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WIOA BULLETIN NO. 43-20, Change 1

TO: Hawaii County, Maui County, and Oahu Workforce Development Boards, WIOA Partners and HI-Employment

FROM: *fw* Maricar Pilotin-Freitas, Administrator
Workforce Development Division

A handwritten signature in black ink, appearing to read "Maricar F. Freitas".

SUBJECT: COVID-19 Employment Recovery National Dislocated Worker Grant Policies and Procedures Relating to Eligibility

PURPOSE

Bulletin No. 43-20, Change 1 updates the COVID-19 Employment Recovery National Dislocated Worker Grant (NDWG) Policies and Procedures (Attachment 1) by revising the participant eligibility requirements for those who are to receive employment and training assistance, to align with the State's policies and procedures with its Workforce Innovation and Opportunity Act (WIOA) Title I eligibility policy, its Trade Adjustment Assistance and WIOA Title I Dislocated Worker Program Co-Enrollment Policy, and U.S. Department of Labor's (USDOL's) WIOA Adult Program Eligibility and Priority of Service Policies & Procedures (October 4, 2016).

BACKGROUND

On April 1, 2020, the NDWG, "COVID-19 HI Employment Recovery," (Employment Recovery NDWG) was awarded to the Workforce Development Council (now the Workforce Development Division) from the USDOL.

POLICY

Each local area shall amend the current eligibility requirements as defined below for participants of the COVID-19 Employment Recovery National Dislocated Worker program.

The Local Workforce Development Boards shall ensure the following participants are eligible to receive employment and training assistance.

1. a dislocated worker as defined in WIOA Section 3(15);
2. a civilian employee of the Department of Defense or the Department of Energy employed at a military installation that is being closed, or that will undergo realignment, within the next 24 months after the date of the determination of eligibility;
3. an individual who is employed in a non-managerial position with a Department of Defense contractor, who is determined by the Secretary of Defense to be at risk of termination from employment as a result of reductions in defense expenditures, and whose employer is converting operations from defense to nondefense applications in order to prevent worker layoffs;
4. a member of the Armed Forces who:
 - a. was on active duty or full-time National Guard duty;
 - b. is involuntarily separated (as defined in section 1141 of title 10, United States Code) from active duty or full-time National Guard duty; or is separated from active duty or full-time National Guard duty pursuant to a special separation benefits program under 10 U.S.C. 1174a, or the voluntary separation incentive program under section 1175 of that title;
 - c. is not entitled to retired or retained pay incident to the separation described in Subclause b above; and
 - d. applies for employment and training assistance within 180 days of that separation;
5. Trade-affected workers.

INQUIRIES

Inquiries regarding this bulletin may be directed to Mr. Harrison Kuranishi by telephone at (808) 586-9167 or by email at Harrison.Kuranishi@hawaii.gov.

REFERENCES

- Training and Employment Guidance Letter (TEGL) No. 12-19, Change 1, National Dislocated Worker Grant Program Guidance
- TEGL No. 72-79, National Dislocated Worker Grant Program Guidance
- TEGL No. 12-19, National Dislocated Worker Grant Program Guidance
- TEGL No. 28-10, Federal Financial Management and Reporting Definitions
- TEGL No. 10-09, Implementing Priority of Service for Veterans and Eligible Spouses in all Qualified Job Training Programs F
- WIOA Bulletin No. 14-16, Change 1, Adult Program Eligibility and Priority of Service Policies and Procedures
- WIOA Bulletin No. 03-22, Trade Adjustment Assistance and Workforce Innovation and Opportunity Act Title I Dislocated Worker Program Co-Enrollment Policy

ATTACHMENT

Attachment 1, Change 1

Attachment 1, Change 1
COVID-19 Employment Recovery National Dislocated Worker Grant (NDWG)
POLICIES AND PROCEDURES

The Employment Recovery NDWG provides resources to respond to major economic dislocations, such as large, unexpected layoff events that cause significant job losses. Employment Recovery NDWGs provide employment and training assistance for dislocated workers and other eligible participants as described below.

The Local Workforce Development Boards, contractors, or sub-contractors shall ensure that participants are coming from qualifying layoff events as described under 20 CFR 687.110(a).

The American Job Center (AJC) shall properly record, maintain, and store all Employment Recovery NDWG participants' information in case files both in paper and electronic formats.

Eligibility Requirements for Enrollment in Employment Recovery NDWG

The Local Workforce Development Boards, contractors, or sub-contractors shall ensure that participants are eligible to receive employment and training assistance. The following individuals are eligible to receive employment and training assistance:

1. a dislocated worker as defined in Workforce Innovation and Opportunity Act (WIOA) Section 3(15);
2. a civilian employee of the Department of Defense or the Department of Energy employed at a military installation that is being closed, or that will undergo realignment, within the next 24 months after the date of the determination of eligibility;
3. an individual who is employed in a non-managerial position with a Department of Defense contractor, who is determined by the Secretary of Defense to be at risk of termination from employment as a result of reductions in defense expenditures, and whose employer is converting operations from defense to nondefense applications in order to prevent worker layoffs; or
4. a member of the Armed Forces who:
 - a. was on active duty or full-time National Guard duty;
 - b. is involuntarily separated (as defined in section 1141 of title 10, United States Code) from active duty or full-time National Guard duty; or is separated from active duty or full-time National Guard duty pursuant to a special separation benefits program under 10 U.S.C. 1174a, or the voluntary separation incentive program under section 1175 of that title;

- c. is not entitled to retired or retained pay incident to the separation described in Subclause b above; and
- d. applies for employment and training assistance within 180 days of that separation.

Trade-affected workers may be served under the Employment Recovery NDWG as applicable and must be co-enrolled with the Trade Adjustment Assistance (TAA) program. The TAA program, however, will be the primary source of assistance to trade-affected workers. Trade-affected workers may receive NDWG-funded training if their required training is not covered by the TAA program.

Participants are eligible for assistance upon notification of layoff (receipt of an individual layoff notice or the date of the company's layoff announcement) or the date of the layoff itself.

Required Documentation from Participants

The process for enrolling participants in the Employment Recovery NDWG is the same as enrolling Dislocated Worker participants. Documentation is required, including proof of layoff or termination. An Employment Recovery NDWG participant must have documentation that shows that s/he was affected by a COVID-19 qualifying event. One of the following required documentation is required from each individual:

1. Letter of separation from employer due to the COVID-19 Pandemic, or
2. Verification of Pandemic Unemployment Assistance, or
3. Verification of Unemployment Insurance, or
4. Paystubs or other payroll records to validate previous employment prior to March 2020,
or
5. Self -Attestation may be accepted.

The participant file must document participant's eligibility. Because of circumstances surrounding the disaster, documentation of eligibility may be difficult to obtain during the initial stages. The U.S. Department of Labor and Workforce Development Council will accept an individual's signed certification that they meet the eligibility criteria. A self-attestation menu is accessible on HireNet. The AJC must verify eligibility once better data are available.

Self-employed individuals seeking assistance under the Employment Recovery NDWG, must submit at least one of the following documents to the AJC within 45 days of their initial application:

- General Excise Tax forms; or
- Federal tax returns; or

- Federal agency declaration other than FEMA, such as Small Business Association, United States Department of Agriculture, or Department of Commerce; or
- Attachment 3, Self-Employed Attestation Form Individual Enrollment into HireNet.

To enroll an eligible individual into the Employment Recovery NDWG via HireNet, AJC staff shall complete the standard WIOA application for Dislocated Worker program, with additional steps as outlined in WIOA Bulletin 41-20, “HireNet Hawaii National Dislocated Worker Grant Attachment,” issued December 16, 2020.

Allowable Grant Activities

The Local Workforce Development Board, contractors, or subcontractors shall fulfill the Employment Recovery NDWG to provide employment and training assistance to dislocated workers and other eligible participants, as described below, within the local area. The term “employment and training assistance” includes career services, training services, and supportive services, as described below.

Career Services. Career services as described in WIOA Section 134(c)(2), 20 CFR Part 680, and TEGL No. 16-16 Section C include services and activities to assist dislocated workers in making informed decisions on reemployment and educational needs based on area economic demand. Dislocated workers interested in pursuing training will be referred to the apprenticeship program and WIOA Dislocated Worker program and other appropriate workforce partner programs.

Training Services. Training services as described in WIOA Section 134(c)(3)(D) include occupational training, on-the-job training (including apprenticeships), entrepreneurial training, and customized training. NDWG funds may be used to reimburse up to 50 percent of the wage rate for on-the-job training. The use of NDWG funds for training is subject to the limitations or requirements as applicable to the WIOA Dislocated Worker program delineated in 20 CFR part 680 and TEGL No. 19-16.

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 services must align with the Workforce Development Division and local board supportive service policies and must be consistent with WIOA.

Needs-Related Payments (NRPs). NRPs are a category of supportive services and are not allowable for Employment Recovery NDWG participants.