

# WorkSource Information Notice (WIN)

Employment System Administration and Policy

Policy-related |  Fiscal |  Performance |  Q&A |  Other

Number: WIN 0115 Change 2

Date: January 5, 2021

Expiration Date: March 31, 2022

**TO:** Workforce Development System Partners

**FROM:** Gary Kamimura, Policy Manager

**SUBJECT:** COVID-19 Employment Recovery Dislocated Worker Grant (DWG) Guidance and Instructions

**Purpose:**

To provide guidance and instructions for the COVID-19 Employment Recovery DWG.

**Action Required:**

Local Workforce Development Boards and their contractors must distribute this guidance broadly throughout the system to ensure that WorkSource System staff are familiar with its content and requirements.

**Content:**

**Eligibility**

Individuals receiving services through this contract must be enrolled in the COVID-19 Employment Recovery DWG program of enrollment in ETO and receive a qualifying WIOA service to trigger participation.

To be eligible for enrollment in the COVID-19 Employment Recovery DWG, an individual must be a dislocated worker as defined in WIOA Section 3(15).

**NOTE:** Unlike the Disaster Recovery DWG guidance in [WIN 0114](#), temporarily laid off workers are not eligible to participate in the Employment Recovery DWG. The focus of the Employment Recovery DWG is on individuals who are permanently dislocated rather than temporarily dislocated.

**Minimum Requirements for Documenting Eligibility**

Verbal self-attestation or remote or virtual eligibility documentation as described in WorkSource Information Notice (WIN) 0109 is allowed within the parameters described in Attachment A of that WIN while the one-stop office remains closed due to COVID-19.

Required documentation for COVID-19 Employment Recovery DWG participants enrolled through the verbal self-attestation process must be collected within 30 calendar days of the date a one-stop center officially reopens, either in person or through the remote or virtual eligibility process, and eligibility must be validated based on the collected documentation. No additional verification is required for participants deemed eligible through remote or virtual eligibility documentation.

LWDBs are strongly encouraged, but not required, to instruct their service providers to, at the time of enrollment, inform Employment Recovery DWG participants determined eligible via verbal self-attestation that

The WorkSource System is an equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities. Language assistance services for limited English proficient individuals are available free of charge.

they are required to provide eligibility documents either in person or by virtual/remote means after the one-stop reopens and need to be prepared to do so upon receiving such notice from service providers.

If any participants are determined ineligible after documentation is received, costs incurred before the discovery of ineligibility will not be questioned if they receive no further services. If documentation is not collected for such participants and they continue to receive services, they will be assumed ineligible and any costs incurred from that point forward for provision of services will be questioned.

### Allowable Activities

For Employment Recovery DWGs, allowable employment and training activities include career services, training services, and supportive services, as outlined in TEGL 12-19, Attachment 1.

Needs Related Payments (NRP), as defined in WIOA Section 134(d)(3), are allowable for Employment Recovery DWG participants who are unemployed and do not qualify for (or have ceased to qualify for) unemployment compensation to enable them to participate in training services. NRPs offered under this grant must adhere to state and local area policies and procedures in place for all participants. Policies and procedures may not be specifically created for Employment Recovery DWG participants. To provide NRPs, an LWDB must have an established policy, applicable to all WIOA Title 1-B program participants, to manage these payments, as outlined in WIOA Title I Policy [5602](#).

If dislocated workers cease to qualify for unemployment compensation, they are still eligible for NRPs if they meet the 13-week deadline for enrollment in training requirement described in WIOA Section 134(d)(3)(B) and 20 CFR 680.950.

Trade Adjustment Assistance (TAA) participants may receive DWG-funded training if their required training is not covered by the TAA Program, per TEGL 12-19, Attachment I.

Employment and training services focused on lay-off aversion activities and upskilling incumbent workers are not allowable activities.

[Attachment A](#) outlines ETO guidance, including enrollment procedures, the key service categories included in the COVID-19 Employment Recovery DWG, how these categories are defined and captured using the corresponding services in ETO, and procedures for recording outcomes.

[Attachment B](#) lists Frequently Asked Questions (FAQs) regarding COVID-19 National Dislocated Worker Grants.

### **References:**

- [Training and Employment Guidance Letter \(TEGL\) 12-19, Attachment I](#)
- [WIOA Title I Policy 5602, Supportive Services and Needs-Related Payments](#)

### **Website:**

<https://wpc.wa.gov/policy/state/guidance>

**Direct Procedural Inquiries To:**

*Grants Management Office  
Financial Services Division  
Employment Security Department  
P.O. Box 9046  
Olympia, WA 98507-9046  
[WorkforceInitiatives@esd.wa.gov](mailto:WorkforceInitiatives@esd.wa.gov)*

**Direct Policy Inquiries To:**

*Employment System Administration and Policy  
Policy, Data, Performance and Integrity Division  
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Olympia, WA 98507-9046  
[SystemPolicy@esd.wa.gov](mailto:SystemPolicy@esd.wa.gov)*

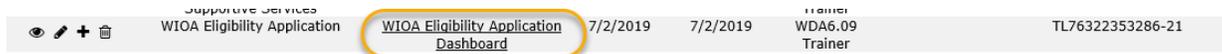
**Attachments:**

- [Attachment A](#) – ETO procedures for enrollment, capturing services, and recording outcomes
- [Attachment B](#) – COVID-19 National Dislocated Worker Grant FAQs

## Attachment A - ETO procedures for enrollment, capturing services, and recording outcomes

### Procedure for Enrollment

The process begins by navigating to the participant's dashboard and checking under Program Management Forms to see if they have a WIOA Eligibility Application.



1. If a WIOA Dislocated Worker Eligibility Application exists and reflects current and accurate information, you may use that TouchPoint for eligibility purposes to enroll individuals into the COVID-19 Employment Recovery DWG if local procedures allow using applications over 30 days old. Then continue to Program Enrollment.
2. If the participant only has a Basic eligibility TouchPoint select "Take New" to add a Full WIOA Eligibility Application TouchPoint.
3. If the participant doesn't have any WIOA Eligibility Applications you will need to add a new TouchPoint by selecting "Take New TouchPoint".



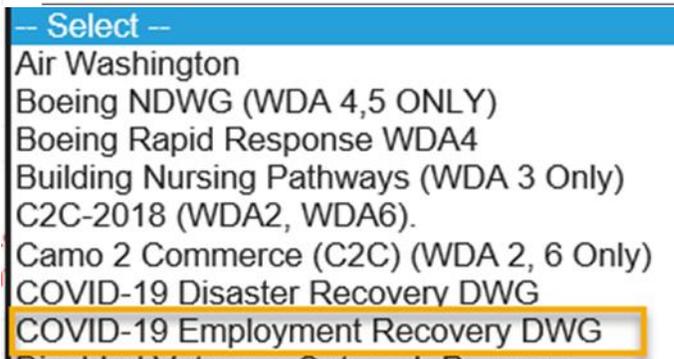
### Program Enrollment:

1. You can take a new Program Enrollment (PE) TouchPoint on the participant's dashboard by selecting "+New" under Most Recent Program Enrollments or through the Review Seeker TouchPoints Widget and click "Take New" from the Program Enrollment selection.
2. Review the Demographics at Enrollment tab and ensure demographics are complete and accurate:
  - a. If demographics are incorrect, cancel out of the Program Enrollment Touchpoint, obtain permission from the participant to impersonate them in WorkSourceWA.com and update their record, next edit the WIOA Dislocated Worker Eligibility Application Touchpoint to accept and save the changes made in the participants WorkSourceWA account, before saving a Program Enrollment TouchPoint.

A screenshot of a web form titled 'Demographics at Enrollment'. The form has a tab labeled 'Enrollment' and a sub-tab labeled 'Demographics at Enrollment'. The form contains several fields: 'Legacy Petition ID' with an empty input box, a message 'If questions do not have a corresponding answer, no value has been entered in the system for that question.', 'Location', and 'Gender' with the value 'Female'. A yellow arrow points to the 'Legacy Petition ID' field, and a yellow text box says 'Verify demographics in this tab'.

3. Create new TouchPoint.
4. Select COVID-19 Employment Recovery DWG in the program of enrollment field.

**Program of Enrollment \***



5. Complete all other data elements in program enrollment TouchPoint.
6. Provide at least one of the services outlined in the COVID-19 Employment Recovery DWG Specific Services (see below), per your local process, as the initial service recorded in ETO to trigger active participation in COVID-19 Employment Recovery DWG.

**Procedure for Capturing Services**

The table below outlines key service categories directly applicable to the COVID-19 Employment Recovery DWG and identifies how these categories are defined by the corresponding service categories in ETO. Enrolled participants may also receive other services as identified to address the needs of the individual participant. Note: The Incumbent Worker Training service is excluded from the Employment Recovery DWG.

To record these services: Take a new Individualized Training and Supportive Services (ITSS) TouchPoint. Select the appropriate service from the table below and attach to the COVID-19 Employment Recovery DWG program of enrollment.

**COVID-19 Employment Recovery DWG Specific Services**

Employment Recovery DWG	ETO Services Catalog
1. Career Services	DEVELOPMENT OF INDIVIDUALIZED EMPLOYMENT PLANS (2.0)
	COMPREHENSIVE AND SPECIALIZED ASSESSMENT
	SHORT-TERM PRE-VOCATIONAL SERVICES
	BASIC SKILLS
	CAREER AND VOCATIONAL COUNSELING (2.0)
	FINANCIAL LITERACY (2.0)

	WORKFORCE PREPARATION
	TRANSITIONAL JOB
2. Supportive Services	PROGRAM SUPPORT SERVICES (OTHER) (3.0)
	PROGRAM SUPPORT SERVICES (TRANSPORTATION)
	NEEDS RELATED PAYMENTS (3.0)
3. Work-Based Learning	WORK/INTERNSHIP EXPERIENCE
4. Training Services	ADULT EDUCATION AND LITERACY WITH TRAINING (2.0)
	OCCUPATIONAL SKILLS TRAINING (2.0)
	APPRENTICESHIP TRAINING
	CUSTOMIZED TRAINING (2.0)
	ON-THE-JOB TRAINING (2.0)

#### **Procedure for Recording Outcomes**

1. Create new Outcome, Program Completion TouchPoint.
2. Select COVID-19 Employment Recovery DWG from active program enrollment dropdown menu.
3. Complete Outcome, Program Completion TouchPoint data elements as appropriate for the participant
  - a. Identify whether they are “employed at outcome”.
  - b. Enter annualized wages – multiply hourly wage X planned hours per week X 52 weeks.

## Attachment B - COVID-19 National Dislocated Worker Grant FAQs

### Section A: Both Disaster Recovery and Employment Recovery Grants

**Question 1:** Per Attachment A of the WIN 0114 (**Disaster Recovery Dislocated Worker Grant**) and more recently the WIN 0115 (**Employment Recovery Dislocated Worker Grant**), if a WIOA Eligibility Application exists and was last updated within the previous 30 days, you may use that TouchPoint for eligibility purposes to enroll individuals into the grants. Both WINs instruct the reader to continue to Program Enrollment, noting that if the previous WIOA Eligibility Application is over 30 days old, you must take a new TouchPoint with current applicant information.

My ask: Are program staff permitted to edit the existing WIOA eligibility application if eligibility is still current after 30 days instead of creating a new one? For example: If there is a Dislocated Worker participant that was enrolled in June and they are still eligible under the same eligibility can we edit the WIOA application instead of creating a new one for the purposes of co-enrollment into the Disaster Recovery and/or the Employment Recovery DWGs? If so, can you provide that language modification in WIN 0114 and WIN 0115 in the ETO instruction piece?

**Answer:** Local area procedures may preclude the use of an application that is over 30 days old; however, it is allowable, as a general standard, to use existing WIOA Dislocated Worker application Touchpoints if the information they contain remains accurate and current. We have revised the instructions accordingly in both WINs.

**Question 2:** For accuracy of documentation and future project planning, if there is a participant who is eligible and enrolled in Program A and all participant facing costs are derived from Program A, and the available case manager to serve that participant is fully funded for their staff time under Program B, must the participant be co-enrolled in Program B to adequately capture the staff time associated with serving the participant?

For example: If a participant is eligible and enrolled under a National Dislocated Worker Grant (NDWG) as a Category 1 Dislocated Worker, and is receiving services directly funded by the NDWG, but the available case manager is fully funded under formula Dislocated Worker, must the participant be co-enrolled in formula Dislocated Worker (DW) as well despite all participant services being funded under a NDWG?

**Answer:** The simplest approach, for the purpose of tracking personnel and program costs, as well as accurate performance reporting, is to co-enroll the NDWG participant into the formula DW program so the NDWG participant can receive services from the DW formula-funded case manager. Alternatively, the DW formula-funded case manager could charge time serving the NDWG participant to the appropriate NDWG funding.

**However, it may also depend on the service provided.** For example, if the participant is receiving the subsidized disaster relief employment that is allowable only under the **COVID-19 Disaster Recovery Dislocated worker Grant** (WIN 0114), a case manager charging only to Dislocated worker formula funds or to the **COVID-19 Employment Recovery Dislocated Worker Grant** (WIN 0115) cannot provide the participant that service.

**Question 3:** Can a LWDB pay for its Personal Protective Equipment (PPE) purchases solely from the **Disaster Recovery** and **Employment Recovery Dislocated Worker Grants**?

**Answer:** DOL has stated that any expenses charged to the two grants must benefit the grants. It pointed out that these grants are not intended to support the one stops as they move through the pandemic; rather, they have specific goals they are intended to accomplish.

As an example, given that disaster employment is an integral part of the disaster recovery grant, if you had individuals you were placing in disaster employment, you could use that fund source to provide them PPE if necessary for them to engage in the employment opportunity. That purchase is for equipment specifically tied to the goals of the grant.

DOL also pointed to the language from the grant agreements (below). Its take is that while PPE is an allowable expenditure for both of those grants, and each grant can pick up its proportionate share of PPE purchases for the one stops to the extent that grant participants or activities are occurring in the one stop, you would have to make sure that the expenses for PPE were distributed across all of the grants and funding sources you receive that are part of the one stop system or are required WIOA program partners.

**National Dislocated Worker Grant Federal Award terms and conditions, section 12, Cost Limitations and Restrictions, subsections g (Employment Recovery Grant) or h (Disaster Recovery Grant):**

WIOA Infrastructure

WIOA sec. 121(b)(1)(B) and 20 CFR 678.400 require the following programs to be One-Stop partners: A. WIOA title I programs: Adult, Dislocated Worker, and Youth formula programs; Job Corps; YouthBuild; Native American programs; National Farmworker Jobs Program (NFJP); B. Wagner-Peyser Act Employment Service (ES) program authorized under the Wagner-Peyser Act (29 U.S.C. 49 et seq.), as amended by WIOA title III; C. Senior Community Service Employment Program (SCSEP) authorized under title V of the Older Americans Act of 1965; D. Trade Adjustment Assistance (TAA) activities authorized under chapter 2 of title II of the Trade Act of 1974; E. Unemployment Compensation (UC) programs; F. Jobs for Veterans State Grants (JVSG) programs authorized under chapter 41 of title 38, U.S.C.; and G. Reentry Employment Opportunities (REO) programs (formerly known as Reintegration of Ex-Offenders Program (RExO) awarded prior to January 1, 2019 which were authorized under sec. 212 of the Second Chance Act of 2007 (42 U.S.C. 17532).

With the exception of Native American programs established under WIOA sec. 166, all One-Stop partner programs including all programs that are funded under title I of WIOA are required to contribute to the infrastructure costs and certain additional costs of the One-Stop delivery system in proportion to their use and relative benefits received as required in 20 CFR 678.700 and 678.760. While Native American programs are not required to contribute to infrastructure costs per WIOA 121(h)(2)(D)(iv), they are strongly encouraged to contribute as stated in TEG 17-16. The sharing and allocation of infrastructure costs between One-Stop partners is governed by WIOA sec. 121(h), WIOA's implementing regulations, and the Federal Cost Principles contained in the Uniform Guidance at 2 CFR part 200 and DOL's exceptions at 2 CFR part 2900. The Federal Cost Principles state that a partner's contribution is an allowable, reasonable, necessary, and allocable cost to the program and is consistent with other legal requirements.

**Question 4:** If a DWG client begins to participate in a traditional WEX, how would they answer the work questions for their UI claim? Technically, a WEX is subsidized employment and is not counted the same as unsubsidized employment regarding benefits such as TANF, BFA, etc., the current UI system is not set up for individuals engaged in a WEX. How would those individuals continue to apply for and receive UI benefits?

**Answer:** Per [WIOA](#) sec. 134(c)(2)(A)(xii)(VII), an internship or work experience is a planned, structured learning experience that takes place in a workplace for a limited period of time. Internships and other work experience may be paid or unpaid, as appropriate and consistent with other laws, such as the Fair Labor Standards [Act](#). An internship or other work experience may be arranged within the private for-profit sector, the non-profit sector, or the public sector.

Every UI claimant must honestly report all earnings and hours worked, regardless of whether that employment is temporary, permanent, covered or non-covered, subsidized or not. The earnings would then be deducted from any potential weekly benefit amount, based on the calculation required by [RCW 50.20.130\(2\)\(a\)](#).

If, however, the client is a TANF recipient engaged in a [WorkFirst WEX](#), these grants would not apply as there is no wage earned by the client, only work in exchange for participation in TANF in order to expand work skills.

**Question 5:** Per WIN guidance, self-attestation is allowable to document eligibility, but required documentation must be collected within 30 days of a center re-opening to customers. What are the requirements for obtaining documentation from participants who exit the program prior to a center re-opening?

**Answer:** Documentation only needs to be collected from participants who are still actively enrolled when centers re-open. If they exit prior to re-opening, verbal attestation alone is acceptable.

## **Section B: Disaster Recovery Grants Only**

**Question 1:** Can we use the “Adult” WIOA Eligibility Application for Long Term Unemployed individuals? WIN 0114 (**Disaster Recovery Dislocated Worker Grant**) outlined specifics on conditions of the WIOA application if 30 days or older; however, it did not speak to the selection of either “Adult” or “Dislocated Worker” for this particular grant. As it is a National Dislocated Worker Grant, I just want to be very thorough when giving guidance locally.

**Answer:** No. You cannot use the Adult application because it does not present the right eligibility questions and would cause inaccurate federal reporting. This matter was addressed in WIN 0115 (**Employment Recovery Dislocated Worker Grant**) by specifically requiring use of the Dislocated Worker application. We have made that same change to WIN 0114.

**Question 2:** What category of dislocation should we choose on the ETO eligibility TouchPoint for furloughed individuals served under the Disaster Recovery Dislocated Worker Grant?

**Answer:** The most appropriate selection in ETO for individuals served through this grant who have been temporarily laid off would be “none of the above” for dislocated worker status. Policy recommends case-noting the circumstances as well.

**Question 3:** What does temporary layoff mean exactly, regarding the **Dislocated Worker Disaster Recovery Grant**? We can’t find a definition outside of WARN. Does it refer to a standby or furloughed employee?

**Answer:** While WIOA does not provide a definition for “temporary layoff”, the term describes instances where an employer has no work currently available for employees but the employees have a reasonable expectation from the employer that they will return to work for that employer when more work is available. Such employees can be served under the COVID-19 Disaster Recovery Dislocated Worker Grant. To qualify for the Employment Recovery Grant, employees must be permanently laid off.

**Question 4:** Is the Long-Term Unemployed eligibility criteria under the **COVID-19 Disaster Recovery Dislocated Worker Grant** specific to Dislocated Worker criteria? For example, if someone quits their job and is Long Term Unemployed, is that the correct use of this definition?

**Answer:** Long Term Unemployment (LTU) is defined by DOL as 27 or more consecutive weeks of unemployment\* and does not apply to individuals who voluntarily quit their jobs (individuals must be laid off through no fault of their own).

For the **COVID-19 Disaster Recovery Dislocated Worker Grant**, documentation of having been involuntarily separated (or a voluntary separation based on reasons below\*\*) from an employer and in unemployed status for 27 consecutive weeks or more is required. [TEGL 23-19](#), Attachment II, page 3, data element 402, provides guidance on appropriate WIOA source documentation of this criteria.

\*[TEGL 19-16](#), Attachment III, page 8, provides the definition of long-term unemployed individual.

\*\*Acceptable Voluntary Separation Reasons, per state unemployment insurance policy, are:

- Change in Work Site
- Domestic Violence or Stalking
- Illegal Activities
- Quit to Follow spouse/domestic partner
- Reduction in Hours or Compensation
- Religious Convictions and Sincere Beliefs
- Accepting an offer of Bona Fide Work that is subsequently withdrawn or dissolved
- Work Site Safety
- Illness or Disability

**Question 5:** The LWDB or its contracted service providers can be the employer of record for participants to provide disaster relief employment that has been approved by DOL for the **Disaster Recovery Dislocated Worker Grant**; however, our LWDB is in a situation where its food bank needs drivers but the food bank needs to be the employer for the auto insurance for the drivers to be valid. As such, we want the food bank to be the employer and reimburse food bank for the disaster relief worker wages. Is that allowable under the grant? If yes, does it need to be called out specifically in state guidance or can it simply be done as per the grant terms and conditions? If not, can you think of any other vehicles to make this work (for example, an OJT might have worked, but the situation is not training)?

**Answer:** Yes, the food bank may be the employer of record, as food bank services fall under the category of disaster relief that can now be implemented, based on DOL’s preliminary approval of most categories submitted for this grant. Also, although [TEGL 12-19](#) doesn’t address the mechanics of it, the LWDB may reimburse them for the wages (which includes benefits, insurance, etc., as applicable) so long as they (the LWDB and the employer) follow the provisions within the [TEGL](#) that describe participant wages. Refer to [TEGL](#)

[12-19](#), page 5 (participant wages), which describes the requirements for the disaster recovery participant wages, and employer and notes that “there is no limitation on what type of entity may be a worksite employer.”

**Question 6:** If a DWG client engages in a humanitarian OJT, they would be an employee of the company where they are placed. How would this impact an individual's UI benefits?

Answer: Disaster Relief employments are not considered OJTs but rather are a distinct service that must meet the requirements outlined in WIN 0114. That said, if clients continue to claim UI, they need to report the hours worked and the compensation received when filing for their weekly benefits regardless of whether the activity was called WEX, OJT, or Disaster Relief Employment. It is up to Claim Center adjudicators to review the information provided and determine whether or not claimants' benefits are held harmless, reduced, or eliminated for the weeks during which such activity is ongoing, because every claimant's situation is unique and different.

**Question 7:** Do the wages earned count against the participant's UI benefits?

Answer: Wages earned must be reported by unemployment claimants on their weekly certification whether or not the wages are covered under unemployment law. This is regardless of whether the activity was WEX, OJT or temporary employment. Claim Center staff may review the information provided and determine whether or not claimants' benefits are paid in full, reduced, or denied during weeks they work. **Please refer to the [Unemployed Worker Handbook for guidance](#)** (See pages 4-5).

- If yes, is there guidance regarding reporting of these wages?

See page 27 of the [Unemployed Worker Handbook](#) as well as Earnings Deduction chart in the back of the Handbook.

- If no, does the participant still need to report hours worked/wages earned for this grant?

Yes.

If a participant works more than 680 hours in their FTE placement, do they qualify for UI benefits under this grant?

It depends. For example, if it was considered Covered Employment, hours worked in an OJT would follow the same standards as a regular temporary or permanent employee, accruing toward the 680-hour base year UI eligibility (see page 4 of the [Unemployed Worker Handbook](#)).

- If yes, will our subrecipient (as the employer of record) be responsible for paying out any future UI benefits once the position ends?

Potentially, yes. Each UI claim is reviewed as to the reason the employment ends, number of hours worked, covered or non-covered employment and other factors. Generally, earnings from the employer(s) of record from the last 4 quarters are considered. Please see the [ESD Employer Tax Handbook](#) (pages 15-16) regarding relief of charges. Employers can call the contact phone number shown in that handbook for the Experience Rating unit.)

- Do the wages earned under this grant count against their eligibility for State benefits, such as medical, food stamps, and/or TANF?

Any earnings must be reported to DSHS per [WAC 388-418-0007](#). Please refer to [Washington State DSHS Reporting Requirements](#) for guidance. It is important to note that the agencies work together to assist clients on their path to self-sufficiency and a working TANF client will never earn less than their TANF

grant. While they will not lose their medical coverage, it may be replaced with employer-provided health coverage during employment.

- If the subrecipient is the employer of record for participants placed at local foodbanks, who provides the benefits package? If it's the subrecipient, how does the subrecipient pay for those benefits, ensuring each participant receives the same benefits package as the foodbank employees?

If the employer of record is the local foodbank, they would provide the benefits package and can be reimbursed for these costs by the Grant, provided the local board does not have a policy against such reimbursements. If the sub-recipient is the employer of record, it is expected that sub-recipient and worksite employer work together to determine a comparable benefits package (comparable, as noted in the grant, is not necessarily "the same"). Thus far, DOL has been silent regarding how benefits are paid. (See also [TEGL 12-19](#) (Attachment I, page 5) and the Answer to Question 5 in this section of the FAQ).

- Is there another way to compensate the participant in lieu of the benefit package? For example, increase their hourly wage so that it is equivalent to wage plus benefits?

As stated above, the compensation and benefits of an enrollee must be comparable to regular employees. The employer must also ensure that they are not violating their own Human Resources handbook or policies.

- What backup documentation is required to show proof of worksite benefits package and comparable benefits provided to the participant?

While [TEGL 12-19](#) is silent about this detail, we suggest using employer of record Human Resource handbooks, policies or other onboarding documentation to ensure that enrollee-employees are receiving similar wage and benefits as regular employee.

- If the participant accrues sick and vacation time, does the subrecipient (employer of record) have to pay out any unused time?

Employers of record must pay out accrued time the same as for all other employees per their own company policies and in accordance to Washington labor laws. Please refer to [Washington State Department of Labor and Industries](#) for detailed information.

- Does the Family Care Act apply to FTE's in this grant?

Yes. Please see [Washington State Department of Labor and Industries Family Care Act](#) for more detail.

In summary, enrollees in this grant are to be afforded comparable wages, benefits and working conditions of all regular employees of the work site/employer of record. For example, if a regular hire is eligible for company paid healthcare at 60 days of employment, the same would be expected for those in permanent or temporary employment under this grant. As another example, if a regular hire is paid \$15.00 to start at this position, it is expected that permanent or temporary employees be paid a comparable wage. The increase in expected time and effort to train this worker by the worksite employer will be reimbursed. Note that per [TEGL 12-19](#), Disaster Recovery DWGs may pay 100 percent of the salary and benefits for each participant enrolled in disaster-relief employment (see footnote, page 3).

**Question 8:** Is there a specific vehicle or approach that DOL requires in order to reimburse the employer for the temporary employment wages, benefits, and insurance for the **Disaster Recovery Dislocated Worker Grant**? Are there state policies that can provide guidance on this?

**Answer:** Per DOL Region 6, there is no specific or dictated vehicle or approach for reimbursing the employer for costs (wages, benefits, insurance, etc.) associated with DRDWG-related temporary employment. If there was, it would be stipulated in [TEGL 12-19](#). That said, DOL recommends following state and local policy for doing contracts while keeping in mind that this would be a service delivery contract that does not require competitive procurement.

WIOA Title I Policies [5200 Revision 2, Fiscal Definitions](#), and [5250, Subrecipient Contracting and Pass-Through Entity Determination Requirements](#), apply broadly in that they refer to contractors, though neither specifically address this situation. We recommend you apply your local contracting policy as appropriate.

**Question 9:** Is the Worksite Employer required to be the employer of record? Could a subrecipient be the employer of record?

**Answer:** Per DOL, any entity can be the employer of records for the Disaster Relief Employments. An LWDB's subrecipient can be the employer of records for DREs.

**Question 10:** Can you provide further clarity regarding the comparable wages outlined in [TEGL 12-19](#)? For example, does it mean a participant in Disaster Relief Employment receives the exact same benefits or healthcare options as other employees in comparable positions? Is it possible to provide benefits that are similar? Also, some small subrecipient nonprofits are not able to offer a broad range of benefits, such as health insurance. In that case, would it be preferable to require the work site business to be the employer of record?

**Answer:** [TEGL 12-19](#) states that [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. 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. (Attachment I, page 5).

To support such requirements, it may be more appropriate for the business to be the employer of record.

Also, [TEGL 12-19](#) states "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" (page 7, Attachment I).

Note that per [TEGL 12-19](#), Disaster Recovery DWGs may pay 100 percent of the salary and benefits for each participant enrolled in disaster-relief employment (see footnote, Attachment I, page 3).

**Question 11:** Since all Disaster Relief Employments (DREs) are temporary, is the interpretation that if a worksite differentiates between permanent and temporary employees in their policy, then the DRE employees should receive comparable wages and benefits to their other temporary employees?

**Answer:** Per DOL, the rules require that disaster-relief employees are paid salary/benefits consistent with other workers doing the same or similar work as other employees of that employer. If those workers are permanent employees, DRE DWG employees should be treated in a similar manner. If those workers doing similar work are all temporary employees, DRE participants should be treated in the same way. If both permanent and temporary employees do the same or similar work as the DRE participants, the worksite

employer may determine which wages/benefits to provide to DRE participants (basically whether to consider the DRE participants as temporary or permanent employees).

**Question 12:** If a worksite differentiates between part-time (or below a particular hour threshold) and fulltime employees in their policy, and a participant is in a part-time DRE employee, then should the participant receive comparable wages and benefits to other part-time employees?

**Answer:** As noted in Question 11 above, the level of pay/benefits must be consistent with that of other employees doing the same or similar work. If other part-time employees are doing the same or similar work, Disaster Recovery participants may be paid at that part-time rate. If there are only full-time employees doing the same work for the same employer, those wages must be used as the comparison for the DRE participants; DRE participants may still be employed part-time but the pay rate must be based on the wages of the full-time workers, albeit for fewer hours. Grantees may determine whether DREs are full- or part-time as part of the project.

**Question 13:** There are many fund sources paying for activities relating to economic recovery from the COVID-19 disaster. What are our responsibilities to coordinate funding?

**Answer:** You must coordinate the activities funded under a **Disaster Recovery Dislocated Worker Grant** 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. You 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.

### **Section C: Employment Recovery Grants Only:**

**Question 1:** Workers who have been temporarily laid off workers are not eligible to participate in the **Employment Recovery Dislocated Worker Grant**. However, some of these workers may become permanently laid off. For example, in the Yakima area Macy's employees were laid-off temporarily in March/April but were notified via a telephone call that their temporary lay-off was permanent. Other than the telephone call, the employee received no other documentation. These individuals are already receiving unemployment; however, most local areas cannot access the potential enrollee's UI records. How should we document this shift to permanent lay-off without the ability to get something from their previous employer?

**Answer:** For the purpose of the National Dislocated Worker Grants (NDWGs), verbal self-attestation is acceptable for virtual eligibility determinations. Eventually, though, appropriate eligibility documentation needs to be obtained. To that end, [WorkSource System Policy 1019 Revision 4, Eligibility Guidelines and Documentation Requirements](#), allows for written self-attestation regarding date of qualifying dislocation. Participants can self-attest to the shift from temporary to permanent layoff status. Local areas may choose to verify remote confirmation from the employer and document that confirmation in case notes.

**Question 2:** How can we support **Employment Recovery Dislocated Worker Grant** fund investments in WiFi hotspots in areas that lack internet access as a temporary measure to ensure access to services, education and training is supported?

**Answer:** You can use ERDWG funds to directly invest in Wi-Fi hotspots to support participant engagement in career and training activities or, if there are other resources to support this in your area, partnering to access

those resources. If you intend to utilize grant funds to invest in Wi-Fi hotspots for use beyond enrolled grant participants, then the cost must be appropriately cost-allocated across programs.

**Question 3:** How can we provide support through **Employment Recovery Dislocated Worker Grant** funds for re-opening of physical spaces to access reemployment services if we ensure that facilities have appropriate customer and staff protections to facilitate the wearing of face coverings, accommodate social distancing and enable continuity of service?

**Answer:** This activity could include WorkSource Centers and/or other partner locations where career and reemployment services are provided to support safe engagement for grant participants and staff. Any efforts supported with these grant funds should be coordinated with broader local efforts to support safe re-opening of physical service delivery spaces and should be appropriately cost-allocated, if the intention is to support spaces for utilization beyond enrolled grant participants.

**Question 4:** How can we use **Employment Recovery DWG** funds to support scaling virtual access to services to assist participants in securing employment in in-demand jobs, to ensure access to opportunities and enable both adaptability and scalability of service delivery broadly?

**Answer:** You can use grant funds to support efforts to help grant-enrolled participants access virtual services. This could include the purchase of technology (hardware or software) or allocation of additional staff time to these efforts. These efforts should be considered in the context of any local efforts already underway to improve virtual access to services, and costs should be cost-allocated appropriately if grant funds are contributing to efforts that will be utilized by individuals that are not enrolled in this grant.

**Question 5:** How can we successfully use **Employment Recovery DWG** funds to collaborate with partners and invest in the migration of training and post-secondary curriculum (current and new) to high-quality remote learning environments and supportive services for learners?

**Answer:** Investments of these grant funds are intended to support migration of training and curricula that will be accessed by grant participants. If grant funds are utilized for migration of training or curricula utilized more broadly, the costs should be appropriately cost-allocated. LWDBs must also ensure grant funds do not supplant other state funds that could be utilized for the same purpose and that other federal funds are used appropriately in support of these investments.