



# Workforce Development System Technical Advisory



September 30, 2008

## Workforce Development System Technical Advisory #07 -8.1

- TO:** Chairpersons of Local Workforce Investment Boards  
Chief Elected Officials  
WIA Grant Recipients  
WIA Fiscal Agents  
WIA Local Area Contact Persons  
DEWS Team Leaders  
NYSDOL Regional Representatives
- Subject:** **REVISED** - Procedure for Requesting Discretionary WIA Dislocated Worker Funds for the Provision of Services to Dislocated Workers due to Substantial Layoffs or Plant Closings
- Purpose:** To communicate revised New York State Department of Labor (N YSDOL) procedure for requesting Discretionary Dislocated Worker funds for the provision of services to dislocated workers due to substantial layoffs or plant closings.
- To rescind and replace TA # 07 -8, **REISSUED** - Procedure for Requesting Discretionary WIA Dislocated Worker Funds for the Provision of Services to Dislocated Workers due to Substantial Layoffs or Plant Closings, June 18, 2007.
- References:** Workforce Investment Act, Section 134(a)(2)(A)(ii)
- Background:** The Workforce Investment Act (WIA) of 199 8 authorizes the provision of additional assistance to local areas that experience disasters, mass layoffs or plant closings, or other events that precipitate substantial increases in the number of unemployed individuals.
- Action:** Local Workforce Investment Areas (LWIAs) on behalf of the Local Chief Elected Official and the Local Workforce Investment Board may request supplemental Dislocated Worker funds from the New York State Department of Labor (NYSDOL) to address service provision needs to affected disl ocated workers that are the result of plant closings or substantial layoffs.
- These funds may be requested to address plant closings and substantial layoffs that exceed the resources available through the Local Area's formula allocations grant period is generally up to 12 months. Availability of these funds became effective July 1, 2007, and will continue dependent upon the availability of State -Level Rapid Response funds. To ensure expeditious and timely funding of these critical services to affected dislocated workers due to plant closings or substantial layoffs, upon

approval, the NYSDOL will issue a Notice of Obligational Authority (NOA) to the requesting LWIA for the first quarter based on projected needs. Subsequent funding by quarter will be dependent on the result of a review of the situation with the affected company; what actual services were provided in the previous quarter ; the actual outcomes of the services rendered ; the coordination of other funding and/or resources ; and the current availability of State funds.

Please note that if a LWIA receives a distribution of WIA Discretionary Dislocated Worker funds, then these funds are not eligible for any transfer to the Adult program or for use for other eligible dislocated workers. Further, if the local area submits any additional requests for WIA Discretionary Dislocated Worker funding in response to other subsequent plant closing or substantial layoff, all requests will be combined for funding consideration.

## **I. Definitions:**

**Plant closing** is the permanent shutdown of a single site of employment affecting 50 or more workers.

**Substantial layoff** is the reduction in force which is not the result of a plant closing and which results in an employment loss at a single site of employment during any 30-day period for:

- (a)(i) at least 33% of the fulltime employees; and
- (ii) at least 50 fulltime employees. Or,
- (b) at least 200 fulltime employees.

**Fulltime Employees** are those that regularly work 20 or more hours per week.

## **II. Requests for Supplemental Dislocated Worker Funds** To receive consideration for State discretionary dislocated worker funds to serve workers dislocated as a result of plant closing or substantial layoffs, a LWIA must submit a service plan and demonstrate the need for these funds:

Describe the need, including the specific event that resulted in the plant closing or substantial layoffs. Provide documentation for the event which should include: why available PY 2008 Dislocated Worker resources are insufficient to address the need, current and projected service and expenditure levels for the LWIA's formula Dislocated Worker funds and supplemental Dislocated Worker funds.

Provide a profile of the affected workers of the event, the number of workers to be served, educational and skill levels of the affected workers, the types of services to be provided and proposed outcomes.

Identify whether the affected workers have been determined to be trade eligible and how services will be coordinated with available Trade Adjustment Act (TAA) training funds.

Identification and coordination of other resources and/or funding to assist in serving the affected workers, including the provision of rapid response services to be provide by the public workforce system partners.

Provide a proposed quarterly budget and participant plan for enrollments, service levels, program outcomes and accrued expenditures for the requested State Discretionary Dislocated Worker funding. The plan must also include anticipated separation date(s).

Identify any subgrantees or subcontractors as appropriate, and their anticipated roles and responsibilities.

### **III. Allowable Costs**

These discretionary funds must be tracked separately from the formula funds by the LWIA.

Funds can only be used for services to workers affected by the specific plant closing or substantial layoff event. Any unexpended funds at the end of the award period will be returned to NYSDOL. Note that NYSDOL's expectation is that pre-layoff core and intensive services will be provided by the joint State/Local Rapid Response teams.

A maximum of 10% of the total grant amount may be spent on programmatic administrative type costs.

Purchase of equipment costing in excess of \$5000 per item is not allowable.

Facility renovations are not allowable.

Once the service plan is submitted, NYSDOL Division of Employment and Workforce Solutions (DEWS) Field staff will review the LWIA's planned expenditures, participant levels and service levels to insure that it is in line with the needs statement. If the local area is approved for a WIA Discretionary Dislocated Worker funds distribution, the local area will be notified of the approval and a NOA for the initial quarter's funding needs will be issued. Requests for funding for subsequent quarters will be considered after a current review of the situation of the affected company and after a review of what services were actually provided in previous quarters and the outcome of the services rendered. In addition, a review will take into consideration the identification and coordination of other resources and/or funding that are utilized in providing services. Commitments for specific future funding levels will not be made until a thorough review of the existing situations is conducted and only after consideration of remaining state level funds.

Should State Level Rapid Response funds be unavailable, DEWS staff will provide assistance to develop a National Emergency Grant proposal for funding consideration by USDOL ETA.

**Planned Budget for the Project**

Please include a budget narrative for each of the totals below.

	<b>1<sup>st</sup> Quarter</b>	<b>2<sup>nd</sup> Quarter</b>	<b>3<sup>rd</sup> Quarter</b>	<b>4<sup>th</sup> Quarter</b>	<b>Subsequent F/Y</b>
Staff Salaries					
Staff Fringes					
Training Costs (by type – CRT and/or OJT)					
Participant Support Payments					
<b>Total</b>					

**Planned Cumulative Participant Information**

	<b>1<sup>st</sup> Quarter</b>	<b>2<sup>nd</sup> Quarter</b>	<b>3<sup>rd</sup> Quarter</b>	<b>4<sup>th</sup> Quarter</b>	<b>Subsequent F/Y</b>
# of Enrollments					
# Received Staff- Assisted Core Services					
# Received Intensive Services					
# Received Training					
# of CRTs					
# of OJTs					
# Exited					
# Placed					
Average Wage Replacement Rate					