

STATE OF NEVADA

**DEPARTMENT OF EMPLOYMENT, TRAINING AND
REHABILITATION**

Employment Security Division

**NATIONAL EMERGENCY GRANT (NEG)
NATIONAL DISLOCATED WORKER GRANT (NDWG)**

Policy and Procedures Manual

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National Dislocated Worker Grants (NDWG)

INTRODUCTION

National Dislocated Work Grant

Reference: TEGL 12-19, “National Dislocated Worker Grant Program Guidance”

TEGL 12-19 section 2. (b) states: *DWGs are discretionary grants awarded by the Secretary of Labor under section 170 if WIOA is to provide employment-related services for dislocated workers. The Department funds two types of DWGs: Disaster Recovery and Employment Recovery. Disaster Recovery DWGs provide funding to create temporary employment opportunities to assist with clean-up and recovery efforts when an area impacted by an emergency or major disaster is declared eligible for public assistance by the Federal Emergency Management Agency (FEMA), or is declared as an emergency or disaster of national significance by a Federal agency with authority or jurisdiction over Federal response to the disaster or emergency. Employment Recovery DWGs temporarily expand capacity to serve dislocated workers and to meet the increased demand for employment and training services following a qualifying event. Qualifying events include major economic dislocations, such as plant closures, mass layoffs, or higher-than-average demand for employment and training activities for dislocated members of the Armed Forces and their spouses. Under 20 CFR 687.110(a)(5), the Secretary of Labor may determine other major dislocations eligible for Employment Recovery DWGs.”*

The National Dislocated Worker Grant (NDWG) provides time-limited funding assistance to aid in the response to a major economic event that causes significant impact on states and local areas that exceed the capacity of existing funds and other resources. The NDWGs are supplemental resources that provide flexibility for response and recovery to unexpected events that cause job loss which exceeds the capacity of the state and local workforce boards.

Funds from the WIOA – NDWGs will assist affected individuals residing in workforce areas affected by the COVID-19 pandemic response that began on March 1, 2020. The U.S. Department of Labor Employment and Training Administration (DOLETA) issued a Training and Employment Guidance Letter (TEGL) 12-19 on March 18, 2020 to provide revised guidance to states about the NDWG program. The revised guidance rescinds TEGL 02-15 entitled “Operational Guidance for National Dislocated Worker Grants, pursuant to the Workforce Innovation and Opportunity Act (WIOA or Opportunity Act).”

To address the effects of the COVID-19 pandemic response, including the significant number of displaced workers and jobs that have been permanently lost, Nevada was awarded grant funding for both Disaster Recovery and Employment Recovery NDWGs.

SECTION ONE

I. Program Requirements

[Training and Employment Guidance Letter \(TEGL\) WIOA No. 12-19](#) contains the program requirements for this award. [[State Compliance Policy \(SCP\) 1.6](#)]

Participant Minimum Age

Pursuant to P.L. 116-94, Division A, Title I, Section 104, funds made available under section 414(c) of the [American Competitiveness and Workforce Improvement Act of 1998 \(29 U.S.C. 3224a\)](#) must only be used for training individuals and for the related activities necessary to support such training. This training must be in the occupations and industries for which employers are using H-1B visas to hire foreign workers, and it must be provided only to individuals who are older than 16 years of age and who are not currently enrolled in a school within a local educational agency. [[SCP 1.6](#); [SCP 2.1](#)]

Employment Conditions

Benefits and Working Conditions - All participants shall be provided benefits and working conditions at the same level and to the same extent as other employees working a similar length of time and doing the same type of work [WIOA Sec.181(b)(5)]. If the employer has different policies for temporary employees than for full-time employees, these policies may apply to these participants since the jobs under this grant are classified as temporary.

Safety Training

For all NDWG projects, Local Workforce Development Boards (LWDBs) must ensure that project participants follow the same health and safety standards applicable to working conditions of permanent employees, as established under federal and state law. Boards must provide appropriate safety training, as described in the Occupational Safety and Health Act of 1970, and they must ensure that working conditions are safe.

Veterans' Priority Provisions

The Jobs for Veterans Act [Public Law 107-288] requires grantees (DETR) and subgrantees (LWDBs) to provide priority service to veterans and spouses of certain veterans for the receipt of employment, training, and placement services in any job training program directly funded, in whole or in part, by the DOL. [20 CFR 1010]. In circumstances where a grantee or subgrantee must choose between two qualified candidates for a service, one of whom is a veteran or eligible spouse, the veterans priority of service provisions require that the grantee or subgrantee give the veteran or eligible spouse priority of service by first providing him or her that service. To obtain priority of service, a veteran or spouse must meet the program's eligibility requirements and comply with guidance on veterans' priority. [[TEGL 10-09](#)] [[SCP 1.18](#)]

II. Cost Limitation Restrictions

Administrative Costs

Administrative costs under this award follow the definition in the Workforce Innovation and Opportunity Act at 20 CFR 683.215.

There is a 15 percent limitation on a NDWG project's total administrative costs when the direct recipient is not also serving as the project operator. Unless a written justification is approved by the Grant Officer, administrative costs may not exceed this 15 percent limit. Direct recipients of NDWG funds are limited to spending no more than 5 percent of the total award on administrative costs. Project Operators are limited to spending no more than 10 percent of their allocation received from the direct recipient on administrative costs. Compliance with the administrative costs limit is monitored throughout the grant period. Any amounts exceeding this limitation at closeout will be disallowed and subject to debt collection.

For NDWG recipients who are also serving as the project operator, the administrative costs limit is 10 percent of the total award.

Budget Flexibility

DETR's Workforce Investment Support Services (WISS) is not permitted to make transfers that would cause funds to be used for purposes other than those consistent with the NDWG program. Any budget changes that impact the statement of work, associated approved budget, and agreed upon outcomes or deliverables require a request for modification and prior approval from the DOL-ETA Grant Officer.

For programs where the Federal share is over the simplified acquisition threshold (currently \$150,000), the transfer of funds among direct cost categories or programs, functions and activities is restricted such that if the cumulative amount of such transfers exceeds or is expected to exceed 10 percent of the total budget as last approved by the Federal awarding agency, the WISS and LWDBs must receive prior approval from the DOL-ETA Grant Officer. Any changes within a specific cost category on the USDOL's SF424(a) form do not require a grant modification unless the change results in a cumulative transfer among direct cost categories exceeding 10 percent of total budget as noted above. [2 CFR 200.308(e)]

It is recommended that WISS' assigned DOL-ETA Federal Project Officer (FPO) review any within-line changes to the budget prior to implementation to ensure a modification is not required. For programs where the Federal share is below the simplified acquisition threshold, WISS is not required to obtain the DOL-ETA Grant Officer's approval when transferring funds among direct cost categories. This includes transferring direct costs to the indirect cost category contained on the SF424(a). LWDBs do need to communicate with WISS when requesting transfer of funds among direct cost categories.

Consultants

For the purposes the NDWGs, USDOL has determined that fees paid to a consultant who provides services under the program shall be limited to \$710 per day (representing an eight-

hour workday). Any fees paid in excess of this amount cannot be paid without prior approval from the DOL-ETA Grant Officer.

Travel

This award waives the prior approval requirement for domestic travel as contained in 2 CFR 200.474. For domestic travel to be an allowable cost, it must be necessary, reasonable, allocable and conform to the non-Federal entities written policies and procedures. All travel must also comply with Fly America Act (49 USC 40118), which states in part that any air transportation, regardless of price, must be performed by, or under a code-sharing arrangement with, a US Flag air carrier if service provided by such carrier is available.

Travel-Foreign – Foreign travel is not allowable except with prior written approval. Prior written approval must be obtained from the DOL-ETA Grant Officer through the process described in 2 CFR 200.407 and 2 CFR 2900.16. All travel, both domestic and Grant Officer-approved foreign travel, must comply with the Fly America Act (49 USC 40118), which states in part that any air transportation, regardless of price, must be performed by, or under a code-sharing arrangement with, a US Flag air carrier if service provided by such carrier is available.

Travel – Mileage Reimbursement Rates – Pursuant to 2 CFR 200.474(a), all award recipients must have policies and procedures in place related to travel costs; however, for reimbursement on a mileage basis, this Federal award cannot be charged more than the maximum allowable mileage reimbursement rates for Federal employees. Pursuant to the General Services Administration (GSA) [Bulletin FTR 20-03](#), the 2020 calendar year mileage reimbursement rates are:

Modes of Transportation:	Effective/ Applicability Date:	Rate per mile:
Privately owned automobile	January 1, 2020-December 31, 2020	57.5 cents
Privately owned motorcycle	January 1, 2020-December 31, 2020	54.5 cents

Mileage rates must be checked annually at www.gsa.gov/mileage to ensure compliance.

WIOA Infrastructure

The following programs are required to be One-Stop partners [WIOA sec. 121(b)(1)(B); 20 CFR 678.400]:

- A. WIOA title I programs: Adult, Dislocated Worker, and Youth formula programs; Job Corps; YouthBuild; Native American programs; National Farmworker Jobs Program (NFJP);
- B. WIOA title II: Adult Education and Family Literacy Act (AEFLA) program as authorized under title II of WIOA;
- C. WIOA title III: Wagner-Peyser Act Employment Services (ES) program authorized under the Wagner-Peyser Act (29 U.S.C. 49 et seq.), as amended by WIOA title III;

- D. WIOA title IV: Vocational Rehabilitation (VR) program as authorized under title I of the Rehabilitation Act of 1973 (29 U.S.C. 720 et seq.), as amended by WIOA title IV;
- E. Senior Community Service Employment Program (SCSEP) authorized under title V of the Older Americans Act of 1965 (42 U.S.C. 3056 et seq.);
- F. Carl D. Perkins Career and Technical Education Act of 2006: Career and technical education programs at the postsecondary level authorized under the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2301 et seq.)
- G. Trade Adjustment Assistance (TAA) activities authorized under chapter 2 of title II of the Trade Act of 1974 (19 U.S.C. 2271 et seq.);
- H. Jobs for Veterans State Grants (JVSG) programs authorized under chapter 41 of title 38, U.S.C.;
- I. Employment and training activities carried out under the Community Services Block Grant (42 U.S.C. 9901 et seq.);
- J. Employment and training activities carried out by the Department of Housing and Urban Development;
- K. Programs authorized under State unemployment compensation (UC) laws (in accordance with applicable Federal law);
- L. Programs authorized under sec. 212 of the Second Chance Act of 2007 (42 U.S.C. 17532), which include the Reentry Employment Opportunities (REO) programs (formerly known as Reintegration of Ex-Offenders Program (RExO) awarded prior to January 1, 2019; and
- M. Temporary Assistance for Needy Families (TANF) authorized under part A of title IV of the Social Security Act (42 U.S.C. 60 et seq.), unless exempted by the Governor under §678.405(b).

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 [20 CFR 678.700; 678.760]. 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 Administrative Guidance at 2 CFR part 200 and USDOL'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.

III. Administrative Requirements

Equipment

Award recipients must receive **prior approval** from the DOL-ETA Grant Officer to purchase any equipment as defined in the Uniform Guidance at 2 CFR 200.33. Equipment purchases must be made in accordance with 2 CFR 200.313 or 2 CFR 200.439.

Being awarded a NDWG grant *does not* automatically approve the equipment specified in the budget or statement of work unless it is specifically approved by the DOL-ETA Grant Officer. If not specified above, the WISS and LWDBs must submit a detailed list describing the purchase to the DOL-ETA FPO for review within 90 days of DOL-ETA's Notice of Award date. The LWDBs must submit detailed lists for requests of equipment purchases as early as possible in the grant's period of performance with as many planned pieces of equipment as possible.

The WISS and LWDBs may not purchase equipment in the last funded year of performance which is defined as full program service delivery (not follow up activities) but may not be the same as the last 12 months of the period of performance. If any approved acquisition has not occurred prior to the last funded year of performance, approval for the item(s) is rescinded.

Personal Identifiable Information (PII)

The WISS and LWDBs must recognize and safeguard personally identifiable information (PII) except where disclosure is allowed by prior written approval of the DOL-ETA Grant Officer or by court order. The WISS and LWDBs must meet the requirements of the Guidance on the Handling and Protection of Personally Identifiable Information (PII). [[TEGL 39-11](#)]

Supportive Services and Participant Support Costs

When supportive services are expressly authorized by a program statute, regulation, or Funding Opportunity Announcement (FOA), the awarded NDWG waives the prior approval requirement for participant support costs; however, costs must still meet the basic considerations. Questions regarding supportive services and participant support costs should be directed to WISS. For additional guidance, WISS will communicate with the DOL-ETA FPO who is assigned to the grant. [2 CFR 200.456] [2 CFR 200.402 – 200.411]

Vendor/Contractor

The term "contractor", sometimes referred to as a vendor, is a dealer, distributor, merchant or other seller providing goods or services that are required to implement a Federal program. [2 CFR 200.23] These goods or services may be for an organization's own use or for the use of the beneficiaries of the Federal program. Additional guidance on distinguishing between a subrecipient and a contractor (vendor) is provided in 2 CFR 200.330. When procuring contractors for goods and services, DOL-ETA recipients and subrecipients must follow the procurement requirements which calls for free and open competition. [2 CFR 200.319]

Whistleblower Protection

This grant and employees working on this grant are subject to the whistleblower rights and remedies established at 41 U.S.C. 4712. The recipient shall inform its employees in writing, in the predominant language of the workforce, of employee whistleblower rights and protections under 41 U.S.C. 4712, as described in section 3.908 of the Federal Acquisition Regulation. The recipient shall insert the substance of this clause in all subgrants and contracts over the simplified acquisition threshold. [48 CFR 3.908; note that for the purpose of this term and condition, use of the term "contract," "contractor," "subcontract," or "subcontractor" in section 3.908 should be read as "grant," "grantee," "subgrant," or "subgrantee"]

SECTION TWO

I. Disaster Recovery Dislocated Worker Grant (NDWG)

Disaster Recovery NDWG funds may be used to provide employment and training services to dislocated workers and other eligible individuals. NDWG funds may also be used to provide disaster-relief and humanitarian-assistance employment in disaster-declared areas, as well as employment and training services for such employment as appropriate. [20 CFR 687.110(b)]

Participant Eligibility

Pursuant to 20 CFR 687.170(b) an individual eligible to receive services through a Disaster Recovery NDWG must be:

- a worker who is temporarily or permanently laid off as a consequence of the disaster;
- a dislocated worker, as defined in WIOA Section 3(15);
- a long-term unemployed worker (defined as an unemployed individual who has been out of work for 27 weeks or more); or
- a self-employed individual who became unemployed or significantly underemployed as a result of the disaster or emergency. Examples of an underemployed [20 CFR 684.130] individual include, but are not limited to, the following:
 - An individual employed less than full time who is seeking full-time employment;
 - An individual who is employed in a position that is inadequate with respect to his or her skills and training;
 - An individual who is employed but meets the definition of a low-income individual, as outlined in WIOA Section 3(36); or
 - An individual who is employed but whose current job earnings are well below the level of earnings from his or her previous employment.

USDOL has indicated that self-attestation is acceptable for an initial temporary eligibility period for affected individuals; especially during the period in which local One-Stop offices are closed to the public. Within 30 days of the initial determination, documentation must be collected from the participant to validate eligibility. Refer to [State Compliance Policy 1.6](#) (Adult & Dislocated Worker) and [2.1](#) (Youth) as a guide for determining acceptable documentation to validate eligibility.

Priority Employment Positions

As outlined in the Statement of Work, WIOA Title I service providers will place participants in 26 disaster-recovery employment opportunities for a period not to exceed 2,080 hours over a 12-month period. Individuals may work intermittently and may also be cycled in and out of this program. Wages for these positions are expected to be between \$10-15 per hour. The disaster-recovery employment opportunities created are to support humanitarian assistance needs.

Due to Governor Sisolak's [Declaration of Emergency Directive 010 – Stay at Home Order](#), non-essential businesses closed and Nevada's JobConnect offices, the state's One-Stop and American Job Centers were correspondingly closed to the public to maintain safety measures. When Directive 010 is lifted, the offices and centers will need to be sanitized prior to opening and will require regular cleaning and sanitation throughout the normal business day to ensure a safe environment for both staff and the public. These offices and centers will require temporary disaster relief workers to sanitize and clean these offices throughout normal operating hours.

Social Service agencies throughout the state are stretched beyond their capacity and resources due to COVID-19 pandemic response efforts. As thousands of individuals have been laid off, there is an immediate increased labor force need for agencies who provide essential resources and assistance with requisite basic needs (e.g., food, shelter and clothing) to deploy these much-needed humanitarian services.

Nevada LWDBs have determined work sites and locations by working with local governments, elected officials, health districts, and other state agencies to evaluate and determine a need for additional resources. Participants will be identified and assigned to worksites based on financial need for employment, work-site specific tasks, and the participant's associated skills. Participants will be managed by positions in the grant budget, and the need for continued services at the work site will be determined by feedback from the work site, social distancing guidelines, and other appropriate information.

Disaster Relief Employment – Disaster Recovery NDWGs provide funding for the creation of disaster relief employment, which is temporary employment of eligible individuals for the purposes. Applicants must demonstrate that disaster-relief employment created under a Disaster Recovery NDWG aligns with the following categories [WIOA Sec.170(b)(1)(B); (d)] [20 CFR 687.180(b); (c)1.]:

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; 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 NDWG applicants' disaster-relief employment in response to the federally declared disaster event, except in the exceptions described below. WISS encourages LWDBs to propose co-enrolling participants in disaster-relief employment and/or employment and training activities and to provide supportive services as applicable. WISS also encourages LWDBs 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.

Not all participants in a Disaster Recovery NDWG project must participate in disaster-relief employment. LWDBs may provide employment and training activities to participants not in disaster-relief employment. In summary, LWDBs may enroll Disaster Recovery NDWG 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, LWDBs should design and provide employment and training activities aimed at allowing participants to obtain unsubsidized, sustainable employment following the conclusion of grant-supported activities.

Employment and Training Services – NDWG projects provide employment and training services to dislocated workers and other eligible participants following a qualifying disaster or emergency. NDWG 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 of Nevada State Compliance Policy; any supportive services provided must be consistent with WIOA. [SCP 1.15; SCP 2.5]

Cost per Participant

LWDBs are expected to monitor the average cost per participant throughout the project’s lifecycle and address this cost in the budget narrative when submitting modification requests for budget realignments or for additional funding. Proposed budgets exceeding a cost per participant of \$20,000 must include a justification and be approved by WISS and the DOL-ETA Grant Officer. The Grant Officer will review such requests on a case-by-case basis as part of the modification request, particularly after the project has a chance to get established and is in full operation. *The initial award does not constitute a per participant approval above \$20,000 per participant.*

Cost per participant equals the total award divided by the number of planned grant participants. This metric accounts for all proposed grant costs across total projected enrollments (including applicable costs for grant administration, employment and training

services, disaster-relief wages and fringe benefits, supportive services, etc.). However, it is possible (and allowable) that recipients could bill more than \$20,000 to the Disaster Recovery NDWG for a single participant, depending upon the work performed and the length of their disaster relief employment. Participants employed in disaster-relief jobs must be paid 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. Participants shall be compensated at the same rates, including periodic increases, as employees who are similarly situated in comparable occupations by the same employer and who have similar training, experience, and skills, and such rates shall be in accordance with applicable law, but in no event less than the higher of the rate specified in the Fair Labor Standards Act of 1938 or the applicable State or local minimum wage law. Fringe benefits should be paid in accordance with the policies of the employer of record. [WIOA Sec. 181(a)(1)(A)] [Fair Labor Standards Act of 1938, 29 USC 206(a)(1), Section 6(a)(1)] [NRS 608.250] [NAC 608.108]

Allowable Activities under Disaster Recovery NDWG

NDWG activities are intended to provide a fully integrated, demand-driven response to the needs of individuals affected by the COVID-19 pandemic response. Allowable activities include all employment and training activities normally available to dislocated workers.

Descriptions of Allowable Activities

Disaster Relief Employment—Disaster Recovery NDWG provides funding for the creation of disaster-relief employment, which is temporary employment of eligible individuals for the purposes described in WIOA 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 NDWG aligns with the following two categories:

- Cleanup and recovery efforts—For the COVID-19 pandemic, WIOA requires that cleanup activities respond to the impacts of the disaster. While these efforts are typically associated with the aftermath of tornadoes, fires, and floods, some cleanup activities are relevant to the coronavirus response. For example, cleanup activities may include cleaning schools or sanitizing quarantine and treatment areas after their use.
- If research determines that the COVID-19 virus is more likely to spread under certain physical conditions, Disaster Recovery NDWG funds can be used to help remedy these conditions. By law, disaster-relief employment activities may include only those that respond to or mitigate the impact of the disaster; WISS and LWDBs may not use NDWG-funded disaster-relief employees to perform work aimed at preventing future disasters. Preventive measures such as setting up quarantines and cleaning buildings are mitigation activities because they prevent the further spread of the virus.
- Employment related to the delivery of appropriate humanitarian assistance in the immediate aftermath of the disaster or emergency—WIOA’s allowance for disaster relief employment to provide humanitarian assistance provides the greatest range

of potential disaster-relief employment activities. Disaster-relief employees may help address many needs created by the pandemic response by participating in activities, such as the following:

- Delivering medicine, food, or other supplies to older individuals and other individuals with chronic medical disorders as well as observing appropriate training and precautions (i.e., the COVID-19 virus' infection has inflicted the most harm on these populations, and there may be a large need for such services that traditional volunteer organizations cannot support alone.);
- Helping set up quarantine areas and aiding quarantined individuals; or
- Organizing and coordinating recovery, quarantine, and other related activities.

Employment and Training Services – NDWG projects provide employment and training services to dislocated workers and other eligible participants following a qualifying disaster or emergency. NDWG 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, employment and training services, and when supportive services cannot be obtained through other programs.

General Policies: Disaster Recovery NDWGs

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. 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. [20 CFR 687.180(b)(1)]

While each disaster is different, the expectation is 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.

Participant Wages – The worksite employer that provides participants temporary disaster-relief employment under a Disaster Recovery NDWG 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. 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 not less than

the higher of the rate specified in the Fair Labor Standards Act 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. [WIOA Sec. 181(a)(1)(A)] [Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1), Sec.6(a)(1)] [NRS 608.250]

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.

LWDBs must allocate NDWG funding owed for wages of the temporary workers to only the chosen worksite employer for the Disaster Recovery NDWG project. There is no limitation on what type of entity may be a worksite employer.

Worksite Selection and Work on Private Property– Disaster-relief worksites must be located in the geographic disaster area covered by the qualifying declaration for the Disaster Recovery NDWG (a disaster or emergency declaration under the Stafford Act or other Federal agency's declaration of a disaster or emergency of national significance).

LWDBs 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 below under "Coordination with Emergency Management Agencies."

Projects may perform work on private property only under these circumstances [[TEGL 12-19, Attachment I](#)]:

- 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.
- 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).
- The project prioritizes service to older individuals and individuals with disabilities.
- Grantees must not use Disaster Recovery NDWG 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 the immediate response to the NDWG disaster situation. (Nevada COVID-19 Disaster Recovery NDWG).

NDWG-funded disaster-relief workers must only provide humanitarian assistance appropriate under a Disaster Recovery NDWG, focusing specifically on responding to the immediate impacts of a disaster, as declared by the Federal agency with jurisdiction over the Federal response. Humanitarian assistance that solely focuses on prevention and planning of future disaster events is not an allowable activity under a Disaster Recovery NDWG. Per guidance from DOL, WISS can only allow activities for future events and only if these activities are incidental to responding to the humanitarian assistance needs created by the disaster.

Mitigation – Generally, disaster relief employment under Disaster Recovery NDWGs will not be authorized for activities that are designed to mitigate future disasters. NDWG activities may be allowed if they help mitigate the ongoing effects of the disaster and prevent future disaster. In the instance of preventing a future disaster, the activities are part of a temporary employment initiatives to clean up or provide humanitarian assistance to victims of the disaster or emergency that served as the grant’s qualifying event. NDWG funds may support mitigation work only within the requirements of WIOA Section 170(d)(1) for disaster relief employment.

Coordination with Emergency Management Agencies – LWDBs must coordinate activities funded under Disaster Recovery NDWG with the appropriate organizations, including state emergency management agencies, to avoid duplication of efforts. Coordination should also ensure that its activities appropriately respond to the affected community’s needs after a disaster. WISS can assist LWDBs in coordinating 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.

LWDBs 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 NDWG projects, LWDBs 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. 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. LWDBs 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. [WIOA Sec. 181(b)(4)]

II. **Employment Recovery Dislocated Worker Grant (NDWG)**

The Employment Recovery NDWG provides resources to the State to respond to the pandemic's major economic dislocations, such as large, unexpected layoffs that causes significant job losses. The State has demonstrated a need for additional funds to provide employment and training assistance to workers affected by a major economic dislocation, such as plant closures and mass layoffs; this can also include closures and realignments of military installations. Employment Recovery provides employment and training assistance to dislocated workers and other eligible participants in the following scenarios under 20 CFR 687.110(a):

Qualifying Layoff Events

The following dislocation scenarios could qualify for Employment Recovery NDWGs under 20 CFR 687.110(a).

- **Mass Layoff or Plant Closure** – Layoffs or plant closures affecting 50 or more workers from one employer within the service area of the applicant may qualify for Mass Layoff or Plant Closure Employment Recovery NDWGs. An applicant may include smaller layoffs at other companies in the area if the primary layoff caused or contributed to the smaller layoffs.
- **Industry-Wide Layoffs** – Layoff events from multiple companies in the same industry, as determined by the two-digit code level in the North American Industrial Classification System (NAICS), may qualify for Industry-Wide Employment Recovery NDWGs. Additional layoffs affecting fewer than 50 workers may be included in an industry-wide NDWG application when there is at least one company with a layoff affecting 50 or more workers included in the application, and the additional companies are in the same NAICS two-digit code level.
- **Community Impact** – Multiple small dislocations occurring over a period of up to 12 months that have significantly increased the number of unemployed individuals in a regional or local workforce area may qualify for a Community Impact Employment Recovery NDWG. Community impact grants typically serve rural areas where the employer base is predominantly smaller companies with fewer than 50 employees each, and where layoffs may not meet the definition of “mass layoffs” noted above.

Participant Eligibility

Per 20 CFR 687.170(a), an individual eligible to receive services through an Employment Recovery NDWG must be:

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, with the next 24 months after the date of the determined 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 reduction 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 from active duty or full-time National Guard duty (as defined in section 1141 of title 10, United States Code); or is separated from active duty or full-time duty National Guard duty pursuant to a special separation benefits program under 10 U.S.C 1174a, or the voluntary separation incentive program under 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.

Where these laws and policies do not conflict with WIOA, established State Compliance Policies set by Nevada Governor's Office of Workforce Innovation (OWINN) and Nevada's Department of Employment, Training and Rehabilitation (DETR) will further determine which individuals are eligible participants for NDWG supported services. However, precedence for participation is encouraged to those individuals directly affected by the layoff(s) as identified in the NDWG Statement of Work (SOW).

Co-Enrollment with Trade Adjustment Assistance (TAA)

A separate NDWG application to cover trade-affected workers is no longer required by USDOL; instead, trade affected workers may be served under Employment Recovery NDWGs as applicable. WISS strongly encourages co-enrollment with appropriate programs for eligible individuals, including those who are trade-affected.

Employment Recovery NDWGs may provide NDWG participants who are trade-affected with allowable services that are not otherwise provided by the TAA Program. Generally, the TAA Program provides employment and case management services, training, income support, and job search and relocation allowances for eligible adversely affected workers and employment and case management services and training for eligible adversely affected incumbent workers.

The Trade Act, as amended, contains provisions allowing the costs of a training program approved under the Act to be paid by TAA funds or from other sources but does not allow duplication of payment for training. Under certain circumstances, the costs of training may be shared across TAA and DW formula or NDWG programs. However, TAA funds may not be used to reimburse training costs incurred, and TAA funds cannot be utilized before a participant is determined eligible for TAA. Additionally, the TAA Governor-Secretary Agreement, Section D, requires that the TAA Program will be the primary source of assistance to trade-affected workers. To the extent trade-affected workers require assistance or services not authorized under the TAA Program, or for which TAA Program funds are unavailable or insufficient (including for required employment and case management services), the state will make such assistance available through the American Job Center network. This provision includes services provided by NDWGs. [Trade Adjustment Assistance Act, Sec. 236 and 239]

Trade-affected workers may receive NDWG-funded training if their required training is not covered by the TAA Program.

Priority Employment Positions

The Employment Recovery NDWG funding will support a variety of occupational skills training activities for dislocated workers for in-demand occupations that have been directly impacted due to COVID-19.

This funding will also be utilized to provided occupational skills training and on-the-job training (OJT) to upskill dislocated workers with in-demand occupational skills and certifications. This will positively impact the significant immediate employment need for in-demand jobs in Nevada due to the COVID-19 pandemic and resulting economic disaster. The focused occupations for upskilling dislocated workers with occupational skills training include, but are not limited to: community health worker (CHW); certified nursing assistant (CNA); registered nurse (RN); emergency medical technician (EMT); personal care attendant (PCA); phlebotomy technician; electrician; information technology occupations; heating ventilation, air conditioning (HVAC) technician; medical biller and coder; medical administrative assistant; electrocardiogram (EKG) technician; medical assistant; Class A and B commercial truck driver; and warehouse/logistics associate.

Allowable Activities under NDWG

Employment and Training Assistance. For Employment Recovery NDWGs, the term “employment and training assistance” includes career services, training services, and supportive services, as described below:

Career Services – Career services are described in WIOA Section 134(c)(2); 20 CFR Part 680; and TEGL 16-16 Section C. These include several services and activities to help support dislocated workers in making informed decisions based on local and regional economic demand for the purpose of achieving reemployment and education goals. These include, but are not limited to outreach, intake, labor exchange services, initial and comprehensive assessments, development of an individual employment plan, and referrals. Career services has provisions for labor market information, eligible training providers, and on the availability of supportive services.

Training Services – As described in WIOA Section 134(c)(3)(D), training services are allowable under Economic Recovery NDWGs and may 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 or up to the reimbursement percentage the Governor or local board has approved for on-the-job training for WIOA formula programs according to the criteria outlined in WIOA Section 134(c)(3)(H) and 20 CFR 680.730. The use of NDWG funds for training is subject to the limitations or requirements as applicable to the WIOA Dislocated Worker formula program. [20 CFR 680] [TEGL 19-16] [SCP1.14; SCP 2.6]

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 Nevada State Compliance Policy and Local Workforce Development Board policies; any supportive services provided must be consistent with WIOA. [SCP1.15; SCP 2.5]

Needs-Related Payments (NRPs) – NRPs are a category of Supportive Services. As defined in WIOA Section 134(d)(3), NRPs are allowable for NDWG 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 a NDWG must adhere to Nevada State Compliance Policy and Local Workforce Development Board policies and procedures in place for all participants. Policies and procedures may not be specifically created for NDWG participants. Applicants who plan to offer NRPs to NDWG participants must include a copy of the applicable NRP policies as part of the grant submission. [SCP 1.15; SCP 2.5]

If the dislocated worker has ceased to qualify for unemployment compensation, they are still eligible for NRPs if they meet the 13-week deadline for enrollment in training requirement. [WIOA Sec. 134(d)(3)(B)] [20 CFR 680.950]

Adding Employers

If a WISS and/or LWDBs want to add employers to a NDWG project not included in the initial grant award, the grantee should submit a grant modification request within the same program year in which the grant award was made. If the addition of new employers' results in a change in scope to the NDWG project, such additions may be prohibited by Federal appropriations law. Grantees must administer NDWG projects for the original purpose under which the funds were awarded.

SECTION THREE

I. EmployNV Data Entry for National Dislocated Worker Grant

Workforce Investment Support Services (WISS) office implemented enhancements to the Management Information System (MIS) EmployNV, to allow tracking and reporting of NDWG participation.

Participants who receive support services under this NDWG must be recorded in EmployNV. Participants may be served in their workforce area of origin or in the workforce area to which they quarantined. Both Disaster Recovery and Employment Recovery grants are available to both LWDBs, and all WIOA services are allowable, as applicable.

II. Reporting Requirements

All ETA recipients are required to submit quarterly financial and narrative progress reports for each grant award, no later than 45 days after the end of each calendar year quarter.

- **Quarterly Financial Reports** –WISS is required to report quarterly financial data on the ETA-9130 Form. ETA-9130 reports are due no later than 45 calendar days after the end of each specified reporting quarter. Reporting quarter end dates are March 31, June 30, September 30, and December 31. A final financial report must be submitted no later than 90 calendar days after the grant period of performance ends. A closeout report will be submitted during the closeout process.

- **Quarterly Performance Reports**

Reporting Resources: WISS must submit Quarterly Performance (QPR) and Quarterly Narrative Reports (QNR). In accordance with Training and Employment Guidance Letter, “Aligning Performance Accountability Reporting, Definitions, and Policies Across Workforce Employment and Training Programs Administered by the U.S. Department of Labor (DOL)”. [TEGL 14-18, attachment 6]

LWDBs will be required to submit quarterly performance reports. LWDBs quarterly reports are due thirty (30) days after the end of each the quarter. WISS will have fifteen (15) days to review and submit the combined quarterly reports from both LDWBs into the Workforce Integrated Performance System (WIPS). Refer to the NDWG Quarter Performance Report form for additional instructions.

Reporting System: WISS must submit performance reports through the Workforce Integrated Performance System (WIPS).

Required Reports – The required reports for all NDWG grantees (WISS) are: Quarterly Performance Report (ETA 9173) – The NDWG Quarterly Performance Report (QPR) is generated from grantee’s submission of individual participant record files. Grantees must certify a 9173 QPR each quarter. This report captures participant characteristics, services, and outcomes according to the Participant Individual Record Layout (PIRL) layout: https://doleta.gov/performance/pfdocs/ETA_9172_DOL_PIRL_1.18.81.pdf.

Recipients submit the QPR by uploading their participant record file in WIPS. Note that on the file upload screen under Schema Name, NDWG recipients must select “State Integrated Record Schema (SIRS)” from the drop-down menu. Under Target Program, select “National Dislocated Worker Grants” from the drop-down menu.

Quarterly Narrative Report (ETA 9179) – NDWG recipients submit the Quarterly Narrative Report (QNR) using the WIPS reporting system. This report is an opportunity for grantees to share information on project success stories, upcoming grant activities, and promising approaches and processes. The final quarterly report must summarize the successes and/or challenges in delivering services to the target population, as well as address the topics of sustainability, replicability, and lessons learned.

Note: Quarterly performance and narrative reports, as described above, will be submitted by WISS. LWDB will be required to submit quarterly performance report forms to WISS that will be submitted to DOL, through WIPS, on their behalf as the award grantee.

III. Monitoring

LWDB staff is expected to perform monthly site visits to ensure that subcontractors and/or temporary workers are complying with the work site agreement. For those work sites that have occupancy restrictions in place due to the pandemic response, and for the safety of staff, the site visits may be conducted virtually. Virtual platforms for videoconferencing, such as GoTo Meeting, Microsoft Teams, and Zoom are acceptable tools for the virtual visits. Site visit details must be documented on NDWG Quarterly Performance Report forms submitted to WISS at the end of each quarter.

Performance

The NDWG program applies performance measures as described in WIOA Section 116. These include the following:

- For State grantees, state performance goals for the WIOA title I Dislocated Worker Program serve as a basis for each NDWG;
- For subgrantees that are a Local Workforce Development Boards (LWDB), utilize goals that have been established with the State for the title I Dislocated Worker program. [SCP 1.16]

Planned Performance

Below is the planned performance enrollment numbers for the state and each LWDB:

Disaster Recovery

- State Planned Enrollment Participation:
 - Participant Disaster Employment Wages = 26
 - Participant Fringe = 26
 - Supportive Services = 18
- Nevadaworks – Planned Enrollment Participation:
 - Enrolled in Disaster Relief = 11
- Workforce Connections – Planned Enrollment Participation:
 - Enrolled Disaster Relief = 15

Employment Recovery

- State Planned Enrollment Participation:
 - Career Services = 1,338
 - Training Services (excluding OJT) = 1,042
 - On-the-Job Training Only = 154
 - Supportive Services (excluding NRPs) = 548
 - Need-Related Payments (NRPs) = 75
- Nevadaworks – Planned Enrollment Participation:
 - Enrolled in Disaster Relief = 388
- Workforce Connections – Planned Enrollment Participation:
 - Enrolled Disaster Relief = 950

Program/Fiscal Monitoring

Program and fiscal monitoring will be conducted by the WISS monitoring team on an annual basis for the term of the grant(s). [SCP 5.7]

- Monitoring must be completed before the end of the first year of the awarded grant:
 - Disaster Recovery by April 2021
 - Employment Recovery by June 2021
- Monitoring will continue on a regular schedule for the term of the grant(s) until the grant(s) end date or upon termination.

IV. Request for Reimbursement (RFR)

Each LWDB will submit a Request for Reimbursement (RFR) on a monthly basis or sooner if necessary. The RFR must include a line item breakdown of funds requested. WISS will provide each LWDB with a blank RFR template that is identified and specific to use for each NDWG.

V. Participant Individual Record Layout (PIRL) requirements

Program Administration

PIRL Reporting Requirements – Case Managers must record all related services provided through the NDWG. Activities must be entered into EmployNV (MIS) system. Different code values must also be entered depending on if an individual received one of the three services [TEGL 23-19; PIRL Elements 2001-2004]:

1. If the participant received disaster relief employment only under NDWG and no other services under Disaster Recovery NDWG.
2. If the participant received disaster relief employment and received Employment and Training services (Career and Training services) under Disaster Recovery NDWG.
3. If the participant received Employment and Training services (Career and Training services) only under a Disaster NDWG and did not receive disaster relief employment under a Disaster Recovery NDWG.

All participants must have chronological case notes documenting the details of their participation in the NDWG project. Additional supporting documentation must be uploaded into EmployNV as it applies for validation of services and employment. Below is an explanation of PIRL data elements for NDWG program participants and allowable source documentation.

1. **105,106,107 – Special Project ID:** WISS must report accurately for an individual participant that may have participated in more than one NDWG project.
 - a. In unique circumstances, the grant number for the first NDWG project is recorded in data element 2003, see below. The required entry of PIRL data element 2003 is the first seven (7) alphanumeric digits of the NDWG grant number.
 - b. The grant number for the second NDWG project is recorded in data element 105, Special Project 1D-1. The required entry for PIRL data element 105 is the first seven (7) alphanumeric digits of the NDWG grant number.

Note: PIRL data element 105 is only used to report NDWG grant number in the unique circumstance that an individual participates in more than one NDWG project. Data element 105 may only be used for NDWG when there is already a grant number entered in PIRL data element 2003.

In cases of supplemental funding awards to continue an existing NDWG project, data element 105 should not be used.

Special Project ID 106 may be used if participation in a third NDWG needs to be recorded for an individual, and Special Project ID 107 to record participation in a fourth NDWG for that individual.

2. **903 – Adult; 904 – Dislocated Worker:** In cases where a NDWG participant is co-enrolled in the Adult or Dislocated Worker programs, NDWG grantees must include such participants in the applicable program of co-enrollment (in addition to element PIRL data 932).
3. **907 - Incumbent Worker Training:** Incumbent Worker Training (IWT), PIRL element number 907 is generally not allowable for NDWG but may be made available for certain specified funding opportunities and is therefore marked as “R”. Grantees must respond “no” to PIRL data element 907 unless IWT is allowable for a specific funding opportunity.
 - a. **Source Documentation is as follows:**
 - i. Signed IWT Contract
 - ii. Electronic Records

4. **908 - Rapid Response:** NDWG grantees complete data element 908 to indicate if the DWG participant also received rapid response services
 - a. Source Documentation is as follows:
 - i. Crossmatch to State MIS Database
 - ii. Case Notes
 - iii. Self-Attestation
 - iv. Rapid Response List
 - v. Crossmatch to Rapid Response Records

5. **915 - TAA Petition Number:** In cases where a DWG participant is co-enrolled in the TAA program, DWG grantees must record the TAA petition number of the certification which applies to the participants group (in addition to PIRL data element 932).
 - a. Source Documentation is as follows:
 - i. Employer Worker List
 - ii. Designation Eligibility Form

6. **923 - National Dislocated Worker Grant:** Grantees must complete data element 932 to track participants (code value 1) and reportable individuals (code value 2) in the NDWG program

7. **933 - Date of First NDWG Service:** The date on which the NDWG participant began receiving the first service funded by the NDWG program. This data element captures the start of NDWG-funded services.

8. **2001 – Date of Completion in NDWG Services:** Date participant received their last service in the NDWG program.
 - a. Source Documentation is as follows:
 - i. Crossmatch between electronic records and attendance sheets
 - ii. Vendor training records with follow-up crossmatch to electronic records
 - iii. Case notes with follow-up crossmatch to electronic records

9. **2002 – Employed at Completion of NDWG Services:** Participant is employed at the completion of participation in services under National Dislocated Worker Grant (NDWG). Employment is counted the quarter in which the participant stops receiving funded services through a NDWG project.
 - a. Source Documentation is as follows:
 - i. UI wage date match/administrative wage match, such as the National Directory of New Hires
 - ii. Follow-up survey from program participants
 - iii. Paycheck stubs, tax records, W-2 forms
 - iv. Quarterly tax payment forms, such as an IRS form 941
 - v. Document from employer on company letterhead attesting to an individual’s employment status and earnings

- vi. Self-employment worksheets signed and attested to by program participants
- vii. Detailed case notes verified by employer and signed by the counselor

10. **2003 - NDWG Grant Number:** In order to ensure that each NDWG participant is appropriately recorded and tracked to a NDWG project, the NDWG grant number must be captured in PIRL data element 2003. *Nevada's grant numbers are as follows:*

- I. *DW-34818-20-60-A-32 (Disaster Recovery)*
- II. *DW-35240-20-60-A-32 (Employment Recovery)*

The full grant number may contain 13 or 14 alphanumeric characters. The required entry for PIRL data element 2003 is the first seven alphanumeric digits of the grant number (without dashes).

11. **2004 – Received Services through a Disaster Recovery Dislocated Worker Grant:** If the participant received disaster relief employment only under NDWG and no other services under Disaster Recovery NDWG.

a. Source Documentation is as follows:

- i. UI wage date match/administrative wage match, such as the National Directory of New Hires
- ii. Follow-Up survey from program participants
- iii. Paycheck stubs, tax records, W2 forms
- iv. Quarterly tax payment forms, such as an IRS form 941
- v. Document from employer on company letterhead attesting to an individual's employment status and earnings
- vi. Self-employment worksheets signed and attested to by program participants
- vii. Detailed case notes verified by employer and signed by the counselor
- viii. Electronic Records