

## Disaster Recovery Dislocated Worker Grants (DWGs) - Overview

Disaster Recovery DWGs provide disaster-relief and humanitarian assistance employment, as well as employment and training services, as appropriate, to minimize the employment and economic impact of declared disasters and emergency situations, in disaster-declared areas as defined in 20 CFR 687.110(b).

DWG funds may also provide employment and training services to dislocated workers and other eligible participants.

### **Qualifying Events The following events are eligible for Disaster Recovery DWGs:**

1. Emergencies and major disasters, as defined under Section 102 of the Stafford Act (42 U.S.C. 5122(6)), declared by FEMA as eligible for Public Assistance under any category (A through G).
2. Emergencies or disaster situations of national significance, natural or man-made, that could result in a potentially large loss of employment, 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: Not every Federal declaration of a disaster qualifies an applicant for Disaster Recovery DWG assistance. Applicants must demonstrate that a potentially large loss of employment could result from the disaster or emergency. ETA defines this as the potential loss of at least 50 jobs. The application for Disaster Recovery DWG funds must include a rationale justifying the projected level of job loss.

WIOA does **not** allow declarations by a governor to qualify an applicant for Disaster Recovery DWG assistance.

3. 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.

## Disaster Recovery DWGs – Eligible Applicants

Eligible Applicants include - The state, outlying area, or Indian tribal governments as defined by the Stafford Act, 42 U.S.C. 5122(6).

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 boards and/or may expend such funds through public and private agencies and organizations engaged in such projects, consistent with Section 5 of TEGL 12-19. ETA expects states to allocate funds to affected areas and service providers quickly to ensure funds can fulfill the purposes of these grants and to ensure that workers receive assistance.

## Disaster Recovery DWGs – Eligible Participants

An individual eligible to receive services through a Disaster Recovery DWG must be one of the following, per 20 CFR 687.170(b):

1. temporarily or permanently laid off as a consequence of the disaster;
2. a dislocated worker as defined at 29 U.S.C. 3102(3)(15);
3. a long-term unemployed worker; or
4. a self-employed individual who became unemployed or significantly underemployed because of the disaster or emergency.

Grantees are responsible for setting appropriate policies and procedures for determining participant eligibility. The state has the authority to provide exceptions to its policies regarding the acceptable documentation local areas must collect to document participant eligibility, such as during a disaster. Such exceptions may rely on self-attestation. States eventually must collect all documentation necessary to demonstrate that each participant is eligible under 20 CFR 687.170(b).

When applying for a Disaster Recovery DWG in response to an influx of a substantial number of individuals relocating away from the disaster area, applicants must demonstrate that at least 50 individuals have relocated or evacuated from an area receiving a Federal declaration for the disaster event.

## Disaster Recovery DWGs – Allowable Activities

Allowable Grant Activities 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 Section 170(b)(1)(B) and (d), as well as 20 CFR 687.180(b) and (c). Applicants must demonstrate that disaster-relief employment created under a Disaster Recovery DWG aligns with the following categories:

1. 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 (*Disaster Recovery DWGs may pay 100 percent of the salary and benefits for each participant enrolled in disaster-relief employment*) or;
2. 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.

**To be eligible for funding, all Disaster Recovery DWG applicants' proposed projects must include disaster-relief employment in response to the federally declared disaster event, except in the exceptions described below.** ETA encourages applicants to propose co-enrolling participants in disaster-relief employment in employment and training activities and to provide supportive services as applicable, and it encourages grantees to co-enroll and provide supportive services regardless of whether doing so was explicitly addressed in the application. 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.

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. In summary, grantees may enroll Disaster Recovery DWG participants in:

- Disaster-relief employment only;
- Employment and training activities only; or
- Both disaster-relief employment and employment and training activities.

These activities may occur concurrently, or one may occur prior to the other. Grantees must assess and determine the specific needs of each individual participant and enroll them in disaster-relief employment, employment and training services, or both, in a manner that is most likely to result in successful outcomes. As a general goal, grantees should design and

provide employment and training activities aimed at allowing participants to obtain unsubsidized, sustainable employment following the conclusion of grant-supported activities.

For participants who only receive disaster relief employment, the same performance data collection requirements apply as for other DWG participants. However, 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 DWG in the state's common exit policy.

*Exceptions to Requirement to Provide Disaster-Relief Employment.* The Department, at its discretion, may choose to approve only employment and training activities for the following situations:

1. 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. Or;
2. 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.

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.

## Disaster Recovery DWGs – General Policies

Limit on Disaster Relief Employment Duration. Participants in disaster-relief positions may be employed for a maximum of 12 months or 2,080 hours, whichever is longer. Grantees may submit a modification request to extend the period of employment for existing participants for up to an additional 12 months, and this modification request must justify the reason for extending participants' disaster-relief employment, as required by 20 C.F.R. 687.180(b)(1). If there remains humanitarian or clean-up needs after participants reach the limits on employment duration, the state should attempt to employ new eligible individuals to continue the work at hand rather than continue the employment or re-employment of participants that have reached 12 months or 2,080 hours of disaster-relief employment.

While each disaster is different, ETA expects that most humanitarian assistance needs will resolve within 12 months of the disaster event, as disaster-affected communities rebuild, and their populations obtain permanent housing and no longer need assistance in obtaining food and clothing. When providing a justification for extending employment to 20 C.F.R. 687.180(b)(1), grantees must demonstrate that humanitarian assistance needs remain.

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. In accordance with WIOA Section 181(a)(1)(A), generally, 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. Additionally, such rates must be in accordance with applicable law but in no event less than the higher of the rate specified in Section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) or the applicable state or local minimum wage law. Where applicable, fringe benefits should be paid in accordance with the policies of the worksite employer.

The wages paid to temporary disaster-relief workers must be consistent with the wages of the supervising entity's other employees-permanent or temporary-performing the same or similar work.

Grantees must apportion DWG funding allocated for wages of the temporary workers to only the chosen worksite employer for the Disaster Recovery DWG project. There is no limitation on what type of entity may be a worksite employer.

## Disaster Recovery DWGs – Worksite Selection

Disaster-relief worksites must be located in the geographic disaster area covered by the qualifying declaration for the Disaster Recovery DWG (a disaster or emergency declaration under the Stafford Act or other Federal agency's declaration of a disaster or emergency of national significance).

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. To the extent feasible, administering funds according to these priorities must be in coordination with any projects administered by emergency management agencies, as described in this document within the section entitled "Coordination with Emergency Management Agencies."

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

1. 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;
2. 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);
3. The project prioritizes service to older individuals and individuals with disabilities; and
4. Grantees must not use Disaster Recovery DWG funds to cover the cost of materials to do repairs.

Prior approval of the grant officer is required before any disaster-relief employment work on private property.

**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.

DWG-funded disaster-relief workers must only provide humanitarian assistance appropriate under a Disaster Recovery DWG, focusing specifically on responding to the immediate impacts of a disaster, as declared by a Federal agency with jurisdiction over the Federal response to the disaster event. 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. ETA 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, ETA will consider humanitarian assistance activities on a case-by-case basis.



## Disaster Recovery DWGs - Applications

**Emergency Application.** Applicants may request Disaster Recovery DWGs through an abbreviated emergency application to facilitate timely delivery of DWG assistance in response to a disaster event. These applications must be submitted to ETA within 15 days of the declaration of a qualifying disaster declaration by FEMA or other Federal agency having jurisdiction over the disaster. With appropriate justification, applicants may request an exception to this requirement, to allow for the submission of the emergency application within a reasonable timeframe after Day 15. Applicants also have the option to submit a full application containing a budget and plan, in lieu of an emergency application.

**Full Application.** Within 60 business days following an award of Disaster Recovery DWG funds requested via an emergency application, the grantee 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. ETA may also require the grantee to submit additional information per the special conditions of the initial DWG award. Modification procedures are addressed in the Application Requirements section found later in this document.

**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 Section 170(d)(1) for disaster relief employment.

**Coordination with Emergency Management Agencies.** The grantee must coordinate the activities funded under a Disaster Recovery DWG with the appropriate organizations, including state 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. The grantee must coordinate with Federal agencies handling the Federal response to the disaster or emergency, either through direct contact or contact with state agencies 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.

**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 Section 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>.

## Disaster Recovery DWGs – Additional Disaster Events

Disaster Recovery DWG funds awarded to a grantee may be available for expenditure for additional declared disasters or situations of national significance that occur in the same program year the funds were awarded.

The addition of disaster events to an existing DWG project requires prior approval from ETA through a grant modification request.