



# Guidance

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COMMONWEALTH OF KENTUCKY  
DEPARTMENT OF WORKFORCE DEVELOPMENT

**GUIDANCE NAME:** Disaster Recovery National Dislocated Worker Grant (DWG)  
Statewide Long-Term Unemployed and Significantly  
Underemployed Definitions - Change 1

**GUIDANCE NUMBER:** 22-003

**DATE OF ISSUE:** August 12, 2022 / Reissued April 1, 2025

**EFFECTIVE DATE:** April 1, 2025

**POINT OF CONTACT:** [Compliance.Unit@ky.gov](mailto:Compliance.Unit@ky.gov)

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**PURPOSE:** The USDOL issued TEGL 09-24 on December 17, 2024, which rescinded and replaced TEGLs 04-18 and 16-21. TEGL 09-24 was issued to align Opioid public health emergency grants with all other Disaster Recovery DWGs. This guidance is applicable to all Disaster Recovery applicants, including Opioid-Related requests made while the public health emergency declaration remains in effect. Eligible participants under Disaster Recovery DWGs include long-term unemployed individuals. The purpose of this guidance is to provide Kentucky’s definitions for “long-term unemployed,” “significantly underemployed,” and “temporarily or permanently laid off as a consequence of the emergency or disaster” and emphasize relevant portions of TEGL 09-24.

**HISTORY:** Policy 22-003 was issued on August 12, 2022. It only included definitions for long-term unemployed, significantly underemployed, and temporarily or permanently laid off as a consequence of an emergency or disaster and the required source documentation. That Policy has now been rescinded and replaced with this Guidance.

**BACKGROUND:** Under the Workforce Innovation and Opportunity Act (WIOA), 20 CFR 687.170(b) establishes eligibility for participants to enroll in allowable activities and receive services provided through Disaster Recovery DWG, including individuals temporarily or permanently laid off as a consequence of the emergency or disaster, dislocated workers as defined in WIOA Sec. 3(15), long-term unemployed individuals, and self-employed individuals who become unemployed or significantly underemployed as a result of the emergency or disaster. Pursuant to USDOL ETA’s Training and Employment Guidance Letter (TEGL) No. 09-24, Disaster Recovery DWG recipients are responsible for developing written policies and procedures for determining participant eligibility, such as long-term unemployed and significantly underemployed. Further, USDOL ETA recommends that states and other entities eligible to apply for Disaster Recovery DWGs develop a definition for long-term unemployed individuals in the manner that best meets their local needs and maximizes access to services with a reasonable interpretation of the term “long-term unemployed.”

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## **GUIDANCE:**

### **I. LONG-TERM UNEMPLOYED DEFINITION**

A long-term unemployed individual is a person who has made specific efforts to find full-time employment and is:

- a) An unemployed adult, 18 or older, with a sparse work history, including a history of temporary/seasonal employment, multiple terminations, or multiple quits;
- b) An unemployed adult, 18 or older, who has never had a job and is seeking employment;
- c) An unemployed adult, 18 or older, who has a significant barrier to employment;
- d) Currently incarcerated individuals who will soon be released;
- e) Homeless Veterans Reintegration Program (HVRP) grant participants who are unemployed; or
- f) Returning citizens.

### **II. SIGNIFICANTLY UNDEREMPLOYED DEFINITION**

A self-employed individual must meet one of the below categories to be determined significantly underemployed:

- a) Individual employed less than full-time for 12 consecutive weeks or more and is seeking full-time employment;
- b) Individual who is employed in a position that is inadequate with respect to their skills and training;
- c) Individual who is employed but meets the definition of low-income individuals in WIOA sec. 3(36); or
- d) Individuals who are employed but whose current job earnings are below self-sufficiency (i.e., less than 90% of previous job earnings).

### **III. TEMPORARILY OR PERMANENTLY LAID OFF AS A CONSEQUENCE OF THE EMERGENCY OR DISASTER**

An individual may be determined to have been “temporarily or permanently laid off as a consequence of the emergency or disaster.” Temporarily laid-off does not require any specific amount of time from an individual to be out of work, but one or more of the following criteria must be met:

- a) An individual who was employed prior to the disaster event, including those who may have been determined to be underemployed, low-income individuals, or those whose earnings are below self-sufficiency;
- b) An individual who was employed prior to the emergency or disaster event, and due to the impacts of the emergency or disaster, currently works or temporarily worked fewer hours following the emergency or disaster; or
- c) An individual who was employed prior to the declared emergency or disaster and lost employment due to a need to remain at home to care for a family member, who was terminated from employment for refusing to report work due to a workplace made unsafe by the emergency or disaster, or who otherwise lost employment because of the impacts of the emergency or disaster and who would not otherwise be eligible for unemployment insurance or as a dislocated worker.

### **IV. DISALLOWED GRANT ACTIVITIES:**

WIOA prohibits the use of DWG funds for new construction and other activities that aim to prevent the impact of future disasters.

## **V. DISASTER RELIEF EMPLOYMENT ACTIVITIES:**

Employment and training activities should be designed to allow participants to obtain unsubsidized, sustainable, and quality employment following the conclusion of grant-supported activities.

## **VI. PARTICIPANT ENROLLMENT OPTIONS:**

Grant recipients may enroll Disaster Recovery DWG participants in the following:

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

## **VII. SUPPORTIVE SERVICES:**

Supportive services are allowable when needed to enable individuals to enroll in and maintain participation in grant activities. Any supportive services provided must be consistent with WIOA, applicable WIOA and Employment and Training Administration (ETA) regulations, DOL guidance, and State policies.

## **VIII. PARTICIPANT WAGES AND WORKING CONDITIONS:**

Participants must be compensated at the same rates, including periodic increases, shift differential, benefits, or overtime pay, as any employees who are similarly situated working in similar positions at the same employer and who have similar training, experience, and skills. In cases where the disaster-relief employer does not have similarly situated employees, the grant recipient must ensure that the wages that they will pay to participants:

1. Are in alignment with the industry standard with that type of work in the area where the work is to be performed, supported by documentation in the application or
2. In the absence of a determinable industry standard, or at least \$15/hour.

In all DWD projects, grant recipients must establish written policies specifying that disaster relief employers ensure that project participants are afforded the same health and safety standards established under Federal and State law applicable to working conditions of permanent employees.

## **IX. DISASTER-RELIEF EMPLOYMENT ON PUBLIC AND PRIVATE PROPERTY:**

DWG projects generally carry out work on public property. Work may be conducted on private property when the following conditions are met:

1. The work must be intended to remove health and safety hazards to the larger community or to address or alleviate specific economic or employment-related impacts of the disaster, such as cleanup work needed for disaster-affected employers to resume or continue operations;
2. The activities are necessary to remove health and safety hazards on private lands or around homes, businesses, or other structures and may only return the land or structure(s) to a safe and habitable level or operational status and will not improve the original land or structure(s); and
3. Grant recipients may not use Disaster Recovery DWG funds to cover the cost of materials for repairs.

## **REQUIRED DOCUMENTATION:**

Grant recipients must maintain documentation under the Disaster Recovery DWG for all worksites, including the dates and hours worked by each participant. For work on private property, documentation must also include the rationale for the determination that such work was allowable

under TEGL 09-24. Grant recipients are not required to receive prior approval from the Kentucky DWD to work on private property.

**X. ELIGIBILITY DOCUMENTATION**

Grant recipients can enroll individuals who meet the definition of “dislocated worker” in WIOA and long-term unemployed individuals as defined within this Guidance even if the dislocation or unemployment is not a result of the qualifying event.

Grant recipients who sub-award monies to other entities must ensure that these entities adhere to these same provisions.

Eligibility Category	Required Source Documentation
<b>Long-term Unemployed</b>	
Long-Term Unemployed	Completed and signed grant designated Self-Attestation form indicating that the individual has made specific efforts to find full-time employment and has been unemployed for 12 consecutive weeks or more; unemployed for 14 out of the last 27 weeks; unemployed with a sporadic work history, including a history of temporary/seasonal employment, multiple terminations, or multiple quits; unemployed and has never had a job and is seeking employment; or unemployed with a significant barrier to employment.
<b>Self-Employed Individual Who Became Unemployed or Significantly Underemployed</b>	
Individuals employed less than full-time who are seeking full-time employment	Completed and signed grant designated Self-Attestation form indicating that individual has been underemployed for 12 consecutive weeks or more and is seeking full-time employment.
An individual who is an employee in a position that is inadequate with respect to their skills and training	<ul style="list-style-type: none"> <li>• Self-Attestation form; <b>or</b></li> <li>• Documentation in the electronic case management system showing the higher skills and training. Documentation could be listed on:               <ul style="list-style-type: none"> <li>o Participant’s profile page;</li> <li>o Participant’s resume;</li> <li>o Employment History on the WIOA Application; or</li> <li>o Documented within case notes.</li> </ul> </li> </ul>
An individual who is employed but meets the definition of a low-income individual in WIOA sec. 3(36)	<ul style="list-style-type: none"> <li>• Self-Attestation form; <b>or</b></li> <li>• Allowable source documentation for low-income status.</li> </ul>
An individual who is employed but whose current job earnings are not sufficient compared to their previous job earnings from their previous employment	<ul style="list-style-type: none"> <li>• Self-Attestation form; <b>or</b></li> <li>• Supporting documentation to document the difference in wages from previous employment and current employment. Appropriate documentation could be:               <ul style="list-style-type: none"> <li>o previous and current check stubs,</li> <li>o bank statements to show direct deposit differences, or</li> <li>o (as a last resort) an applicant statement.</li> </ul> </li> </ul>

<b>Temporarily or Permanently Laid Off as a Consequence of the Emergency or Disaster</b>	<ul style="list-style-type: none"><li>• Self-attestation form indicating how the individual has been temporarily or permanently laid off <b>or</b></li><li>• Supporting documentation showing employment prior to the emergency or disaster event.</li></ul>
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**REFERENCES:** WIOA Sec. 170(b)(1)(B)(I)  
WIOA Sec. 181(a)(1)(A)  
WIOA Sec. 181(b)(4) and (5)  
WIOA Sec. 3(15)  
WIOA Sec. 3(36)  
Fair Labor Standards Act of 1938 29 U.S.C. 206(a)(1)  
20 CFR 687.170(b)  
TEGL 09-24  
TEGL 19-16

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