



January 11, 2022

Employment Recovery National Dislocated Worker Grants No. 18-04.1

TO: Local Workforce Development Boards Directors, Fiscal Agents, and OhioMeansJobs Center Operators

FROM: Matt Damschroder, Director

SUBJECT: Employment Recovery National Dislocated Worker Grants

I. Purpose

To provide the eligibility requirements and application procedure for National Dislocated Worker Grants (NDWG), and to assist local workforce development areas (local areas) in policy development and service provision for the implementation of these grants. This policy letter applies to all NDWG categories except for Emergency/Disaster Relief, for which policy guidance can be found in a separate policy letter.

II. Effective Date

Immediately

III. Rescission

ODJFS, Workforce Innovation and Opportunity Act Policy Letter No. 18-04, Employment Recovery National Dislocated Worker Grants (June 10, 2019)

IV. Background

National Dislocated Worker Grants are discretionary awards issued by the Department of Labor for states to respond to large, unexpected layoff events causing significant job losses. Specific categories of NDWGs include:

Layoff NDWGs – Qualifying events for layoff NDWGs include single company dislocations of 50 or more workers (in which smaller layoffs caused by the primary layoff are also eligible under the same grant), industry-wide layoffs of 50

or more workers, or a series of multiple small dislocations occurring over a period of 12 months that amount to at least 50 impacted workers.

Dislocated Service Member NDWGs – These grants may provide assistance to areas where demand for WIOA services from dislocated military service members exceeds what state and local resources can provide. To qualify, administrative data must be provided that shows increased unemployment levels among veterans in the local area over the past year, or there must be at least 50 veterans in the local area that are within 48 months of separation.

Trade Impacted Worker NDWGs – These grants provide dislocated workers who are certified as eligible for Trade Adjustment Assistance (TAA) with WIOA services in cases where such services are not available through the TAA program and cannot be provided with WIOA formula funds. Qualification requires 50 or more impacted workers from a layoff event in which at least one impacted worker group is TAA-eligible.

Disaster Recovery NDWGs – This policy does not apply to Disaster NDWGs; guidance on this NDWG category can be found in a separate policy letter.

Other – Any new or revised NDWG categories will be described in future policy guidance.

Services permissible under NDWG provision include basic and individualized career services, training services, supportive services, and needs-related payments. Allowable service activities are listed under Section 134 of WIOA. Grants may specify minimum and maximum spending requirements on specific services; directors will be notified of these restrictions when the grant is issued.

Additionally, these grants are opportunities to pilot innovative services and activities not listed in Section 134 of WIOA. Examples include transition centers, peer counselors, and labor management committees.

V. State Requirements

The state is responsible for submitting all NDWG applications on behalf of one or more local WDBs. If DOL issues a grant to the state, the award amount will likely only be a portion of the requested amount. Successful expenditure of at least 70% of the initial award will allow the state to request additional funding up to the amount approved by DOL. If the project operator does not expend the initial allocation, funds may be taken away and reallocated to the other project operators.

ODJFS will serve as the grantee and pass-through entity for grant funds. Upon receiving grant funding, ODJFS will:

- Provide technical assistance to participating local areas;
- Prepare and submit a project implementation plan to DOL within 60 days of receipt of the grant award, along with a full application if the qualifying layoff event is classified as an “emergency”;
- Conduct monitoring of local areas to review eligibility, expenditures, and operations;
- Conduct a plan versus actual progress check against quarterly enrollment plans each quarter, when the local reports are submitted.
- Develop an individual work plan with local areas that have not met their proposed enrollment goals; and
- Submit required program and fiscal reports and grant modifications to USDOL, including requests for additional funding.

VI. Local Workforce Development Area Requirements

Local areas will need to provide detailed information to support the NDWG application.

A. Application Process

Timing of Application – Applications for Layoff NDWGs should be submitted within 120 days of a qualifying layoff event. Eligibility begins upon notification of layoff, or the date of the layoff itself. Layoff NDWGs can be submitted with “emergency” status if the qualifying layoff event occurred without notice to the workers. In this event, an application must be submitted within 15 days, in addition to a full application submitted within sixty business days of the date of the award.

Items to Include – The NDWG application may include a detailed description of: local area grant needs and services, the type of NDWG being requested, workforce area information including services currently being provided and impacted locations, plans for the determination of participant and service eligibility, plans for outreach and co-enrollment in other programs, budget justification, project operator and fiscal agent names and contact information, and the processing of layoff event data. ODJFS will provide a plan template to local areas participating in the NDWG.

Application Review – When a request is submitted to ODJFS, the Office of Workforce Development (OWD) will review the information with an emphasis on, but not limited to:

WIOA dislocated worker formula fund expenditures;

- Rapid response fund expenditures;
- Statewide (discretionary) fund expenditures; and

- Each local area's progress towards attaining WIOA performance standards and expenditure rate.

ODJFS will review the submitted information and additional documents requested and use this information to complete and submit the NDWG application.

Award Notification – The United States Department of Labor (USDOL) issues its funding decision within 45 calendar days of receipt of a valid application. If the application is approved, ODJFS will notify the participating local areas of their sub-grant award amounts.

Incremental Funding – Additional funds are awarded on an incremental basis. Provision of additional funding is based on demonstrated needs, evidenced by the number of participants and expenditures accrued. Supplemental funding may be requested once expenditures surpass 70 percent of the total NDWG funds awarded. Additionally, ODJFS may cut unobligated grant funds at their discretion.

B. Local Implementation Plan

Within the first 60 days of the grant period or as needed, the local area will submit a local implementation plan based on a template provided by ODJFS. The plan should include: a line item budget, identification and justification of any equipment required, local policies for relevant supportive services, a description of local area monitoring procedures, and a comprehensive staffing plan with job titles, wages, and benefits by position. The local area must notify ODJFS and submit a revised plan when modifications to these components are necessary.

C. Participant Eligibility

Any dislocated worker (pursuant to the provisions in WIOAPL 15-02.1) is eligible for grant services. Additional persons eligible for grant services are:

- Previously self-employed individuals;
- Temporary or contract workers impacted by a plant closure or layoff; or
- Certain individuals that have served National Guard active duty as described under WIOA section 170(c)(2)(A)(iv).

Governors and local WDBs have the authority to establish policies and procedures for frontline staff to determine dislocated worker eligibility. The definition of dislocated worker can be found in WIOA section 3(15).

Local areas must keep any medical or disability-related information obtained through administration of the grant confidential. The confidential information must be:

1. Used only for determining eligibility and appropriateness for services;
2. Maintained in a separate file apart from the WIOA participant case;
3. Locked up or otherwise secured (such as through password protection, if maintained in an electronic system); and
4. Restricted from access by unauthorized individuals in accordance with 29 C.F.R. § 38.41(b)(3).

VI. Reporting

The local area must report grant participants and services in the state's designated case management reporting system under the special grant office created for the grant.

Costs of services, including accruals and obligations, must be updated at the sub-area level every two weeks in the state's designated financial reporting system using the project code established for the grant. All expenditures must be supported with acceptable documentation, including timesheets signed by a supervisor for payroll costs.

The local area must submit a quarterly enrollment plan, beginning with the quarter ending September 30, 2021. This plan can include other quarterly goals, but must, at a minimum, include enrollments.

VII. Monitoring

Participating local areas that issue NDWG subawards must assess the risk of non-compliance of each subrecipient and develop monitoring policies outlining the procedures, frequency, and methods for assuring that grant-funded services carried out by the subrecipient are compliant, and for resolving any findings of non-compliance.

Through the state's monitoring system, ODJFS program and fiscal monitors will review the local area's NDWG implementation (including participant file review and evaluation of actual expenditures) during the monitoring review of the local area for compliance with federal and state laws, guidance letters including this guidance letter, and applicable regulations. Any findings will be addressed through the state's monitoring resolution process.

VIII. Technical Assistance

For additional information, contact the Office of Workforce Development at WIOAQNA@JFS.OHIO.GOV

IX. References

Workforce Innovation and Opportunity Act, §§ 134 and 170, Pub. L. 113-128.

2 C.F.R. Part 200, 20 C.F.R. §§ 683.215, 683.275-280, 683.295, and 20 CFR Part 687.

USDOL, Training and Employment Guidance Letter No. 12-19, National Dislocated Worker Grant Program Guidance (March 18, 2020).

ODJFS, Workforce Innovation and Opportunity Act Policy Letter No. 15-02.1, Adult and Dislocated Worker Eligibility (October 1, 2020).

ODJFS, Workforce Innovation and Opportunity Act Policy Letter No. 17-06.1, Disaster Recovery National Dislocated Worker Grants (October 28, 2019).