

COMMONWEALTH OF KENTUCKY  
DEPARTMENT OF WORKFORCE DEVELOPMENT  
AND  
KENTUCKY WORKFORCE INNOVATION BOARD

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

**POLICY NUMBER:** 22-003

**DATE OF ISSUE:** August 12, 2022

**EFFECTIVE DATE:** August 12, 2022

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

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**PURPOSE:** The Commonwealth of Kentucky may apply for and receive funding assistance from the US Department of Labor, Employment and Training Administration (USDOL/ETA) to aid in the recovery from major disasters affecting the workforce system in Kentucky in the form of a Disaster Recovery National Dislocated Worker Grant (DWG). Eligible participants under Disaster Recovery DWGs include long-term unemployed individuals. The purpose of this policy is to provide Kentucky’s definitions for “long-term unemployed” and “significantly underemployed” in the context of Disaster Recovery DWGs, determine basic eligibility under “temporarily or permanently laid off as a consequence of the emergency or disaster,” and to establish acceptable source documentation to determine such eligibilities.

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**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. 16-21, 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.”

## **POLICY:**

### **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, who has been unemployed for 12 consecutive weeks or more;
- b) An unemployed adult, 18 or older, who has been unemployed for 14 out of the last 27 weeks;
- c) An unemployed adult, 18 or older, with a sporadic work history, including a history of temporary/seasonal employment, multiple terminations, or multiple quits;
- d) An unemployed adult, 18 or older, who has never had a job and is seeking employment; or
- e) An unemployed adult, 18 or older, who has a significant barrier to employment.

### **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) Individual who is 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” if one or more of the following criteria are 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, and had at least 1 day of unemployment caused by the impacts of the emergency or disaster event;
- 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. ELIGIBILITY DOCUMENTATION

Grant recipients must demonstrate that they have made reasonable effort to collect, during and after the emergency or disaster, the additional documentation necessary to ensure each participant is eligible. Grant recipients who subaward monies to other entities must ensure that these entities adhere to these same provisions.

Eligibility Category	Required Source Documentation
<b>Long-Term Unemployed</b>	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>	
Individual employed less than full-time who is 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.
Individual who is 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>and</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>
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>and</b></li> <li>• Allowable source documentation for low-income status.</li> </ul>
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>and</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>and</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) & Sec. 3(36); 20 CFR 687.170(b); TEGL 16-21 & TEGL 12-19, Change 1

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