gov>).

Stevens Amendment

The Stevens Amendment is a federal appropriation law that requires those that receive federal funding to include a disclosure statement when communicating project/programs that are federally funded in whole or in part for a grant. All NDWG outreach, recruitment flyers and brochures must include information acknowledging the federal funding contributions. The disclosure must include the percentage and dollar amount of the total costs of the program or project which will be financed by federal funds, and the percentage and dollar amount of the total costs of the project or program that will be financed by non-governmental sources. For example: *This project/program (enter the name of project if appropriate) is funded by the US Department of Labor as part of an award totaling \$ x (100%) with \$x (0%) state, local and /or non-federal sources.*

The contracted service provider should draft the outreach material for approval by the Workforce Development Board Director or the designee.

C. Participant Selection and Eligibility

Contracted service provider will select and screen participants for WIOA NDWG eligibility and enroll selected participants into the NDWG program. All interested applicants are to be reviewed for eligibility within 30 days of submitting an interest in the NDWG program. Participants who are screened and determined to be ineligible for NDWG will be referred to WIOA Title I program services.

Contractor will ensure they meet the mandated enrollment date criteria. To ensure the data uploads to the state performance roster are met, all participants must be entered into the case management system and have a NDWG CalJOBS activity assigned within 30 days of the eligibility date.

D. Eligibility Criteria

Contracted service provider will be responsible for WIOA NDWG Dislocated Worker eligibility determinations and for collecting verification documents as required by WIOA regulation. When the disaster event has impacted the availability of common forms of documentation, staff may use self-attestation as an eligibility determinant. A reasonable effort to collect the documentation during and after the disaster must be demonstrated and documented in CalJOBS case note entries.

To be eligible to receive WIOA NDWG services, an individual must:

1. Be a citizen or noncitizen authorized to work in the US;
2. Meet Military Selective Service registration requirements (males only), See Section H of this policy; and
3. Meet the WIOA NDWG Eligibility Criteria:
 - Tier 1: Individual temporarily or permanently laid off because of the disaster.
 - Tier 2: Dislocated Worker, as defined in WIOA §3(15). Refer to local *WIOA Priority of Services & Wait List Policy*, 16-01, rev.2 for comprehensive definition.
 - Tier 3: Long-term unemployed worker as defined by EDD for the purposes of NDWGs only. A long-term unemployed worker is an individual who meets any of the following criteria:
 - 1) (a) Is not currently employed,
(b) has not been employed for the previous four (4) weeks,
(c) has actively looked for work during the previous four weeks, and
(d) is currently available for work.
 - 2) (a) Is not currently employed,
(b) has not been employed for the previous four weeks,
(c) has or had a barrier to actively looking for work during the previous four (4) weeks, and
(d) is currently available for work or will be available for work once the barrier is addressed.
 - 3) (a) Is not currently employed,
(b) was unemployed for at least 15 of the previous 26 weeks,
(c) was employed for at least one day within the previous four (4) weeks,
(d) exited the last employment for reasons other than being dismissed for misconduct, and
(e) is currently available for work.
 - 4) (a) Is not currently employed,
(b) has no work history, and
(c) is currently available for work.

Tier 4: Self-employed individual who became unemployed or underemployed because of the disaster.

Required eligibility documents are as follows:

1. Identification;
2. Proof of residency, for area of disaster
3. Dislocated Worker status verification;
4. Authorization to work documentation, such as social security card [See Section H]; and
5. Selective Service Registration, if applicable [See Section G]

Priority of Service

NDWGs are subject to providing priority of service to veterans and eligible spouses. Veterans and eligible spouses who meet the NDWG eligibility will receive priority of service for services made available through this grant opportunity.

E. Nondiscrimination and Equal Opportunity

The nondiscrimination and equal opportunity provisions found in WIOA Section 188 and 29 CFR Part 38 prohibit discrimination on the basis of race; color; religion; sex (including pregnancy, childbirth, and related medical conditions, transgender status, and gender

identity); national origin (including limited English proficiency); age; disability; political affiliation or belief; citizenship; or against any beneficiary of, applicant to, or participant in, programs financially assisted under Title I of the *Workforce Innovation and Opportunity Act* (WIOA), on the basis of the individual's citizenship status or participation in any WIOA Title I-financially assisted program or activity.

WIOA service providers must not discriminate in any of the following areas: Deciding who will be admitted, or have access, to any WIOA Title I financially assisted program or activity; providing opportunities in, or treating any person with regard to, such a program or activity; or making employment decisions in the administration of, or in connection with, such a program or activity.

Contracted service providers will follow the local area Discrimination and Equal Opportunity Complaint procedure memorandum and all policy guidance from EDD WSD 17-01, Nondiscrimination and Equal Opportunity Procedures to ensure compliance.

F. State Approved Worksites

All employment sites for clean-up and repair of damaged or destroyed structures, facilities and lands located within the disaster area caused by the disaster are pre-approved by the EDD via the NDWG proposal. Subsequent worksites are requested monthly, as needed, by submitting a request to add worksites to the NDWG EDD project manager prior to work beginning on the new worksites.

Before and after pictures demonstrating the damage caused by the disaster and recovery work performed by NDWG participants shall be collected by the employer of record and/or worksite supervisor and retained by the WDB to be available upon request by EDD project manager.

G. Selective Services Registration

Each individual participating in a WIOA program is required to register with Selective Services between their 18th and 26th birthday. Males born on or after January 1, 1960 are required to register.

Before being enrolled in WIOA-funded services/activities, all males, 18 and older, who are not registered with Selective Service and have not reached their 26th birthday must register through Selective Services website. If a male under the age of 26 refuses to register with Selective Service WIOA funded services must be suspended until he registers.

Acceptable documentation to determine a person's eligibility for WIOA include the following, but is not limited to:

- Selective Service acknowledgement letter.
- Screen print out of the Selective Service Verification site.
<https://www.sss.gov/Home/Verification>
- Selective Service registration card.
- Stamped post office receipt of registration.

H. Authorization to Work

There is no work authorization verification requirement to be deemed eligible for WIOA program services. However, authorization to work must be verified prior to the service requiring coordination with the employer and commencement of employment activities such as, the temporary job placement.

For a complete list of acceptable work authorization documents form I-9 can be found:
<https://www.uscis.gov/i-9>

I. Program Parameters

a. Temporary Work

NDWG is designed to address disaster/emergency impacted areas through disaster-relief employment through Temporary Jobs (TJ). The TJ provides funds for eligible participants to provide clean-up and recovery efforts including demolition, cleaning, repair, renovation, and reconstruction of damaged and destroyed structures, facilities and lands located within the disaster area.

An individual's disaster relief employment is limited, to 12-months or less, or 2080 hours whichever is longer, for work related to recovery from a single emergency or disaster.

Participant wages are determined by the NDWG application award. Participants must be paid for all work performed including safety training.

b. Supportive Services

Supportive services for dislocated workers are available to a maximum total as designated in the grant parameters for the duration of NDWG project enrollment. Supportive services will only be provided to an individual after they are enrolled into the NDWG and during their project participation.

Staff will identify the need for supportive services to enable the customer to participate in the activities that correspond to the support and attainment of the NDWG performance goals. Staff will document the assessed need in the CalJOBS case note system for each NDWG participant who has been approved for supportive services.

Services provided do not duplicate services available from other sources and are coordinated with the services of partners and community service providers.

Supportive Services Available

- 1. Transportation Assistance: Activity 181**
- 2. Clothing: Activity 188**

J. Co-enrollment with WIOA Title I

Co-enrollment between NDWG and WIOA formula fund programs is encouraged as appropriate to maximize the benefits for each participant. However, a participant cannot be enrolled into a program for the sole purpose of allocating supportive services; the grant can pay for supportive services that enable participation in activities *that* grant is paying for, but not to cover activities that another source is paying for.

K. Contracted Service Provider Responsibilities

Employer of Record: Safety Standards

WIOA contracted service provider shall comply with this NDWG policy and shall be monitored for compliance with provisions. WIOA contracted service provider shall ensure that records and documentation required for policy compliance are kept in the case file and made available by local, state and federal monitors. Failure to comply with the requirements may result in the service provider being placed on a corrective action and/or incur disallowed costs.

WIOA Adult and Dislocated Worker contracted service provider shall be the *Employer of Record* for NDWG participants. The contractor is responsible for all personnel onboarding tasks. As the *Employer of Record*, the contractor shall utilize the following document/forms for this program:

1. Employer Offsite Placement checklist

As the employer of record, the contracted service provider ensures all employees have a safe work environment. Safety training documentation demonstrating that required training was provided will be kept in CalJOBS and shall include the date, time and location of completion. Health and safety standards afforded to NDWG (TJ) participants are the same as working conditions for any permanent employee of the worksite.

2. Timecard

This provides documentation signed by both employer and NDWG participant attesting to the hours worked in a pay period (either weekly or bi-weekly).

3. CalJOBS Participation documentation

WIOA contracted service provider shall submit an invoice cover page, timecards and CalJOBS participation documentation to the WDB Contract analyst on a monthly basis for contracted service provider reimbursement from the County WDB NDWG funds.

Contracted service provider shall be responsible for creating the corresponding data entry codes in CalJOBS and tracking the costs and number of hours worked by each participant.

L. CalJOBS Data Entry

Contractor will use the CalJOBS grant code provided by Workforce Development Board staff for data input. Contractor will determine eligibility for the NDWG program and upload the following required eligibility documents to the CalJOBS platform:

1. Identification
2. Proof of residency, for area of disaster
3. Dislocated Worker verification
4. Social Security card (or other right to work documentation)
5. Selective Service documentation, if applicable

If documents are not available, a self-attestation *may* be used in place of residency and dislocated worker status. Contractor staff will create a case note entry to document the specific eligibility tier determination.

After determining eligibility, the participant will be selected for a job site and a Disaster Relief Employment/ Temporary Job Code **227** (NDWG only) with Begin/End Dates, as appropriate for the grant specifics, will be entered in CalJOBS. Participants must be enrolled in Activity 227 *before* receiving any supportive services.

Supportive Services activity codes and case notes will also be entered when the service is provided for each participant for example:

181= transportation

188= clothing

M. Performance Indicators

Participants who only received disaster relief employment are not calculated in the primary performance indicators, unless they are also participants in allowable career or training services (as a co-enrollment). NDWG participants are not included because of the nature of

the services received cannot be measured appropriately by the federal primary indicators of performance.

Disaster Relief Employment individuals, who are co-enrolled in WIOA Title I, are considered participants and therefore triggers inclusion as reportable and count toward the performance measure outcome.

These performance measures are:

- Employment Rate , 2nd and 4th quarter after exit
- Median Earnings, 2nd quarter after exit
- Credential Attainment
- Measurable Skills Gain

N. Local Area Monitoring

The Code of Federal Regulations (CFR) Title 20 Section 683.410 requires each recipient and subrecipient of WIOA funds to conduct regular oversight and monitoring of its programs and those of its subrecipients and contractors. This monitoring must determine that expenditures have been made against the proper cost categories and within the cost limitations specified in WIOA, determine whether there is compliance with WIOA and other applicable law and regulations, assure compliance with 2 CFR Part 200, the Uniform Administrative Requirements, Cost principles, and Audit Requirements for Federal Awards (Uniform Guidance), and determine compliance with the nondiscrimination, disability, and equal opportunity requirements of Section 188 of WIOA, including the Assistive Technology Act of 1998 (29 USC 3003).

Local monitoring policy 22-01 establishes standards for fiscal and program monitoring of Workforce Innovation and Opportunity Act (WIOA) service providers. This policy is designed to comply with all applicable federal, state, and local laws, regulations, policies, and accountability standards. The local monitoring staff *procedure* as referenced in local monitoring policy 22-01, will be used to conduct the local monitoring of NDWG projects.

O. Availability of Funding

Local Workforce Development Boards are eligible to apply for NDWGs as a response to eligible events based on published guidance on requirements for an award. The negotiated disaster recovery project is funded entirely with the NDWG allocation award. County fiscal will track the overall NDWG allocation for program services. Contracted services provider will track their contract allocation. NDWG program services is ultimately contingent upon the availability of the NDWG funds and dependent upon the continuing availability of this specific revenue.

Action: All WIOA Service Providers shall comply with this policy. This policy memorandum is on-going and effective immediately.

Inquiries: Any questions regarding this policy memorandum may be directed to the WDB Director.

Attachments: None.

This policy authorized by: Workforce Development Board, December 6, 2023