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| **TRADE ADJUSTMENT ACT (TAA) ELIGIBILITY** |
| * Trade Adjustment Assistance Reauthorization Act of 2015 (TAARA 2015), Released 06/29/2015
* 20 CFR Part 617, Released in January 1975 and Current as of 04/07/2017
* TEGL 5-15, and 5-15 Change 1-Operating Instructions for Implementing the Amendments to the Trade Act of 1974 Enacted by the Trade Adjustment assistance Reauthorization Act of 2015 (TAARA 2015); Attachments A, B, and C, as Revised 09/23/2016
* DOL Core Monitoring Guide with TAA Supplement, Released 02/2014
* TEGL 23-14, Released 02/27/2015
* TEN 31-11, Released 03/01/2012
* TEGL 22-08, Section D.2.1, Released 05/15/2009

**Certifications of Petitions numbered:** * **TA-W-70,000-79,999** (2009 Reauthorization) *(01/14/2009)*
* **TA-W-80,000 – 80,999** (2011 Amendments with limited time to elect either 2002 or 2011 Rules, as amended)
* **TA-W-81,000-84,999** (2011 Extension) *as of 10/21/2011 - 12/31/2013*
* **TA-W-85,000-89,000** (2014 Reversion-using 2002 Rules) *as of 01/01/2014 - 09/28/2015*
* **TA-W-90,000 and Above** (2015 Reauthorization - TAARA 2015) *Signed into law 06/29/15, for six years*

**20 CFR 617.3(mm): Trade Adjustment Assistance (TAA)** means the services and allowances provided for achieving reemployment of adversely affected workers, including TRA, training and other reemployment services, and job search allowances and relocation allowances.**TEGL 23-14: Rapid Response and TAA:** * Upon layoff or threat of layoff, states must deliver Rapid Response services to all potentially eligible TAA worker groups to allow these workers to take advantage of Rapid Response employer networks used for layoff aversion and labor market outreach
* Rapid Response is incorporated into the petition filing process and supports an integrated and effective job-driven workforce system, as defined in **TEN 31-11** *(03/01/2012)*
* As stated in **TEN 31-11**, the Rapid Response team may also explore the possibility of the impending layoff being trade-related and if appropriate begin the TAA petition investigation process
* Workers enabled to return to work as quickly as possible following a layoff, or to prevent their layoff altogether
* Teams are trained and provide accurate information on the Trade Program certification process, eligibility criteria, Trade Program benefits and services available, Trade Act laws and updates on changes.

**TEGL 5-15: Group Eligibility Coverage:** * Workers in firms that produce articles or supply services based on an increase in imports of articles or services
* Workers in firms that have shifted production to any foreign country
* Workers in firms that produce component parts or supply services where there are increased imports of the finished article;
* Secondarily-affected workers: Workers in firms that are downstream producers or supply testing, packaging, maintenance, and transportation services to companies with TAA-certified workers; and
* Workers whose firm is identified in specific types of International Trade Commission affirmative “injury” or “market disruption” determinations.

**20 CFR 617.3(c) “Adversely Affected Worker”** means an individual who, because of **lack of work** in adversely affected employment:**1.** Has been total or partially separated from such employment; or**2.** Has been totally separated from employment with the firm in a subdivision of which such adversely affected employment exists.**Adversely Affected Incumbent Workers**: As described in **TEGL 22-08, Section D.2.1,** **“adversely affected incumbent worker**” is defined in Section 247(18) as a worker who:**1.** is a member of a group of workers that has been certified as eligible to apply for TAA benefits,**2.** has not been totally or partially separated from employment and thus does not have a qualifying separation, and **3.** is determined to be individually threatened with total or partial separation. A CSA may determine that a worker has been individually threated with separation when the worker has received a notice of termination or layoff from employment. The CSA also may accept other documentation of a threat of total or partial separation from the firm or other reliable source in making a determination that a worker is an adversely affected incumbent worker entitled to pre-separation training (except OJT and customized training, unless the customized training is for a position other than the worker’s position in the adversely affected employment).**Beginning on September 28, 2015, CSAs should apply certifications of petitions numbered TA-W-85,000-89,999 to include adversely affected incumbent workers in the worker group** identified or confirmed by the employer, even if the certification does not specifically mention this category of covered worker in the group.**Reversion 2014 Program Participants: , TEGL 5-15, Change 1 Attachment A:** Beginning on September 28, 2015, the Reversion 2014 Program will end and Reversion 2014 Program participants will be served under the 2015 Program. Reversion 2014 Program participants receiving benefits and services on September 27, 2015 will continue to receive those benefits after that date so long as they continue to meet the requirements for the benefit. All benefits received before September 28, 2015, by a worker under the Reversion 2014 Program (covered by a certification of a petition in the series TA-W-85,000-89,999) shall be included in any determination of the maximum benefits for which the worker is eligible under the 2015 Program beginning on September 28, 2015.  |

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| **1-a. Liable & agent State**  | **Evidence & Indicators** | **Observations** | **Actions Required** |
| * TAA Agent - Liable State Procedures, Updated 01/01/2014
* 20 CFR 617.44, Current as of 04/07/2017

**LIABLE & AGENT STATE RESPONSIBILITIES- RELOCATION****20 CFR 617.44****(a) Liable State***.* Before final payment of a relocation allowance may be approved, the following findings shall be made by the liable State: **(1)** The individual meets the eligibility requirements for a relocation allowance **(2)** The application for a relocation allowance was submitted by the individual within the time limits specified in SEC. 617.41(c); **(3)** The individual began and completed the relocation within the limitations; and **(4)** The liable State has verified (directly or through the agent State) with the employer, and finds, that the individual has obtained suitable employment affording a reasonable expectation of employment of long-term duration, or a bona fide offer of such suitable employment, in the area of intended relocation. **(b) Agent State***.* **(1)** When an individual relocates in a State other than the liable State, the State agency of the State in which the individual relocates shall serve as the agent State and be responsible for: (i) Assisting the individual in relocating to the State, and in filing an application for a relocation allowance with the liable State, and (ii) Assisting the liable State by furnishing to it any information required for the liable State's determination on the claim. **(2)** The agent State shall cooperate with the liable State in carrying out its activities and functions with regard to such applications. When requested by the liable State, the agent State shall verify with the employer and report to the liable State whether the individual has obtained suitable employment affording a reasonable expectation of employment of long-term duration, or a bona fide offer of such suitable employment.  | **TAA Agent - Liable State Procedures:** When Washington is the **Agent** State:The **Case Manager** will:* Enroll the participant the TAA Program
* Complete assessment processes to determine eligibility for training:
	+ Comprehensive Assessment
	+ WOWI
	+ Training Research Packet
	+ Six Criteria
	+ Individual Training Plan
	+ Process and follow liable state policy for any out-of-are job search and relocation allowance benefits

When Washington is the **Liable** State:The Agent state must verify the worker is eligible for TAA and submit requests for training plans, job search and relocation allowance to **Washington’s Coordinator** for the final decision to approve or deny benefits:The Washington State **UI/TRA Coordinator** will:* Issue, review and revoke waivers
* Process and pays TRA payments on eligible participants.
 |  [ ]  Element Met [ ]  Element Not Met [ ]  Data Validation IssuesComments: | [ ]  No Action Required[ ]  The Following Action is Required: |

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| **1-B. Notification of determinations & appeals** | **Evidence & Indicators** | **Observations** | **Actions Required** |
| * TEGL 5-15, Change 1 Attachment A, Revised 09/23/2016
* TEGL 22-15, Attachment C, Released 05/12/2016
* 20 CFR 617.50 and .51 , Current as of 04/07/2017

**20 CFR 617.50 Determinations of entitlement; notices to individuals.****(a) Determinations of initial applications for TRA or other TAA.** The State Agency whose State law is the applicable State law under §617.16 shall upon the filing of an initial application for TRA or other TAA promptly determine the individual's entitlement to such TRA or other TAA under this part 617, and may accept for such purposes information and findings supplied by another State agency under this part 617. **(b) Determinations of subsequent applications for TRA or other TAA.** The State agency shall, upon the filing of an application for payment of TRA, or subsistence and transportation under §§617.27 and 617.28, with respect to a week, promptly determine whether the individual is eligible for a payment of TRA, or subsistence and transportation, with respect to such week, and, if eligible, the amount of TRA, or subsistence and transportation, for which the individual is eligible. In addition, the State agency promptly shall, upon the filing of a subsequent application for job search allowances (where the total of previous job search allowances paid the individual was less than $600), determine whether the individual is eligible for job search allowances, and, if eligible, the amount of job search allowances for which the individual is eligible. **(e) Notices to individual.** The State agency shall notify the individual in writing of any determination or redetermination as to entitlement to TAA. Each determination or redetermination shall inform the individual of the reason for the determination or redetermination and of the right to reconsideration or **appeal** in the same manner as determinations of entitlement to UI are subject to redetermination or appeal under the applicable State law.**(f) Promptness. Full payment of TAA when due shall be made with the greatest promptness that is administratively feasible**. **(g) Procedure***.* Except where otherwise required by the Act or this part 617, the procedures for making and furnishing determinations and written notices of determinations to individuals, shall be consistent with the Secretary's “Standard for Claim Determinations—Separation Information,” (*Employment Security Manual,* part V, sections 6010-6015 (appendix B of this part).**20 CFR 617.51 Appeals and Hearings****(a)** Procedures as to the right of appeal and opportunity for fair hearing shall be consistent with sections 303(a)(1) and (3) of the Social Security Act (42 U.S.C. 503(a)(1) and (3)).**(b)** Appeals shall be decided with a degree of promptness meeting the Secretary’s “Standard on Appeals Promptness-Unemployment Compensation” (part 650 of this chapter).**TEGL 5-15, Change 1 Attachment A:** The **case management file** of each participant must demonstrate that the CSA notified each worker of his/her enrollment in training deadlines. | * What is ESD’s policy and procedure for notifying participants of TAA eligibility?
	+ Does the policy and/or procedure specify a reasonable timeframe between contacting the employer and notifying the worker of his/her TAA eligibility?
	+ What was the actual timeframe between contacting the employer and notifying the participant of his/her TAA eligibility?
* What is ESD’s policy and procedure for notifying participants of their right to reconsideration or appeal?

**20 CFR 617.50 Determinations of entitlement; notices to individuals.*** Determination of initial applications for TRA or other TAA
* Determinations of subsequent applications for TRA or other TAA
* Notice of Determination and/or
* Notice or Redetermination
* Notice of Right of Appeal

**TEGL 5-15, Change 1 Attachment A:** * The **case management file** of each participant must demonstrate that the CSA notified each worker of his/her enrollment in training deadline.
	+ On December 1, 2016, DOL TAA Coordinator suggested the case file should also demonstrate that the CSA notified the worker of the following:
* Notification of worker group certification and
* TAA benefits

**TEGL 22-15, Attachment C:*** Employer worker list, or
* Determination of eligibility (form 57)
 |  [ ]  Element Met [ ]  Element Not Met [ ]  Data Validation IssuesComments: | [ ]  No Action Required[ ]  The Following Action is Required: |
| **1-C. PETITION NUMBER, Certifications** | **Evidence & Indicators** | **Observations** | **Actions Required** |
| * Trade Adjustment Assistance Reauthorization Act of 2015 (TAARA 2015), Released 06/29/2015
* TEGL 5-15-Operating Instructions for Implementing the Amendments to the Trade Act of 1974, TAARA 2015: Attachment A, Revised 09/23/2016
* TEGL 22-15 PY15/14 Data Validation and Performance Reporting Requirements, Attachment C, Released 05/12/2016
* 20 CFR Part 617, Current as of 04/07/2017

**Certifications of Petitions numbered:*** **TA-W-85,000-89,000** (under the Revision 2014 Program)
* **TA-W-90,000 and above**

**20 CFR 617.3?(J):** **(1) Certification** means a certification of eligibility to apply for TAA issued under section 223 of the Act with respect to a specified group of workers of a firm or appropriate subdivision of a firm. **(2) Certification period** means the period of time during which total and partial separations from adversely affected employment within a firm or appropriate subdivision of a firm are covered by the certification. **TEGL 5-15:** In general, certifications cover workers separated from employment up to one year before the date of the petition. This date is known as the “**impact date**’ of the certification. The determination documents certifying petitions clearly identify the **impact date** and expiration date for each certification, and will use the impact date of January 1, 2014 where appropriate. This means that workers covered by certifications of petitions filed during the period from June 29, 2014 through September 27, 2015 will have an earlier impact date than certifications of petitions filed during the period from January 1, 2014, through June 28, 2015. This could cause confusion and complaints when those workers who were denied eligibility for TAA because they were laid off more than a year before the date of the petition learn about other workers who were laid off more than a year before the date of the petition who were determined to be eligible. CSAs should be prepared to explain that this difference in treatment was directed by the statute. | **TEGL 22-15, Attachment C:*** DOLETA website, or
* Federal Register
* Discharged or Quit – not eligible.
 |  [ ]  Element Met [ ]  Element Not Met [ ]  Data Validation IssuesComments: | [ ]  No Action Required[ ]  The Following Action is Required: |

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| **1-d. taa application date –***Data Validation Only* | **Evidence & Indicators** | **Observations** | **Actions Required** |
| * TEGL 22-15, Attachment C, Released 05/12/2016
* DOL Core Monitoring Guide with TAA Supplement, Released 02/2014
 | **TEGL 22-15, Attachment C:*** State MIS
* TAA Application Form (ensure correct form was used for the specific TAA program)
* Determination of Eligibility Form 57
 |  [ ]  Element Met [ ]  Element Not Met [ ]  Data Validation Issues | [ ]  No Action Required[ ]  The Following Action is Required: |
| **1-e. Immigration Status/Alien Verification** | **Evidence & Indicators** | **Observations** | **Actions Required** |
| * Trade Adjustment Assistance Reauthorization Act of 2015 (TAARA 2015), sec 239(K), Released 06/29/2015
* TEGL 5-15, and 5-15 Change 1-Operating Instructions for Implementing the Amendments to the Trade Act of 1974 Enacted by the Trade Adjustment assistance Reauthorization Act of 2015 (TAARA 2015); Attachments A and B, as Revised 09/23/2016
* DOL Core Monitoring Guide with TAA Supplement, Released 02/2014

**Verification of Immigration Status:****TEGL 5-15, Change 1, Attachment A:*** CSAs are required to verify the immigration status of self-reporting aliens who apply for UI.
* Aliens are required to provide an alien registration document with an alien registration number, or provide “such other documents as the CSA determines constitutes reasonable evidence indicating a satisfactory immigration status”.
* CSAs must alert staff who are responsible for processing applications to the expiration of satisfactory immigration status during the time the individual is potentially eligible for benefits so that the CSAs are able to determine that the expiration date has been changed or the alien is no longer eligible for TAA.
* This requirement applies to all benefits under the TAA Program, not just TRA benefits.

**Re-verification of Immigration Status**:**TAARA 2015 Sec. 239(k):*** CSAs are required to re-verify an individual’s immigration status if the documentation provided by the individual during initial verification will expire during the period in which that worker is potentially eligible to receive Trade benefits.
* The re-verification of satisfactory immigration status must be conducted in a timely manner, and in the same manner used for initial verification**.**
* No further action is required unless the alien’s satisfactory immigration status expires.
* When a worker’s satisfactory immigration status expires, that worker is no longer entitled to TAA benefits and services. The CSA should notify the worker that no further TAA benefits and services may be provided after the expiration date.
 | **DOL Core Monitoring Guide with TAA Supplement:*** Does the State verify satisfactory immigration status as part of the training approval process?
* How does the State establish that the worker is in a satisfactory immigration status before approving a training plan?

**TEGL 5-15, Change 1, Attachment A:** * An alien registration document with an alien registration number,
* Other documents as the CSA determines constitutes reasonable evidence indicating a satisfactory immigration status
 |  [ ]  Element Met [ ]  Element Not Met [ ]  Data Validation Issues [ ]  N/AComments: | [ ]  No Action Required[ ]  The Following Action is Required: |
| **1-f. eligible veteran status –***Data Validation Only* | **Evidence & Indicators** | **Observations** | **Actions Required** |
| * Tegl 22-15, Attachment A, Released 05/12/2016
 | **Vertran status verification:** Tegl 22-15, Attachment A* DD-214
* Cross-match with Veteran’s Data
* Letter from Veterans’ Administration
 |  [ ]  Element Met [ ]  Element Not Met [ ]  Data Validation Issues [ ]  N/A | [ ]  No Action Required[ ]  The Following Action is Required: |
| **1-G. DATE OF ACTUAL DISLOCATION –***Data Validation Only* | **Evidence & Indicators** | **Observations** | **Actions Required** |
| * TEGL 22-15-Data Validation & Performance Reporting Timelines, Released 05/12/2016
 | **Date of Dislocation Verification:** TEGL 22-15-Data Validation & Performance Reporting Timelines:* Verification from employer
* Rapid response list
* Notice of layoff
* Public announcement with follow-up cross-match with UI
* Self-attestation
* Date of dislocation should be included in case notes
 |  [ ]  Element Met [ ]  Element Not Met [ ]  Data Validation IssuesComments: | [ ]  No Action Required[ ]  The Following Action is Required: |

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| **2. Program services and outcomes** |
| **2-A. concurrent program enrollment** (e.g. TAA/DW, other) | **Evidence & Indicators** | **Observations** | **Actions Required** |
| * Trade Adjustment Assistance Reauthorization Act of 2015 (TAARA 2015), Released 06/29/2015
* TEGL 19-16, Guidance on Services Provided through the Adult and DW Programs under WIOA and Wagner Peyser, Released 3/1/17
* TEGL 5-15-Operating Instructions for Implementing the Amendments to the Trade Act of 1974 Enacted by the Trade Adjustment assistance Reauthorization Act of 2015 (TAARA 2015), Attachment A (Change 1), Revised 09/23/2016
* ESD Policy 1023 – Co-enrolled Integrated Service Delivery Policy and Operations Manual, Released 09/06/2016
* ESD TAA Classroom Training Procedures-Extension Act of 2011, Updated 10/07/2014
* DOL Core Monitoring Guide with TAA Supplement, Released 02/2014
* ESD TAA Assessment Procedures, Updated 01/01/2014

**TEGL 19-16, Guidance on Services Provided through the Adult and DW Program under WIOA and Wagner Peyser:** * Co-enrollment of workers as eligible for TAA in partnership with WIOA, allows for the timely provision of individualized career services and improves the overall effectiveness of the TAA program.
* Additionally, see sec. 221 (a)(2)(A) of the Trade Act requires the Governor ensure that Rapid Response and appropriate career services are delivered to all workers who are covered by a certified TAA petition.
* American Job Centers can also provide supportive services relating to child care, transportation, dependent care, housing assistance, and needs-related payments, and may also provide basic and individualized career services along with follow-up services.
* Strict deadlines must be met if individuals are to take full advantage of the Trade benefits available to TAA-certified workers. Barriers to service delivery to this population should be eliminated in order to maximize all the resources available in the one-stop delivery system
* Since most “trade-impacted” workers meet DW eligibility criteria, these individuals should enter the one-stop delivery system immediately following the announcement of a layoff. Immediately beginning the process of needs and skills assessment improves TAA participation rates and allows individuals more time to consider all of the options available to them, even before these workers may become eligible for TAA.
* Under Co-Enrollment, training is a benefit available to TAA-certified adversely affected **incumbent workers**.
* Once TAA eligibility has been established, all partner staff should continue to work in a coordinated manner to best meet the needs of the workers, rather than use parallel processes that duplicate services.
* **To effectuate this seamless service, the states should ensure that the six criteria for the approval of training under Trade Act are used for determining the appropriateness of training.**

**TEGL 5-15, Change 1 Attachment A:**  * Co-enrollment or multiple-enrollment in WIOA partner programs allows workers covered by TAA to receive supportive services
* DOL encourage(s) TAA staff to work with WIOA staff to align resources and develop clear plans for coordination, in accordance with current and anticipated further guidance from the Department.
* As required under Section 239 of the 2015 Act, if the State TAA Program funds allocated to provide Training and Other Activities, including employment and case management services described in Section 235, are insufficient to meet the requirement that these services be offered to all adversely affected workers and adversely affected incumbent workers, the CSA must make arrangements to assure that funding under WIOA or another program is available to provide those services.
* Multiple enrollment resources may include Wagner-Peyser activities, faith-based and community-based programs, vocational rehabilitation services, and veterans’ programs.

**ESD TAA Assessment Procedures:** When a Dislocated Worker has already been approved for training under WIA(WIOA), it is not necessary to complete a comprehensive assessment as long as that assessment meets all the conditions for training approval on the TAA Approval of Training Checklist. WIA(WIOA) will need to provide a copy of the comprehensive assessment for the TAA participant file. **(Comprehensive Assessment)****ESD TAA Classroom Training Procedures:** TAA participants co-enrolled in the WIA(WIOA) Dislocated Worker program who have completed similar research and are enrolled in training paid by WIA(WIOA) are not required to complete another Training Research packet. However, if a participant is in WIA(WIOA) paid training, the training must meet the six criteria for TAA approval of training for TAA funding. | * What is ESD’s policy and/or procedure for co-enrolling participants into more than one program?
* How does ESD ensure the policy/procedure is being followed?
* Was the policy/procedure followed?

**Example documentation may include:*** Documentation validating the participant’s eligibility for both programs;
* Case notes that include a clear justification for the co-enrollment, including documentation of services planned from each program;
* Services and funding tracked by program

**DOL Core Monitoring Guide with TAA Supplement:*** Does the grantee’s process for approving TAA training that begins as WIA(WIOA)-approved training require the grantee to determine that the training plan meets the Trade program’s eligibility requirements?
* Does the approved training meet both TAA and WIA(WIOA) program eligibility requirements?
* Are the participants eligible for both?
* What is the process for NEG/TAA/WIA(WIOA)/Wagner-Peyser co-enrollment coordination and communication?
 |  [ ]  Element Met [ ]  Element Not Met [ ]  Data Validation Issues [ ]  N/AComments: | [ ]  No Action Required[ ]  The Following Action is Required: |

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| **2-B. EMPLOYMENT & CASE MANAGEMENT SERVICES** | **Evidence & Indicators** | **Observations** | **Actions Required** |
| * Trade Adjustment Assistance Reauthorization Act of 2015 (TAARA 2015) Sec. 235 and Sec. 239(a) and (g)(5), Released 07/16/2015
* Appendix A to Part 617—Standard for Claim Filing, Claimant Reporting, Job Finding, and Employment Services 20 CFR Part 617.20-.21, Current as of 04/07/2017
* TEGL 5-15, and 5-15 Change 1-Operating Instructions for Implementing the Amendments to the Trade Act of 1974 Enacted by the Trade Adjustment assistance Reauthorization Act of 2015 (TAARA 2015); Attachment B, as Revised 09/23/2016
* TEGL 19-16- Guidance on Services Provided through the Adult and DW Program under WIOA and Wagner Peyser, Released 03/01/2017
* DOL Core Monitoring Guide with TAA Supplement, Released 02/2014

**Required 8 services****TEGL 5-15 Attachment B; TAARA 2015 Sec. 235 Employment and Case Management Services:** The following employment and case management services shall be made available to **adversely affected workers** and **adversely affected incumbent workers**:**(1)** Comprehensive and specialized assessment of skill levels and service needs, including through—**(A)** diagnostic testing and use of other assessment tools; and**(B)** in-depth interviewing and evaluation to identify employment barriers and appropriate employment goals.**(2**) Development of an individual employment plan to identify employment goals and objectives, and appropriate training to achieve those goals and objectives.**(3)** Information on training available in local and regional areas, information on individual counseling to determine which training is suitable training, and information on how to apply for such training.**(4)** Information on how to apply for financial aid, **(5)** Short-term prevocational services, including development of learning skills, communications skills, interviewing skills, punctuality, personal maintenance skills, and professional conduct to prepare individuals for employment or training.**(6)** Individual career counseling, including job search and placement counseling, during the period in which the individual is receiving a trade adjustment allowance or training, and after receiving such training for purposes of job placement.**(7)** Provision of employment statistics information, including the provision of accurate information relating to local, regional, and national labor market areas, including—**(A)** job vacancy listings in such labor market areas;**(B)** information on job skills necessary to obtain jobs identified in job vacancy listings described in subparagraph (A);**(C)** information relating to local occupations that are in demand and earnings potential of such occupations; and**(D)** skills requirements for local occupations described in subparagraph (C).**(8)** Information relating to the availability of supportive services, including services relating to childcare, transportation, dependent care, housing assistance, and need-related payments that are necessary to enable an individual to participate in training.**Responsibilities for the delivery of reemployment services****20 CFR 617.20 :****(a) State Agency Referral.** Cooperating State agencies shall be responsible for:**(1)** Advising each adversely affected worker to apply for training with the State agency responsible for reemployment services, while the worker is receiving UI payments, and at the time the individual files an initial claim for TRA; and**(2)** Referring each adversely affected worker to the State agency responsible for training and other reemployment services in a timely manner.**(b) State Agency Responsibilities***.* The responsibilities of cooperating State agencies under subpart C of this part include, but are not limited to:**(1)** Interviewing each adversely affected worker regarding suitable training opportunities reasonably available to each individual, reviewing such opportunities with each individual, informing each individual of the requirement for participation in training as a condition for receiving TRA, and accepting each individual's application for training. Such training may be approved for any adversely affected worker at any time after a certification is issued and the worker is determined to be covered without regard to whether the worker has exhausted all rights to unemployment insurance;**(2)** Registering adversely affected workers for work; **(3)** Informing adversely affected workers of the reemployment services and allowances available under the Act and this Part 617, the application procedures, the filing date requirements for such reemployment services and the training requirement for receiving TRA; **(4)** Determining whether suitable employment, as defined in sec. 617.22(a)(1), is available; **(5)** Providing counseling, testing, placement, and supportive services; **(6)** Providing or procuring self-directed job search training, when necessary; **(7)** Providing training, job search and relocation assistance; **(8)** Developing a training plan with the individual; **(9)** Determining which training institutions offer training programs at a reasonable cost and with a reasonable expectation of employment following the completion of such training, and procuring such training; **(10)** Documenting the standards and procedures used to select occupations and training institutions in which training is approved; **(11)** Making referrals and approving training programs; **(12)** Monitoring the progress of workers in approved training programs; **(13)** Developing, and periodically reviewing and updating reemployment plans for adversely affected workers; **(14)** Developing and implementing a procedure for reviewing training waivers and revocations at least every 30 days to determine whether the conditions under which they are issued have changed; and **(15)** Coordinating the administration and delivery of employment services, benefits, training, and supplemental assistance for adversely affected workers with programs under the Act and under Title I, Subchapter B of the Workforce Investment Act (now WIOA). **Reemployment services and allowances****20 CFR 617.21 :****(a) Employment Registration.** To ensure, so far as practical, that individuals are placed in jobs which utilize their highest skills and that applicants qualified for job openings are appropriately referred, applications for registration shall be taken on adversely affected workers who apply for reemployment services. **(b) Employment Counseling***.* When local job opportunities are not readily available, counseling shall be used to assist individuals to gain a better understanding of themselves in relation to the labor market so that they can more realistically choose or change an occupation or make a suitable job adjustment. **(c) Vocational Testing.** Testing shall be used to determine which individual skills or potentials can be developed by appropriate training. **(d) Job Development.** A State agency shall develop jobs for individuals by soliciting job interviews from public or private employers and shall work with potential employers to customize or restructure particular jobs to meet individual needs. **(e) Supportive Services.** Supportive services shall be provided so individuals can obtain or retain employment or participate in employment and training programs leading to eventual placement in permanent employment. Such services may include:* Work orientation,
* Basic education,
* Communication skills,
* Child care, and
* Any other services necessary to prepare an individual for full employment in accordance with the individual's capabilities and employment opportunities.

**(f) On-the-Job Training (OJT).** OJT is training, in the public or private sector, and may be provided to an individual who meets the conditions for approval of training, as provided in sec. 617.22(a), and who has been hired by the employer, while the individual is engaged in productive work which provides knowledge or skills essential to the full and adequate performance of the job. **(g) Classroom Training.** * This training activity is any training of the type normally conducted in a classroom setting, including vocational education, and may be provided to individuals when the conditions for approval of training are met, as provided in sec. 617.22(a), to impart technical skills and information required to perform a specific job or group of jobs.
* Training designed to enhance the employability of individuals by upgrading basic skills, through the provision of courses such as remedial education or English-as-a-second-language, shall be considered as remedial education approvable under sec. 617.22(a) if the criteria for approval of training under sec. 617.22(a) are met.

**(h) Self-Directed Job Search.** Self-directed job search programs shall be initiated to assist individuals in developing skills and techniques for finding a job. Such programs vary in design and operation and call for a carefully structured approach to individual needs. There are basic elements or activities common to all approaches. These include: **(1) Job search workshop***.* A short (1-3 days) seminar designed to provide participants with knowledge on how to find jobs, including labor market information, applicant resume writing, interviewing techniques, and finding job openings. **(2) Job finding club***.* Encompasses all elements of the Job Search Workshop plus a period (1-2 weeks) of structured, supervised application where participants actually seek employment. **(i) Job search allowances***.* The individual, if eligible, shall be provided job search allowances under subpart D of this part 617 to defray the cost of seeking employment outside of the commuting area. **(j) Relocation allowances***.* The individual, if eligible, shall be provided relocation allowances under subpart E of this part 617 to defray the cost of moving to a new job outside of the commuting area.**WIOA, Wagner-Peyser Employment & Case Management Services****TEGL 5-15**:All workers covered by a certification are eligible and entitled for employment and case management services including **Basic** and **Individualized Career Services** either through the TAA Program or through and in coordination with WIOA and Wagner Peyser as discussed in **WIOA TEGL 19-16.***.* **Misc. Provisions:** **TEGL 5-15, Change 1 Attachment A:** * The 2015 Act **requires** employment and case management services be offered to all adversely affected workers and adversely affected incumbent workers. The required services may be provided by TAA staff or by staff funded under partner programs in the one-stop delivery system as defined in Section 3 of the WIOA, although a minimum of 5% of TAA State funds must be used to provide these services.
* It is vitally important the CSAs develop a goal, or informal deadline, for administering an assessment of workers to determine their training and reemployment needs. This will provide data for State officials to make a more accurate employability determination and issue TAA waivers of training. Early assessment also will give case management staff the information necessary to advise, counsel, and refer participants to the appropriate partner/training provider.
* A CSA must offer workers each of the services set forth in Section 235. The CSA must demonstrate that it has provided or offered these services either in a **paper-based case file or in an electronic case management system**, which must be available for review.
* Additionally, **the case management file of each participant must demonstrate that the CSA notified each worker of his/her enrollment in training deadlines.**
* The purpose of these employment and case management services is to provide workers the necessary information and support for them to achieve sustainable reemployment. Therefore, **these services must be made available** to workers over the course of their participation in the TAA program, in an integrated manner that suits their individual needs at a particular time.
* **Skill assessments** must be geared toward evaluating whether the worker meets the TAA training criteria or matches up to specific career opportunities in the community.
* **Career counseling** and **labor market information** must also inform the development of the employment and training plans.
* **Information on financial aid and supportive services** must be available as they are needed by the individual.
* **Follow up career counseling** and other informational resources must be available after the individual completes training, through his or her reemployment and exit from the TAA Program.
* **Early intervention services** that include orientation; initial assessment of skill levels, aptitudes and abilities; provision of labor market information; job search assistance; and financial management workshops continue to be a priority for workers in the TAA Program. (DOL) encourage(s) TAA staff to work with WIOA staff to align resources and develop clear plans for coordination, in accordance with current and anticipated further guidance from the Department.
* **Case management** expenditures should be consistent with providing effective services to adversely affected workers and increasing performance outcomes.
 | * What is ESD’s policy and/or procedure for providing employment and case management services?
* How does ESD ensure the policy/procedure is being followed?
* Was the policy/procedure followed?

**DOL Core Monitoring Guide with TAA Supplement:** * Does effective communication exist between UI/TRA/RTAA staff and staff administering other TAA benefits and services and other components of the broader workforce system within the State?
* **Assessment:** What process is used to guide the trade-affected worker in choosing the best approach for returning to sustainable work, in view of the workers current skills, knowledge and abilities and those, which the worker would need to obtain to be successful?
* **Required 8 Services:** Does the State provide and document the provision of the required eight employment and case management services to trade-affected workers who are entitled to these benefits?
* Does the State fully demonstrate that they provide or offer these 8 employment and case management services, either in a paper-based or in an electronic case management system to those workers who are entitled to them?

**TEGL 5-15 Attachment A:*** The CSA must demonstrate that it has provided or offered services set forth in Section 235 services either in a **paper-based case file or in an electronic case management system** which must be available for review.
* Additionally, **the case management file of** each participant must demonstrate that the CSA notified each worker at his/her enrollment of training deadlines
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| **2-C. HEALTH CARE TAX CREDIT (HCTC)** | **Evidence & Indicators** | **Observations** | **Actions Required** |
| * TEGL 22-15, Reinstatement of the Health Coverage Tax Credit (HCTC), Released 02/16/2016
* The Trade Adjustment Assistance Reauthorization Act of 2015 (TAARA 2015), Enacted 06/2/2015
* WIN0079, Change 2 Released 02/03/2017
* IRS Information Page: <https://www.irs.gov/credits-deductions/individuals/hctc>

**HOW ARE INDIVIDUALS MADE AWARE OF THE ROGRAM AND POTENTIAL ELIGIBLITY*** TAA Staff will advise individuals about the HCTC program

**WHO IS ELIGIBLE*** Eligible TAA Recipients:
	+ Individuals who received Trade Readjustment Allowance for any day of the referenced month
	+ Individuals who would have been eligible to receive TRA in the reference month except for not having exhausted their unemployment compensation entitlement
* Eligible ATAA or RTAA Recipients:
	+ Individuals who participated in the Alternative Trade Adjustment Assistance (ATAA) Reemployment Trade Adjustment Assistance (RTAA) programs in the reference month and received a payment in that month (equal to 50 percent of the difference between their wages at the time of separation and the time of reemployment).
	+ Individuals whose ATAA or RTAA program eligibility lapsed in the prior calendar month.

**WHO DETERMINES ELIGIBLITY*** Only the IRS can determine an individual’s eligibility.

**SPECIALL RULE RECIPIENTS*** Individuals who are in a break exceeding 30 days while in approved training where the break exists within the eligibility period for receiving TRA.
* Individuals receiving unemployment compensation in the reference month and who would have been eligible to receive TRA in that month except for not having exhausted their unemployment compensation entitlement despite not yet being enrolled in training.

**HOW TO APPLY*** Eligible recipients for calendar year 20014, 2015 and 2016 must apply.
* The IRS requested states provide documentation as proof of eligibility.

**DOCUMENTATION**The IRS requires that the state provide proof of eligible TAA or ATAA/RTAA recipient status for 2014 and 2015, separately for each tax year, confirming the individual received payment for any one week in any one month during the calendar year. | **WIN0079, Change 2**Procedures for documentation and provision of HCTC information to be provided to each participant:* One Page HCTC Flyer and/or
* Case Notes
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| **2-D. ASSESSMENT** | **Evidence & Indicators** | **Observations** | **Actions Required** |
| * ESD TAA Assessment Procedures, Updated 01/01/2014 TEGL 5-15, and 5-15 Change 1-Operating Instructions for Implementing the Amendments to the Trade Act of 1974 Enacted by the Trade Adjustment assistance Reauthorization Act of 2015 (TAARA 2015); Attachment B, SEC.235 (1) as Revised 09/23/2016
* The Trade and Globalization Adjustment Assistance Act of 2009 (P.L. 108-249)
* TEGL 22-08, Released 05/15/2009
* TEGL 22-08, Change 1, Released 11/20/2009
* ESD Policy 3070 – Assessment, Released 05/19/2010

**TEGL 5-15, Change 1, Attachment B, SEC 235 (1):** Like the 2009 Act and the 2011 Act, the 2015 Act requires that employment and case management services be offered to all adversely affected worker and adversely affected incumbent workers. A Comprehensive and specialized assessment of skill levels and service needs, including diagnostic testing and use of other assessment tools, in depth interviewing and evaluation to identify employment barriers and appropriate employment goals.**ESD TAA Assessment Procedures:** * Assessment is the process of documenting, usually in measurable terms, knowledge, skills, attitudes and experiences.
* An **Initial Employment (Needs) Assessment is required** for each TAA participant.
* A **Comprehensive Assessment is mandatory** for any participant entering training.

**Initial Employment (Needs) Assessment:** This assessment is the first step in determining if:* The worker will need employment services,
* Suitable employment is available without training,
* Training is needed and feasible,
* Any of the following three criteria for issuing a waiver from training apply for **2011 & 2015 Program**: Enrollment Unavailable, Training Unavailable or Health; or
* In the **2009 Program**, any one of the six conditions for issuing a waiver from training apply - Health Condition, Enrollment not available, No Training Available, Recall, Marketable Skills or Retirement.
* The worker may meet the requirements for RTAA.

The TAA Initial Assessment builds on the WorkSource initial assessment and must take into consideration the following:* Prevailing local labor market conditions, including the unemployment rate, local employer skill demands and hiring prerequisites,
* Transferable skills, and
* Any significant barriers such as obsolete skills, skills similar to other workers that represent an excess supply in the labor market or limited English language proficiency.

The outcome of the Initial Assessment should include the following participant information:* Work history and experience and/or previous volunteer experience
* Job seeking skills
* Previously achieved education level
* Previous education and training experience
* Issues pertinent to re-employment barriers
* Personal contact information

Inform the participant:* Of the timelines (last day of the 26th week from layoff date or certification date) for enrollment in TAA approved training to access TRA,
* Of the timelines for signing a waiver from training requirement,
* RTAA eligibility, and/or HCTC eligibility.

At the conclusion of the Initial Assessment, if it has been determined that the participant has marketable skills to move them into Employment Services provided through your local WorkSource office. A Comprehensive Assessment must be conducted if the participant needs further assistance to become employed.**WIA(WIOA) Co-enrolled Participants:** When a Dislocated Worker has already been approved for training under WIA (WIOA), it is not necessary to complete a comprehensive assessment as long as that assessment meets all the conditions for training approval on the TAA Approval of Training Checklist. WIA (WIOA) will need to provide a copy of the comprehensive assessment for the TAA participant file.**Comprehensive Assessment** is only required if the participant is entering into a training plan or they have been in job search for longer than 3 months. Evaluation of the participant’s personal qualifications must include physical and mental capabilities, educational background, work experience and financial resources as adequate to undertake and complete the specific training program being considered.**ESD Policy 3070:** Comprehensive assessments should include a combination of the following:* Educational background and Motivation; and Supportive service needs
* Employment history and Attitudes toward work
* Basic literacy (math, reading, writing)
* Occupational skill levels
* Transferable skills
* English language proficiency
* Interests & Aptitudes
* Family and financial situation **(Comprehensive Assessment)**
* Emotional and physical health, including any disabilities requiring reasonable accommodations-ensure confidential info is protected; participant is not required to identify specific disabilities. **(Initial Needs Assessment)**
 | **ESD TAA Assessment Procedures:*** **Enrollment Forms:**
	+ Signed Enrollment Cover Sheet
	+ Authorization to Release Information
	+ Initial Needs Assessment
* **Initial Assessment:**
	+ Visual verification of appropriate Job Search Contacts
	+ Visual verification of Driver’s License and Social Security Card documented on the enrollment checklist
	+ Determination of Entitlement (Form 57)
	+ Resume (if available)
	+ Demand/Decline Information
	+ Barriers to employment documented in case notes
* Case notes that document and track information about the participant’s program services and activities will be annotated in SKIES (ETO Touchpoints) note screens.
	+ Case note documentation will commence with the initial assessment and end at the time of program exit
	+ Copies of assessment results (CASAS, Compass, Asset, WOWI, etc.)
* **Comprehensive Assessment:**
	+ Comprehensive Assessment (form placed, entered or uploaded) into either the participant paper or electronic file-SKIES (ETO Touchpoints) note screens.
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| **2-E. individual employment plan (iep)** | **Evidence & Indicators** | **Observations** | **Actions Required** |
| * TEGL 5-15, Change 1-Operating Instructions for Implementing the Amendments to the Trade Act of 1974 Enacted by the Trade Adjustment assistance Reauthorization Act of 2015 (TAARA 2015), Revised 09/23/2016
* DOL Core Monitoring Guide with TAA Supplement, Released 02/2014
* ESD TAA Classroom (Occupational Skills) Training Policy#3045, Revision 2, Issued 02/19/2008
* ESD TAA Classroom Training Procedures, Updated 10/07/2015
* ESD WIN 0079, Change 2, Updated 02/03/2017

**TEGL 5-15, Change 1 Attachment A:*** The IEP must use and be guided by the results of the skill assessments. The IEP should, in turn, lead to support for finding suitable employment and development of a training plan that addresses any skill gaps made evident by the assessments, including remedial or prerequisite training, where appropriate.
* Career counseling and labor market information must also inform the development of the employment and training plans.

**ESD TAA Classroom (Occupational Skills) Training Policy #3045, Revision 2:*** Applies to workers determined eligible to receive services and allowances under the Trade Act of 1974, as amended.
* Training cannot be approved when conducted totally or partially outside the United States
* The Service Provider shall not approve training in which a participants pays any of the costs associated with their approved training program
* All documentation of the participant’s requested classroom training must be completed prior to training approval.
* For **petitions numbered below 50,000**, Service Providers can approve classroom training up to 104 instructional weeks
* For **petitions numbered 50,000-3999,999 OR 80,000 and above**, Service Providers can approve classroom training up to 104 instructional weeks and an additional 26 weeks, if remedial training is required for the participant.
* If the **petitions numbered 70,000-79,999**, Service Providers can approve classroom training up to 156 weeks, if remedial or prerequisite training is required for the participant.
* A participant cannot be approved for more than one training program under a specific Trade Act certification
* Training cost approval is limited to those costs shown on the school syllabus and the ITP/contract, must be approved prior to the start of training, can be fully funded or funded by TAA and a combination of funding from partner programs.
* Funding sources personal to an individual such as self, student loans, relatives or friends are not allowable forms of funding for TAA approved training.
* Tools may be purchased when required for training, approved in advance of purchase based upon the list provided by the training provider.
* Prior approval for good cause of a Temporary Leave of Absence from Training is allowed; however, coordination with TRA Unit must occur due to participant being ineligible for TRA weekly benefits when not in training.

**ESD TAA Classroom Training Procedures:*** Outlines the steps, actions and forms necessary for workers eligible for Trade Adjustment Assistance (TAA) to enter; maintain satisfactory progress, attendance and are to provide benchmark items in supporting they have demonstrated completion of an approved classroom training program.
* Agent state represents individuals seeking services from the Liable state. The Liable state is the state paying unemployment insurance (UI).

**ESD WIN 0079, Change 2:** * Outlines TAA Counselor role in providing participants with a required written notification for Denial of Trade Adjustment Assistance, following Attachment A: Appeal Documentation for TAA Denials.
* Because TRA payments are a form of Unemployment Insurance (UI) compensation, TRA uses the existing UI denial and appeal process. TAA counselors and supervisors are to direct participants to the on-line instructions for steps to follow to appeal denial of TRA benefits.
* Eliminates TAA Education CAP for training cost, limits the purchase of incidental classroom supplies for to $40 per term (quarter or semester) of TAA Approved Training and allows personal computer and equipment required in the course syllabus for an approved program. Approved training must be within reasonable costs and are dependent upon funds available.
* Entrepreneurial or self-employment training is not allowed; however service providers should continue to promote apprenticeship.
* Training Providers are recommended but not required to be on the Eligible Training Provider List

  | * What is ESD’s policy and/or procedure for the development of an IEP?
* How does ESD ensure the policy/procedure is being followed?
* Was the policy/procedure followed?

**ESD TAA Classroom (Occupational Skills) Training Policy #3045, Revision 2:**The following items have been signed by TAA counselors and the original signed document has been completed and placed in either the participant’s electronic or paper file and thoroughly and accurately documents: * Initial needs/Comprehensive with budget Assessment
* WOWI Assessment Results
* CASAS basic skills Assessment Results
* Verification of Service Provider on the Eligible Training Provider List and/or Attachment B – Impact of choosing Non-ETPL Programs for Trade Adjustment Assistance (TAA) form
* Training Research Packet (Occupational Goal identified which matches the research conducted at three (3) schools and Programs Information, three (3) employer informational interviews, Vocational Plan, Labor Market Information and Financial Resources pages are complete) with supporting documentation: If necessary for admission, copy of School Admission test scores; Training Program Course outline, Primary and proposed training occupations demand/decline results.
* The participant is enrolled in TAA approved training within applicable 8/16 or 26/26 weeks or has a **waiver** from training in place in order to access TRA benefits
* Six Criteria for Training Approval is completed, signed and dated by the TAA Counselor
* Petition number on all documents match
* Approval of Training Request, with request for transportation/subsistence if applicable, is signed, dated and for a timeline which is within the petition’s allowable weeks
* Classroom Training Weeks Calculator
* Individual Training Plan (ITP/CT3/Contract), signed and dated by the service provider representative and participant. The TAA Supervisor has signed and dated the ITP no earlier than 30 days before the start of training.
* The only sections dates listed on the ITP are for those which TAA is paying.
* When combining TAA funds with another training source, the service plan and case notes must reflect all the details of the funding including the source, the amount and the time periods being paid.
* List of any tools purchased, demonstrated bids obtained were a minimum of two (2) where the least expensive bid was approved.
* Classroom Training Responsibilities Form, signed and dated by the participant and TAA Counselor; which outlines benchmarks used for monitoring training progress; notifying the TAA Counselor if has any failed assignments or difficulties in training or withdraws from class; has reviewed books and supplies, tools and equipment agreements, and the Transportation/Subsistence Responsibilities.
* If applicable, Temporary Leave of Absence with supporting case notes.
* If applicable, withdrawal from training and cancelled ITP with supporting case notes.

**DOL Core Monitoring Guide with TAA Supplement:*** What is the process for approval of the training plan? Is a form used?
* Once a training plan is approved, what is the process for monitoring progress and amend the training plan when necessary?
* Do the TAA policies and procedures include requirements on the participant to notify the CSA or the training institution in the event that the participant drops out of training? PER CONSUELO, WORK WITH POLICY TO ENSURE CONSEQUENCES FOR NOT NOTIFYING CASE MANAGER ARE NOTED IN POLICY, EX: STOP TRA, DISALLOWED COSTS; ALSO ADD PROCEDURE FOR HOW THE CASE MANAGER IS TO VERIFY ON-GOING ATTENDANCE; REFERENCE ESD POLICY WHEN UPDATED
* Does the training provider or grantee have a system for tracking attendance? PER CONSUELO, REFERENCRE POLICY/PROCDURE THAT ADDRESSES TRACKING ATTENDANCE
* **Does the file indicate that a specific employment goal has been identified for each participant?**
* Is an IEP developed for each participant based on the assessment results? Does it include short and long-term goals? Does it include a strategy for overcoming the barriers identified in the assessment process?
* If training is needed to meet that employment goal, does the file reflect that a training plan has been developed that is consistent with achieving the employment goal?
* Is there evidence in the file that the case manager discussed assessment results with the participant and that they jointly developed the IEP?
* Do the case notes document that there is ongoing contact between the case manager and the participant, that the participant’s progress is being tracked, and that the individual employment plan is updated when any change in circumstances, goals, or planned activities and services occurs?
* Are there any extended lapses in service?
* Overall, is the assessment process effective in matching participants with appropriate service options?
* If time permits, interview a sample of participants and ask if they actively participated in the development of their IEP and are fully aware of their employment goal and how the service plan is intended to help them reach that goal.
* Does the grantee make available to each individual the development of an IEP?
* Is the participant on track in completing the IEP? If not, what has the case manager done to address the problem?
* If the participant has completed the training and/or IEP, has the grantee provided job search or other job development services to assist the participant in finding employment?
* Are TAA participant training plans reflected in the IEP?
* What policies has the State grantee issued to assure TAA participants receive an IEP that meets each individual’s service needs?
* How does the State grantee determine that IEP are being developed for TAA participants in accordance with these policies?
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| **2-F. JOB SEARCH ALLOWANCE** | **Evidence & Indicators** | **Observations** | **Actions Required** |
| * TEGL 5-15, and 5-15 Change 1-Operating Instructions for Implementing the Amendments to the Trade Act of 1974 Enacted by the Trade Adjustment assistance Reauthorization Act of 2015 (TAARA 2015); SEC.237, Revised 09/23/2016
* 20 CFR Part 617.30 - .35, Current as of 04/07/2017
* ESD TAA Classroom Training Procedures-Extension Act 2011 - Last Updated 10/07/2015 – POLICY AND PROCEDURES NEED TO BE UPDATED SO ALL REFLECT 2011; NEED 2009, 2011 AND 2015 POLICIES
* ESD TAA Policy 3010 - Job Search Allowance, Last Updated 01/17/2006
* ESD TAA Job Search Allowances Procedure – Extension 2011- - last Updated 01/01/2014 -revise when policies are updated
* DOL Core Monitoring Guide with TAA Supplement, Released 02/2014

**ELIGIBILITY****20 CFR 617.32****(a) Conditions***.* Job search allowance eligibility requires: **(1)** A timely filed application (sec. 617.30(c)); **(2)** Total separation from adversely affected employment at the time the job search commences; **(3)** Registration with the State agency that shall furnish the individual such reemployment services as are appropriate under subpart C of this part 617. **(4)** A determination by the State agency that the individual has:* + No reasonable expectation of securing suitable employment in the commuting area, and
	+ A reasonable expectation of obtaining suitable employment of long-term duration outside the commuting area (*50 miles one-way from the participant’s residence per ESD policy*) and in the area where the job search will be conducted; and

**(5)** Completion of the job search within a reasonable period not exceeding **30 days** after the day on which the job search began. **(b) Completion of job search**. A job search is deemed completed when the individual either secures employment or has contacted each employer to whom referred by the State agency in connection with a job search. **(c) Verification of employer contacts**. The State agency shall verify contacts with employers certified by the individual. **APPLICATIONS****20 CFR 617.31****(a) Forms**. Applications for job search allowances shall be filed on forms furnished to individuals by the State agency. **(b) Submittal**. * An application may be submitted to a State agency at any time by an individual who has been totally or partially separated whether or not a certification covering the individual has been made.
* However, an **application must be submitted to a State agency before the job search begins** for the job search allowance to be granted, and
* The **job search may not be approved until after the individual is covered under a certification**.

**(c) Time limits.** A job search allowance **application may be approved only if submitted before:** **(1)** The **365th day after the date of the certification** under which the individual is covered, **or** the **365th day after the date of the individual's last total separation, whichever is later**; **or** **(2)** The **182d day after the concluding date of training**.**AMOUNT****20 CFR 617.34****(a) Computation.** The amount of a job search allowance shall be **90 percent** of the total costs of each of the following allowable transportation and subsistence items: **(1) Travel**. The more cost effective mode of travel reasonably available shall be approved by using:**(i)** The actual cost of round trip travel by the most economical public transportation the individual reasonably can be expected to take from the individual's residence to the area of job search; or **(ii)** The cost per mile at the prevailing mileage rate authorized under the Federal travel regulations (*see* 41 CFR part 101-7) for such roundtrip travel by the usual route from the individual's residence to the area of job search. [www.gsa.gov](http://www.gsa.gov) **(2) Lodging and meals*.*** The cost allowable for lodging and meals shall not exceed the lesser of: **(i)** The actual cost to the individual of lodging and meals while engaged in the job search; or **(ii)** 50 percent of the prevailing per diem allowance rate authorized under the Federal travel regulations (*see* 41 CFR part 101-7) for the locality where the job search is conducted. **LIMIT*** **20 CFR 617.34(b):**The total job search allowances paid to an individual under a certification may not exceed ~~$800~~ **$1,250** (*See TEGL 5-15,* Attachment A below: “*Because the 2015 Program provides a higher maximum reimbursement amount for a job search allowance, the “$800” in Section 617.34(b) must be applied as if it read* ***“$1,250.”)*** regardless of the number of job searches undertaken by the individual. The amounts otherwise payable under paragraph (a) of this section shall be reduced by any amounts the individual is entitled to be paid or reimbursed for such expenses from any other source.
* **TEGL 5-15:** The percentage of job search expenses that may be paid on behalf of a qualified participant is **90% of the total expenses, but capped at $1,250**.
* **TEGL 5-15, Change 1 Attachment A:** Because the 2015 Program provides a higher maximum reimbursement amount for a job search allowance, the “$800” in Section 617.34(b) must be applied as if it read **“$1,250**.”
* **TAARA 2015 Sec. 237** (**b)(2)**—Reimbursement **may not exceed $1,250** for any worker.

**Time and method of payment****20 CFR 617.35****(a) *Determinations.*** A State agency shall promptly make and record determinations necessary to assure entitlement of an individual to a job search allowance at any time, before or after a certification covering the individual is made. No job search allowance may be paid or advanced to an individual until the State agency determines that the individual is covered under a certification. A State agency shall make payment as promptly as possible upon determining that the individual is covered under a certification and is otherwise eligible. **(b) *Payment****.* Unless paragraph (a) of this section applies, a job search allowance shall be paid promptly after an individual completes a job search and complies with paragraph (d) of this section. **(c) *Advances****.* A State agency may advance an individual (except an individual not yet covered under a certification) 60 percent of the estimated amount of the job search allowance payable on completion of the job search, but not exceeding $360, within 5 days prior to commencement of a job search. Such advance shall be deducted from any payment under paragraph (b) of this section. **(d) *Worker evidence****.* On completion of a job search, the individual shall certify on forms furnished by the State agency as to employer contacts made and amounts expended daily for lodging and meals. Receipts shall be required for all lodging and purchased transportation expenses incurred by the individual pursuant to the job search. An adjustment shall be made if the amount of an advance is less or more than the amount to which the individual is entitled under sec. 617.34.**FINAL PAYMENT****20 CFR 617.33   Findings required.****(a) *Findings by liable State****.* Before final payment of a job search allowance may be approved, the following findings shall be made by the liable State: **(1)** The individual meets the eligibility requirements for a job search allowance specified in §617.32(a) (1) through (4); **(2)** The application for a job search allowance was submitted by the individual within the time limits specified in §617.31(c); and **(3)** The individual completed the job search within the time limits stated in §617.32(a)(5), and the requirements of paragraphs (b) and (c) of §617.32 have been met. **(b) *Agent State.*** **(1)** When an individual files an application for a job search allowance with respect to a job search conducted in a State other than the liable State, the State agency of the State in which the individual conducts the job search shall serve as the agent State and be responsible for assisting the individual in conducting the job search and in filing an application for a job search allowance with the liable State, and for assisting the liable State by furnishing to it any information required for the liable State's determination of the claim. **(2)** The agent State shall cooperate fully with the liable State in carrying out its activities and functions with regard to such applications. **ESD TAA Job Search Allowances Procedures-Extension of 2011: BASED UPON STATE UI LAW NOTED BUT WHERE, HAVE BEEN UNABLE TO FIND SPECIFIED NUMBER MILES*** **Statewide Commuting Area:** For a participant to receive an out-of-area job search allowance, the location of the interview must be more than **50 miles one-way-PER CONSUELO, WHY DIFFERENT THAN LIMIT UNDER 2-G?** from the participant’s residence.
* **Verification:** Verify by fax, phone, a letter on company letterhead, or email that the participant has a scheduled out-of-are employment interview.
* **Request for Job Search Allowances:**
* **Request for Job Search Allowances 861** must be signed and dated by the participant before job search begins
* If the participant is entitled to be paid or reimbursed by another source for travel, lodging or meal expenses, the job search allowance will be reduced by that amount.
* **Job Search Allowance Advance**: An advance of up to 60% of the estimated costs of the job search allowances but no more than $300 may be approved. The advance cannot be issued earlier than 5 days prior to the job search activity.
* **Travel Reimbursement**: 90% reimbursed of the most cost effective mode of transportation reasonably available to the participant.
* **Meals:** Are only covered if the participant was out-of-area 12 or more hours PER CONSUELO, WHY THIS LIMIT? PARTICIPANTS SHOULD BE REIMBURSED IF PAID FOR ANY MEAL WITH RECEIPT (UNLESS PER STATE LAW) per day and depends on departure and return times. If travel time is greater than 12 hours but less than 24, 75% of per diem rates apply; if over 24 hours, full day per diem rates apply.
* **Job Search Final Statement of Cost:** This form must be provided to the participant prior to their out-of-area job search. The participant must be instructed to return original receipts and the completed Job Search Final Statement of Cost within 30 days of returning from job search. If the participant includes expenses which are not allowed, document in case notes and prepare appeal rights letter.
 | **DOL Core Monitoring Guide with TAA Supplement:*** What is the job search application and payment process?
* Was the calculation for a sample of job search payments made correctly?

**ESD TAA Job Search Allowances Procedure – Extension 2011*** Copy of work search contacts
* Case notes documenting:
	+ Participant’s job seeking activities
	+ Demand/Decline occupational research for participant’s skill set.
* Verification of out-of-area job search
* Signed and dated Request for Job Search Allowances 861 (date must be before job search began)
* Signed and dated Advanced Payment, if applicable
* Job Search Final Statement of Cost
* Case notes for every phase of the job search activity
 |  [ ]  Element Met [ ]  Element Not Met [ ]  Data Validation Issues [ ]  N/AComments: | [ ]  No Action Required[ ]  The Following Action is  Required: |

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| **2-G. SUBSISTENCE AND TRANSPORTATION** | **Evidence & Indicators** | **Observations** | **Actions Required** |
| * Trade Adjustment Assistance Reauthorization Act of 2015 (TAARA 2015), sec. 237, Released 06/29/2015
* 20 CFR Part 617.27, Current as of 04/07/2017
* TEGL 5-15 and 5-15 Change 1-Operating Instructions for Implementing the Amendments to the Trade Act of 1974 Enacted by the Trade Adjustment assistance Reauthorization Act of 2015 (TAARA 2015), Revised 09/23/2016
* ESD TAA Classroom Training Procedures-Extension Act 2011 - Last Updated 10/07/2015 – POLICY AND PROCEDURES NEED TO BE UPDATED SO ALL REFLECT 2011; NEED 2009, 2011 AND 2015 POLICIES
* ESD Policy 3065, Rev. 2 – Approval of Training Under TAA, Last Updated 01/24/2016

**Subsistence payments****20 CFR 617.27****(a) Eligibility:** A trainee under this subpart C shall be afforded supplemental assistance necessary to pay costs of separate maintenance when the training facility is located outside the commuting area, but may not receive such supplemental assistance for any period for which the trainee receives such a payment under the WIA(WIOA), or any other law, or for any day referred to under 617.28(c)(3) pursuant to which a transportation allowance is payable to the individual, or to the extent the individual is entitled to be paid or reimbursed for such expenses from any other source.**(b) Amount:** Subsistence payments shall not exceed the lesser of:**(1)** The individual’s actual per diem expenses for subsistence; or**(2)** 50% of the prevailing per diem rate authorized under the Federal travel regulations (see 41 CFR part 101-7) for the locale of the training.**(c) Applications:** Applications for subsistence payments shall be filed in accordance with this subpart C and on forms which shall be furnished to trainees by the State agency. Such payments shall be made on completion of a week of training, except that at the beginning of a training project a State agency may advance a payment for a week if it determines that such advance is necessary to enable a trainee to accept training. An adjustment shall be made if the amount of an advance is less or more than the amount to which the trainee is entitled under paragraph (b) of this section. A determination as to an application made under this section shall be subject to sections 617.50 and 617.51. **(d) Unexcused absences***.* No subsistence payment shall be made to an individual for any day of unexcused absence as certified by the responsible training facility.**ESD TAA Classroom Training Procedures:** Retain in the participant file proof that a primary residence is being maintained in the form of rent or mortgage receipts, cancelled checks or other proof of payment.**Transportation payments.****20 CFR 617.28:****(a) Eligibility***.* A trainee shall be afforded supplemental assistance necessary to pay transportation expenses if the training is outside the commuting area, but may not receive such assistance if transportation is arranged for the trainee as part of a group and paid for by the State agency or to the extent the trainee receives a payment of transportation expenses under another Federal law, or to the extent the individual is entitled to be paid or reimbursed for such expenses from any other source. **(b) Amount.** A transportation allowance shall not exceed the lesser of: **(1)** The actual cost for travel by the least expensive means of transportation reasonably available between the trainee's home and the training facility; or **(2)** The cost per mile at the prevailing mileage rate authorized under the Federal travel regulations at [www.gsa.gov](http://www.gsa.gov) **(c) Travel Included.** Travel for which a transportation allowance shall be paid includes travel: **(1)** At the beginning and end of the training program; **(2)** When the trainee fails for good cause, as described in §617.18(b)(2), to complete the training program; and **(3)** For daily commuting, **in lieu of subsistence**, but not exceeding the amount otherwise payable as subsistence for each day of commuting. **(d) Applications***.* Applications for transportation payments shall be filed in accordance with this subpart C and on forms, which shall be furnished to trainees by the State agency. Payments may be made in advance. An adjustment shall be made if the amount of an advance is less or more than the amount to which the trainee is entitled under paragraph (b) of this section. **STATEWIDE COMMUTING AREA****ESD Policy 3065 Rev. 2:** The statewide commuting area is defined as **25 miles one-way PER CONSUELO, WHY DIFFFERENT THAN 50 MILES ON 2-E?**. AND WHY IS THE LIMIT 25 MILES? This definition only applies to reimbursements while a participant is in TAA-approved training. TAA service providers will use the shortest one-way distance from the participant’s residence to the training facility to determine whether the travel distance is within the local commuting area. Only the lesser of transportation or subsistence for any student who travels 26 miles or more one way will be paid for. (Note: The 25-mile definition of commuting area *does not* apply for the out-of-area job search or relocation allowance.)-**Why? Where did this number come from to be the basis of reference? Is the number from WA State UI Law and if so where?**  | **ESD TAA Classroom Training Procedures:*** Weekly Attendance and Benefits Request (858A) Form
* Proof that a primary residence is being maintained in the form of rent or mortgage receipts, cancelled checks or other proof of payment
* Case notes document (one round trip) travel at the beginning and end of training program period where subsistence were paid and explain transportation and subsistence payments
 |  [ ]  Element Met [ ]  Element Not Met [ ]  Data Validation Issues [ ]  N/AComments: | [ ]  No Action Required[ ]  The Following Action is Required: |

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| **2-H. RELOCATION ALLOWANCE** | **Evidence & Indicators** | **Observations** | **Actions Required** |
| * Trade Adjustment Assistance Reauthorization Act of 2015 (TAARA 2015), sec. 238, Released 06/29/2015
* 20 CFR Part 617.40 - .45, Current as of 04/07/2017
* TEGL 5-15 and 5-15 Change 1 - Operating Instructions for Implementing the Amendments to the Trade Act of 1974 Enacted by the Trade Adjustment assistance Reauthorization Act of 2015 (TAARA 2015), Updated 09/23/2016
* ESD TAA Policy 3005 – Relocation Allowances, Last Updated 01/17/2006
* ESD TAA Relocation Allowances Procedures – 2011 – Last Updated 10/07/2015
* DOL Core Monitoring Guide with TAA Supplement, Released 02/2014

**ESD TAA Relocation Allowances Procedures:** * A relocation allowance may be granted to an individual only once per certification.
* Relocation allowances may not be granted to more than one member of the family for the same relocation.
* Relocation must be within the United States but outside the participant’s **50 mile commuting area**.
* The request for relocation must be made in advance. The participant must sign and date the **Request for Relocation Allowance Form 860 *before*** relocation begins.
* Make sure applicant is entitled to TAA by obtaining a copy of the Entitlement Determination Form. Check timelines to ensure request is **within 425 days** of certification date or participant’s last total separation whichever is later; **or within 182 days** after completion of TAA approved training.
* An **Initial Assessment** is required prior to approval of relocation allowance. The assessment must take into consideration prevailing local labor market conditions including the unemployment rate, local employer skill demands and hiring prerequisites, transferable skills, barriers to employment such as obsolete skills, excess supply of skills in labor market or limited English proficiency; as well as employment history, desired employment and education history. The needs assessment requirement may be satisfied by a WIA/WIOA or Wagner-Peyser Act funded assessment; or UI profiling.
* Have participant bring in work search logs to verify their attempts in securing employment locally. Place copies of work search logs in participant file. Review local area Demand/Decline list for occupations the participant has had experience in to determine the likelihood of finding suitable employment in the local area. Enter case notes of the participant’s job seeking activities. Also, note your search of the Demand/Decline list. If documentation indicates there is no suitable employment available in the participant’s commute area proceed with the next step.
* Obtain verification of offer and acceptance of long-term employment or received a bona fide offer for suitable employment in the area of intended relocation.
* **Transporting Household Goods:** **Case notes must include** the selected moving company and the estimated charges for reasonable and necessary accessories, insurance up to $10,000 of value and the cost for the number of miles, if applicable.

**Eligibility****20 CFR 617.42:****(a) Conditions.** Eligibility for a relocation allowance requires: **(1)** A timely filed application; **(2)** Total separation from adversely affected employment at the time relocation commences; **(3)** No prior receipt of a relocation allowance under the same certification; **(4)** Relocation within the United States and outside the individual's present commuting area; **(5)** Registration with the State agency which shall furnish the individual such reemployment services as are appropriate under subpart C of this part 617; **(6)** A determination by the State agency that the individual has:* No reasonable expectation of securing suitable employment in the commuting area, and
* Has obtained suitable employment affording a reasonable expectation of employment of long-term duration, or
* A bona fide offer of such suitable employment, outside the commuting area and in the area of intended relocation. For the purposes of this section, the term “suitable employment” means suitable work as defined in §617.3(kk) (1) and (2), whichever is applicable to the individual; and

**(7)** Relocation beginning within a reasonable period, as determined under sec. 617.43(b), and completion of such relocation within a reasonable period of time as determined in accordance with Federal travel regulations and sec. 617.43(a). **(b) Job search***.* Applications for a relocation allowance and a job search allowance may not be approved concurrently, but the prior payment of a job search allowance shall not otherwise preclude the payment of a relocation allowance. **Time of relocation****20 CFR 617.43:****(a) Applicable Considerations***.* In determining whether an individual's relocation is completed in a reasonable period of time, a State agency, among other factors, shall consider whether: **(1)** Suitable housing is available in the area of relocation; **(2)** The individual can dispose of the individual's residence; **(3)** The individual or a family member is ill; and **(4)** A member of the individual's family is attending school and when the member can best be transferred to a school in the area of relocation. **(b) Time Limits.** The reasonable period for actually beginning a relocation move shall **expire 182 days after the date of application** for a relocation allowance, **or 182 days after the conclusion of training**. **Amount*** **20 CFR 617.45:**

**(a) Items Allowable.** The amount payable as a relocation allowance shall include the following items:**(1)** **90 percent** of the travel expenses for the individual and family, if any, from the individual's place of residence to the area of relocation, as determined under Sec. 617.46; **(2)** **90 percent** of the expenses of moving household goods and personal effects of the individual and family, if any, not to exceed the maximum number of pounds net weight authorized under the Federal travel regulations (*see* 41 CFR part 101-7), between such locations, as determined under SEC. 617.47; and **(3)** A lump sum payment, **equal to 3 times** the individual's average weekly wage, not to exceed $~~800~~ **$1,250** (*See TEGL 5-15, Attachment A, below: “Because the 2015 Program provides a higher maximum reimbursement amount for relocation allowance, the “$800” in Section 617.45(a)(3) must be applied to read as if it read “$1,250.”)***(b) Reduction.** The amount otherwise payable under paragraphs (a)(1) and (a)(2) of this section shall be reduced by any amount the individual is entitled to be paid or reimbursed for such expenses from any other source. * **TEGL 5-15:** The percentage of relocation expenses that may be paid on behalf of a qualified participant is 90% of the total expenses, plus a lump sum payment of up to **$1,250.**
* **TEGL 5-15, Change 1 Attachment A:** Because the 2015 Program provides a higher maximum reimbursement amount for relocation allowance, the “$800” in Section 617.45(a)(3) must be applied to read as if it read “$1,250.”

**Travel allowance****20 CFR 617.46:****(a) Computation***.* The amount of travel allowance (including lodging and meals) payable shall be **90 percent** of the total costs of each of the following allowable transportation and subsistence items: **(1) Transportation**. The more cost effective mode of transportation reasonably available shall be approved by using:**(i)** The actual cost of transportation for the individual and family, if any, by the most economical public transportation the individual and family reasonably can be expected to take from the individual's old residence to the individual's new residence in the area of relocation; or **(ii)** The cost per mile at the prevailing mileage rate authorized under the Federal travel regulations (*see* 41 CFR part 101-7) for the usually traveled route from the individual's old residence to the individual's new residence in the area of relocation. No additional mileage shall be payable for family members traveling on the same trip in the same vehicle. [www.gsa.gov](http://www.gsa.gov)**(2) Lodging and meals***.* The cost allowable for lodging and meals for an individual or each member of the individual's family shall not exceed the lesser of: **(i)** The actual cost to the individual for lodging and meals while in travel status; or **(ii)** 50 percent of the prevailing per diem allowance rate authorized under the Federal travel regulations (*see* 41 CFR part 101-7) for the locality to which the relocation is made.**(b) Separate Travel.** If, for good cause, a member or members of an individual's family must travel separately to the individual's new residence, 90 percent of the total costs of such separate travel, computed in accordance with paragraph (a) of this section, shall be included in calculating the total amount the individual is entitled to be paid under this subpart E. For purposes of this paragraph (b), good cause means such reasons as would justify the family member's inability to relocate with the other members of the individual's family, including but not limited to reasons related to the family member's health, schooling or economic circumstances. **(c) Limitation.** In no case may the individual be paid a travel allowance for the individual or a member of the individual's family more than once in connection with a single relocation.**Moving allowance****20 CFR 617.47****(a) Computation***.* The amount of a moving allowance payable under §617.45(a)(2) shall be 90 percent of the total of the allowable costs under either (1), (2), or (3) of this paragraph, and 90 percent of the total allowable costs under (4) of this paragraph: **(1) Commercial carrier***.* Allowable costs for moving household goods and personal effects of an individual and family, if any, shall not exceed the maximum number of pounds net weight authorized under the Federal travel regulations (*see* 41 CFR part 101-7) by commercial carrier from the individual's old residence to the individual's new residence in the area of relocation, including reasonable and necessary accessorial charges, by the most economical commercial carrier the individual reasonably can be expected to use. Before undertaking such move, the individual must submit to the State agency an estimate from a commercial carrier as to the cost thereof. Accessorial charges shall include the cost of insuring such goods and effects for their actual value or $10,000, whichever is least, against loss or damage in transit, if a bid from a licensed insurer is obtained by the individual and approved by the State agency before departure. If a State agency finds it is more economical to pay a carrier an extra charge to assume the responsibility of a common carrier for such goods and effects, 90 percent of such extra charge, but not exceeding $50, shall be paid in lieu of the cost of insurance. **(2) Trailer or rental truck**—**(i) Trailer**. If household goods and personal effects are moved by trailer, the allowable costs shall be: (A) If the trailer is hauled by private vehicle, the cost per mile for the use of the private vehicle at the prevailing mileage rate authorized under the Federal travel regulations for the usually traveled route from the individual's old residence to the individual's new residence in the area of relocation; and (B) lf the trailer is rented, and of the type customarily used for moving household goods and personal effects, the rental fee for each day reasonably required to complete the move; or (C) The actual charge if hauling is by commercial carrier, **(ii) Rental truck***.* If household goods and personal effects are moved by rental truck of the type customarily used for moving household goods and personal effects, the allowable costs shall be: (A) The rental fee for each day reasonably required to complete the move; and (B) The necessary fuel for such rental truck paid by the individual. **(3) House trailer.** If a house trailer or mobile home was used as the individual's place of residence in the old area and will be so used in the new area, the allowable costs of moving such house trailer or mobile home shall be: (i) The commercial carrier's charges for moving the house trailer or mobile home; (ii) Charges for unblocking and re-blocking; (iii) Ferry charges, bridge, road, and tunnel tolls, taxes, fees fixed by a State or local authority for permits to transport the unit in or through its jurisdiction, and retention of necessary flagmen; and (iv) The cost of insuring the house trailer or mobile home, and the personal effects of the individual and family, against loss or damage in transit, in accordance with the provisions in paragraph (a)(1) of this section. **(4) Temporary storage***.* If temporary storage of household goods and personal effects is necessary, the cost of such temporary storage for a period not to exceed 60 days. **(b) Travel***.* Payments under this section shall be in addition to payments for travel expenses for the individual and family, if any, under sec.617.45(a)(1), except that the allowable cost for a private vehicle used to haul a trailer may not be paid under this section if any cost with respect to such private vehicle is payable under any other provisions of this subpart E. | **ESD TAA Relocation Allowances Procedures:*** Initial Assessment
* Work search logs
* Local Area Demand/Decline
* Requested within 425 or 182 days
* Offer of employment
* Case Notes identify no suitable work available in the participant’s commute area, two moving Company Estimates collected and company selected and insured up to $10,000 value and the cost for the number of miles, if applicable.
* Form 860-Request for Relocation Allowance
* Computation of costs
* Relocation receipts

**DOL Core Monitoring Guide with TAA Supplement:*** What is the job relocation application and payment process?
* How are job offers for relocations verified?
* Was the calculation for a sample of relocation payment made correctly?
 |  [ ]  Element Met [ ]  Element Not Met [ ]  Data Validation Issues [ ]  N/AComments: | [ ]  No Action Required[ ]  The Following Action is  Required: |

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| **2-I. WIOA Supportive Services**  | **Evidence & Indicators** | **Observations** | **Actions Required** |
| * WIOA Sec. 3(59) and 134(d)(2) and (3), Released 01/03/2014
* TEGL 19-16 - Guidance on Services Provided through the Adult and DW Program under WIOA and Wagner Peyser, Released 03/01/2017
* TEGL 5-15 and 5-15 Change 1-Operating Instructions for Implementing the Amendments to the Trade Act of 1974 Enacted by the Trade Adjustment assistance Reauthorization Act of 2015 (TAARA 2015), Updated 09/23/2016
* 20 CFR 680.900 and .910, Released 08/19/2016
* ESD WIOA Policy 5602 – Supportive Services and Needs Related Payments, Released 07/01/2015
* DOL Core Monitoring Guide with TAA Supplement, Released 02/2014

**Supportive Services:*** **TEGL 5-15, Change 1 Attachment A:**  As discussed in TEGL 3-15, co-enrollment or multiple-enrollment in WIOA partner programs allows workers covered by TAA to receive supportive services
* **WIOA Final Rule, Department’s response, pages56157-56158:** Local WDBs must develop policies and procedures to ensure coordination with other entities to ensure non-duplication of resources and services and to establish limits on the amount and duration of such services. Local WDBs are encouraged to develop policies and procedures that ensure that **supportive services are WIOA funded only when these services are not available through other agencies and that the services are necessary for the individual to participate in title I activities.**
* **TEGL 19-16 – Guidance on Service Provided through the Adult and DW Program under WIOA and Wagner Peyser; 20 CFR 680.900:** Supportive services are services that are necessary to enable an individual to participate in activities authorized under WIOA sec. 134(c)(2) and (3). These services may include, but are not limited to, the following:

**(a)** Linkages to community services; **(b)** Assistance with transportation; **(c)** Assistance with child care and dependent care; **(d)** Assistance with housing; **(e)** Needs-related payments, as described at §§ 680.930, 680.940, 680.950, 680.960, and 680.970 (available only to individuals enrolled in training series); **(f)** Assistance with educational testing; **(g)** Reasonable accommodations for individuals with disabilities; **(h)** Legal aid services; **(i)** Referrals to health care; **(j)** Assistance with uniforms or other appropriate work attire and work-related tools, including such items as eyeglasses and protective eye gear; **(k)** Assistance with books, fees, school supplies, and other necessary items for students enrolled in postsecondary education classes; and **(l)** Payments and fees for employment and training-related applications, tests, and certifications.* **20 CFR 680.910:**

**(a)** Supportive services may only be provided to individuals who are:(1) Participating in career or training services as defined in WIOA secs 134(c)(2) and (3); and(2) Unable to obtain supportive services through other programs providing such services.**(b)** Supportive services only may be provided when they are necessary to enable individuals to participate in career services or training services. | * What is ESD’s policy and/or procedure for providing TAA participants with WIOA supportive services?
* How does ESD ensure the policy/procedure is being followed?
* Was the policy/procedure followed?

**DOL Core Monitoring Guide with TAA Supplement:*** Has the grantee implemented a policy to provide supportive services?
* Do the case notes and participant files identify the barriers that may prevent the client from participating in and successfully completing the IEP?
* Do the files indicate that a supportive service strategy has been developed to overcome barriers? Is it adequate?
* Is there evidence that supportive services have actually been provided in accordance with the plan?
* How is co-enrollment used to ensure access to all appropriate supportive services for each trade-affected worker?
* Are TAA participants referred to WIA/WIOA supportive services as needed to overcome client barriers to obtaining or retaining employment and participation and completion of TAA training?

**If applicable, documentation may include:*** Case notes regarding referral and coordination with WIOA partners.
* Trade Act participants may not receive supportive services funded by the Trade Act Program.
 |  [ ]  Element Met [ ]  Element Not Met [ ]  Data Validation Issues [ ]  N/AComments: | [ ]  No Action Required[ ]  The Following Action is Required: |

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| **2-J. WIOA BASIC CAREER SERVICES** | **Evidence & Indicators** | **Observations** | **Actions Required** |
| * Trade Adjustment Assistance Reauthorization Act of 2015 (TAARA 2015), Released 06/29/2015
* wioa secs. 134(c)(2)(A)(i)-(xi), Released 01/03/2014
* 20 CFR 678.430(a), Released 08/19/2016
* 20 cfr 680.150, Released 08/19/2016
* TEGL 19-16- Guidance on Services Provided through the Adult and DW Program under WIOA and Wagner Peyser, Released 03/01/2017
* TEGL 5-15-Operating Instructions for Implementing the Amendments to the Trade Act of 1974 Enacted by the Trade Adjustment assistance Reauthorization Act of 2015 (TAARA 2015), Updated 09/23/201

**Career services must be made available to taa participants****TEGL 5-15, Attachment B; Sec 221(a)(2):** Upon receipt of a petition of a certification, the Governor shall-**(A)** Ensure that rapid response activities and appropriate career services (as described in section 134 of WIOA) authorized under other Federal laws are made available to the workers covered by the petition to the extent authorized under such laws.**TEGL 19-16:** Basic career services are universally accessible and must be made available to all individuals seeking employment and training services in a least one comprehensive American Job Center per local are, and include:* Determination of individual eligibility to receive assistance from the adult, dislocated worker or youth programs;
* Outreach, intake, and orientation to information and other services available through the one-stop system;
* Initial assessment of skill levels including literacy, numeracy, English language proficiency, aptitudes, abilities (including skill gaps) and supportive service needs;
* Labor exchange services, including-Job search and placement assistance, and, when needed by an individual, career counseling, including-
* Provision of information on in-demand industry sectors and occupations; and,
* Provision of information on nontraditional employment;
* Provision of referrals to and coordination of activities with other programs and services;
* Provision of workforce and labor market employment statistics information, including the provision of accurate information relating to local, regional, and national labor market areas, including-
* Job vacancy listings in labor market areas;
* Information on job skills necessary to obtain the vacant jobs listed; and
* Information relating to local occupations in demand and earnings, skill requirements, and opportunities for advancement for those jobs;
* Provision of performance information and program cost information on eligible providers of training services by program and type of providers;
* Provision of local area performance;
* Provision of information relating to the availability of supportive services and appropriate referrals to those services, including: child care; child support; medical or child health assistance available through the State’s Medicaid program and Children’s Health Insurance Program (CHIP); benefits under the Supplemental Nutrition Assistance Program (SNAP); assistance through the earned income tax credit; housing counseling and assistance services sponsored through the U.S. Department of Housing and Urban Development (HUD); and assistance under a State program for Temporary Assistance for Needy Families (TANF), and other supportive services and transportation provided through that program;
* Provision of information and meaningful assistance to individuals seeking assistance in filing a claim for UI; and
* Assistance in establishing eligibility for programs of financial aid assistance for training and education programs not provided under WIOA.
 | * What is ESD’s policy and/or procedure for providing TAA participants with WIOA Basic Career Services?
* How does ESD ensure the policy/procedure is being followed?
* Was the policy/procedure followed?

**If applicable, documentation may include:*** Case notes regarding referral and coordination with WIOA partners.
 |  [ ]  Element Met [ ]  Element Not Met [ ]  Data Validation Issues [ ]  N/AComments: | [ ]  No Action Required[ ]  The Following Action is Required: |
| **2-K. WIOA INDIVIDUALIZED CAREER SERVICES** | **Evidence & Indicators** | **Observations** | **Actions Required** |
| * WIOA secs. 134(c)(2)(A)(xii), Released 01/03/2014
* CFR 678.430(b), Released 08/19/2016
* 20 cfr 680.150, Released 08/19/2016
* TEGL 19-16- Guidance on Services Provided through the Adult and DW Program under WIOA and Wagner Peyser, Released 03/01/2017

**individualized career services must be made available to taa participants****TEGL 19-16:**  If one-stop center staff determine that individualized career services are appropriate for an individual to obtain or retain employment, these services must be made available to the individual. These services must be available in all American Job Centers. These services include:* Comprehensive and specialized assessments of the skill levels and service needs of adults and dislocated workers, which may include-
* Diagnostic testing and use of other assessment tools; and
* In-depth interviewing and evaluation to identify employment barriers and appropriate employment goals;
* Development of an individual employment plan, to identify the employment goals, appropriate achievement objectives, and appropriate combination of services for the participant to achieve his or her employment goals, including the list of, and information about the eligible training providers (as described in 20 CFR 680.180).
* Group and/or individual counseling and mentoring;
* Career planning (e.g. **case management**);
* Short-term pre-vocational services including development of learning skills, communication skills, interviewing skills, punctuality, personal maintenance skills, and professional conduct services to prepare individuals for unsubsidized employment or training, in some instances pre-apprenticeship programs may be considered as short-term pre-vocational services;
* Internships and work experiences that are linked to careers (as described in 20 CFR 680.170);
* Workforce preparation activities that help an individual acquire a combination of basic academic skills, critical thinking skills, digital literacy skills, and self-management skills, including competencies in utilizing resources, using information, working with others, understanding systems, and obtaining skills necessary for successful transition into and completion of postsecondary education, or training, or employment;
* Financial literacy services (as described in 20 CFR 681.500)
* Out-of-area job search assistance and relocation assistance; and
* English language acquisition and integrated education and training programs.
 | * What is ESD’s policy and/or procedure for providing TAA participants with WIOA Individualized Career Services?
* How does ESD ensure the policy/procedure is being followed?
* Was the policy/procedure followed?

**If applicable, documentation may include:*** Case notes regarding referral and coordination with WIOA partners.
 |  [ ]  Element Met [ ]  Element Not Met [ ]  Data Validation Issues [ ]  N/AComments: | [ ]  No Action Required[ ]  The Following Action is Required: |
| **3. training services** | **Evidence & Indicators** | **Observations** | **Actions Required** |
| * Trade Adjustment Assistance Reauthorization Act of 2015 (TAARA 2015), Sec. 236, Released 06/29/2015
* 20 CFR Part 617.4(e)(3); 617.22, Current as of 04/07/2017
* TEGL 5-15 and 5-15 Change 1-Operating Instructions for Implementing the Amendments to the Trade Act of 1974 Enacted by the Trade Adjustment Assistance Reauthorization Act of 2015 (TAARA 2015), Updated 09/23/2016
* 20 CFR 680.200, .210, .220, and .230; 680.420, Released 08/19/2016
* ESD TAA Classroom Training Procedures-Extension Act 2011 - Last Updated 10/07/2015 – POLICY AND PROCEDURES NEED TO BE UPDATED SO ALL REFLECT 2011; NEED 2009, 2011 AND 2015 POLICIES
* ESD Policy 3065, Rev. 2 – Approval of Training Under TAA, Last Updated 01/24/2016
* ESD Policy 3045, Rev. 2 – Classroom (Occupational Skills) Training Policy, Last Updated 02/19/2008
* DOL Core Monitoring Guide with TAA Supplement, Released 02/2014

**ELIGIBILITY****TEGL 5-15:** TAA-funded training is allowed for adversely affected incumbent workers (workers who are covered by a certification before their separation from employment);**Part-time & Full-time Training*** **TEGL 5-15:** Part-time training can be approved for Trade Act Petitions 70,000 and above, but without TRA
* **20 CFR 617.22(f)(4): Full-time training***.* Individuals in TAA approved training shall attend training full time, and when other training is combined with OJT attendance at both shall be not less than full-time. The hours in a day and days in a week of attendance in training shall be full-time in accordance with established hours and days of training of the training provider.

**SIX REQUIRED TRAINING CRITERIA****20 CFR 617.22(a) and TAA Policy 3045:****(1) There is no suitable employment** *(which may include technical and professional employment) available for an adversely affected worker.***(i)** This means that for the worker for whom approval of training is being considered under this section, no suitable employment is available at that time for that worker, either in the commuting area, as defined in SEC. 617.3(k), or outside the commuting area in an area in which the worker desires to relocate with the assistance of a relocation allowance, and there is no reasonable prospect of such suitable employment becoming available for the worker in the foreseeable future. For the purposes of paragraph (a)(1) of this section only, the term “**suitable employment**” means, with respect to a worker, work of a substantially equal or higher skill level than the worker's past adversely affected employment, and wages for such work at not less that 80 percent of the worker's average weekly wage. **(2) The worker would benefit from appropriate training.** **(i)** This means that there is a direct relationship between the needs of the worker for skills training or remedial education and what would be provided by the training program under consideration for the worker, and that the worker has the mental and physical capabilities to undertake, make satisfactory progress in, and complete the training. This includes the further criterion that the individual will be job ready on completion of the training program. **(3) There is a reasonable expectation of employment following completion of such training***.* **(i)** This means that, for that worker, given the job market conditions expected to exist at the time of the completion of the training program, there is, fairly and objectively considered, a reasonable expectation that the worker will find a job, using the skills and education acquired while in training, after completion of the training. Any determination under this criterion must take into account that “a reasonable expectation of employment” does not require that employment opportunities for the worker be available, or offered, immediately upon the completion of the approved training. This emphasizes, rather than negates, the point that there must be a fair and objective projection of job market conditions expected to exist at the time of completion of the training. **(4) Training approved is reasonably available to the worker from either governmental agencies or private sources (which may include area vocational technical education schools and employers).** **(i)** This means that training is reasonably accessible to the worker within the worker's commuting area **at any governmental or private training (or education) provider**, particularly including on-the-job training with an employer, and it means training that is suitable for the worker and meets the other criteria in paragraph (a) of this section. It also means that emphasis must be given to finding accessible training for the worker, although not precluding training outside the commuting area if none is available at the time within the worker's commuting area. Whether the training is within or outside the commuting area, the training must be available at a reasonable cost as prescribed in paragraph (a)(6) of this section. (ii) In determining whether or not training is reasonably available, first consideration shall be given to training opportunities available within the worker's normal commuting area. Training at facilities outside the worker's normal commuting area should be approved only if such training is not available in the area or the training to be provided outside the normal commuting area will involve less charges to TAA funds. **(5) The worker is qualified to undertake and complete such training.** **(i)** This emphasizes the worker's personal qualifications to undertake and complete approved training. Evaluation of the worker's personal qualifications **must include** the worker's physical and mental capabilities, educational background, work experience and financial resources, as adequate to undertake and complete the specific training program being considered. **(ii)** Evaluation of the worker's financial ability shall include an analysis of the worker's remaining weeks of UI and TRA payments in relation to the duration of the training program. If the worker's UI and TRA payments will be exhausted before the end of the training program, it shall be ascertained whether personal or family resources will be available to the worker to complete the training**. It must be noted on the worker's record that financial resources were discussed with the worker before the training was approved.** **(iii)** When adequate financial resources will not be available to the worker to complete a training program which exceeds the duration of UI and TRA payments, the training shall not be approved and consideration shall be given to other training opportunities available to the worker. **(6) Such training is suitable for the worker and available at a reasonable cost.** **(i)** Such training means the training being considered for the worker. Suitable for the worker means that paragraph (a)(5) of this section is met and that the training is appropriate for the worker given the worker's capabilities, background and experience. **(ii)** Available at a reasonable cost means that training may not be approved at one provider when, all costs being considered, training substantially similar in quality, content and results can be obtained from another provider at a lower total cost within a similar time frame. It also means that training may not be approved when the costs of the training are unreasonably high in comparison with the average costs of training other workers in similar occupations at other providers. This criterion also requires taking into consideration the funding of training costs from sources other than TAA funds, and the least cost to TAA funding of providing suitable training opportunities to the worker. Greater emphasis will need to be given to these elements in determining the reasonable costs of training, particularly in view of the requirements in sec. 617.11(a) (2) and (3) that TRA claimants be enrolled in and participate in training. **(iii)** For the purpose of determining reasonable costs of training, the following elements shall be considered: **(A)** **Costs of a training program shall include tuition and related expenses (books, tools, and academic fees), travel or transportation expenses, and subsistence expenses;** **(B)** In determining whether the costs of a particular training program are reasonable, first consideration must be given to the lowest cost training which is available within the commuting area. When training, substantially similar in quality, content and results, is offered at more than one training provider, the lowest cost training shall be approved; and **(C)** Training at facilities outside the worker's normal commuting area that involves transportation or subsistence costs which add substantially to the total costs shall not be approved if other appropriate training is available. **TRAINING duration****TEGL 5-15, Change 1 Attachment A:** * The 2015 Act does not include a specific limitation on the length of training. However, the Act allows CSAs to approve a training program with a maximum length, during which training is conducted, of **130 weeks**, which is the maximum number of payable weeks of income support (UI plus TRA).
* The 2015 Act encourages CSAs to approve the use of TAA training to obtain two-year certificates or degrees, or to complete a four-year (or more) degree that has been started and can be completed in **130 weeks** of approved training.

**Training Expenses** **WIN 0079, Change 2*** **TAA Education Expenses** are defined as **tuition, books, fees and tools**. Approval is limited to those costs as identified on the school syllabus and the training agreement, which **must be approved before training begins**.
* Cap on classroom training costs and the Exception to Cost Limit policy was eliminated on 2/3/17 in WIN 0079, Change 2. Local discretion will apply. There is no restriction or cap for personal computer and equipment required in the course syllabus for an approved program. Approved training must be within reasonable costs and are dependent upon funds available.

**Reasonable Cost & Other Grant Assistance****TEGL 5-15, Change 1 Attachment A:*** Regulatory guidance for determining **“reasonable cost**” is found at 20 CFR 617.22(a)(6)(iii)(A)-(C). Specifically, the regulations dictate that, for the purpose of determining reasonable costs of training, the CSA considers:

**(A)** Costs of a training program shall include tuition and related expenses (books, tools, and academic fees), travel or transportation expenses, and subsistence expenses; **(B)** In determining whether the costs of a particular training program are reasonable, first consideration must be given to the lowest cost training available within the commuting area. When training that is substantially similar in quality, content, and results is offered at more than one training provider, the lowest cost training shall be approved; **(C) The ESD TAA Classroom Training Procedures** requires the participant to interview **three different training providers**; and **(D)** Training at facilities outside the worker's normal commuting area that involves transportation or subsistence costs that add substantially to the total costs shall not be approved if other appropriate training is available. * When determining whether the cost of training is reasonable, the CSA will consider whether other public or private funds are available to the worker. This Section ensures that training programs that would otherwise not be approved under TAA due to costs may be approved if a worker voluntarily commits to using public or private funds to pay a portion of the costs of training. Private funds may include grants (with the exception of certain student financial assistance, explained below), scholarships, employer funding, or other sources available to the participant not requiring the use of funds personal to the worker, relatives, or friends. Longstanding rules codified at 20 CFR 617.22(h), 617.25(b)(1)(iii), and 617.25(b)(5)(ii) prohibiting any requirement that a worker use funds personal to the worker to pay for training remain in effect until such time as they are amended through notice and comment rulemaking. We interpret these rules to apply to training that has been determined to be at a reasonable cost. If the worker volunteers to use other funds to supplement the TAA training funds when the cost of training is otherwise not reasonable, and demonstrates that those funds are available, the training program will be approved, if the other training approval criteria are met. Further, a **CSA may not require the worker to obtain other funds as a condition for approval of training.**
* “Notwithstanding any other law,” certain types of student financial assistance (Pell Grants, benefits under Supplemental Educational Opportunity Grants, Federal educational loan programs, Presidential Access Scholarships, Federal student work-study programs, and Bureau of Indian Affairs Student Assistance) “shall not be taken into account in determining the need or eligibility of any person for benefits or assistance, or the amount of such benefits or assistance, under any Federal program…” Therefore, **a CSA may not consider the student financial assistance in determining whether to approve training.** This allows a worker to use student financial assistance for living expenses instead of tuition and thus provides the worker income support during long-term training.
* **20 CFR 617.23**(*2*): When payments of Veterans Educational Assistance, Pell Grants, and Supplemental Educational Opportunity Grants are made to the training provider, instead of the individual, and are used for training costs, such payments shall be taken into account as direct payment of the training costs under other Federal law.

**Fees prohibited****20 CFR 617.22(h).** In no case shall an individual be approved for training under this subpart C for which the individual is required to pay a fee or tuition. **Supplemental Training Purchases****ESD TAA Policy #3065 Rev. 2, WIN 0079, Change 2:** * **TAA service providers may authorize up to $40 per semester/quarter** for the purchase of supplies such as pens, pencils, paper, binders, dictionaries and non-edible supplies, normally found at collegiate and training facilities and needed by the participant to support classroom training. These supplies are considered incidental and above/beyond the cost of training and should not be factored in to the determination of the cost of training.
* Approval of expenses, such as books and tools, is limited to those costs identified on the school syllabus and the training agreement, which **must be approved before training begins.**
* **There is no restriction or cap for personal computer and equipment required in the course syllabus for an approved program.** Approved training must be within reasonable costs and are dependent upon funds available. Tools, personal computers and equipment require verification that 2-3 quotes were collected and the lowest bid was selected for funding.

**Tools****ESD TAA Policy #3065 Rev. 2, Training Forms Packet: Tools and Equipment Agreement:** * TAA funds shall not be used to replace lost or stolen tools.
* Tools become the property of the participant after the completion of training for use in employment or if the participant does note complete training but obtains training related employment.
* Participants who do not complete training and do not obtain training-related employment must return all tools to the TAA service provider.

**TRAINING RESEARCH****ESD TAA Classroom Training Procedures, WIN 0079, Change 2:** * It is paramount for a participant to complete thorough research to match available training to the participant’s skills, aptitudes and abilities.
* All participants interested in training must be instructed to complete the TAA Training Research Packet.
* Participants co-enrolled in the WIA(WIOA) Dislocated Worker program who have completed similar research and are enrolled in training paid by WIA(WIOA) are not required to complete another Training Research packet.
* However, if a participant is in WIA(WIOA) paid training, the training must meet the six conditions for TAA approval of training for TAA funding.
* It is recommended, but not required, that providers be on the Eligible Training Provider List (WTPL). Other programs (e.g. WIOA, Worker Retraining) require training programs to be on the ETPL as a condition of eligibility. It is essential that all TAA counselors advise participants that co-enrollment with other programs may be adversely impacted if they choose training programs that are not on the ETPL and collect documentation of said advisement, using **Attachment B of the WIN 00749, Change 2**.

**TRAINING SELECTION****Priority:****ESD TAA Classroom Training Procedures:** The selection of a training or provider and location must be prioritized as follows:* Local community colleges, vocational technical schools or state universities
* A private school within the commute area
* Community college or vocational school outside the normal commute area.
* A private school outside the normal commute area. If a private institution is selected over a public institution enter the reason why in case notes.

**Types of Training****TAARA 2015 Sec. 236(a)(5); TEGL 5-15 Attachment B**: The training programs that may be approved include, but are not limited to—**(A)** Employer-based training, including—**(i)** On-the-job training,**(ii)** Customized training, and**(iii)** Apprenticeship programs registered under the Act of August 16, 1937 (commonly known as the ‘‘National Apprenticeship Act’’; 50 Stat. 664, chapter 663; 29 U.S.C. 50 et seq.),**(B)** Any training program provided by WIOA (see WIOA training requirements, below),**(C)** Any training program approved by a private industry council established under section 102 of such Act,**(D)** Any program of remedial education,**(E)** Any program of prerequisite education or coursework required to enroll in training that may be approved under this section,**(F)** Any training program (other than a training program described in paragraph (7)) for which all, or any portion, of the costs of training the worker are paid—**(i)** Under any Federal or State program other than this chapter, or**(ii)** From any source other than this section,**(G)** Any other training program approved by the Secretary, and**(H)** Any training program or coursework at an accredited institution of higher education (described in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002)), including a training program or coursework for the purpose of—**(i)** Obtaining a degree or certification; or**(ii)** Completing a degree or certification that the worker had previously begun at an accredited institution of higher education. The Secretary may not limit approval of a training program under paragraph (1) to a program provided pursuant to title I of the Workforce Innovation and Opportunity Act.**Training Program****20 CFR 617.22(3)****(i)** A training program may consist of a single course or group of courses which is designed and approved by the State agency for an individual to meet a specific occupational goal; **(ii)** When an approved training program involves more than one course and involves breaks in training (within or between courses, or within or between terms, quarters, semesters and academic years), all such breaks in training are subject to the “14-day break in training” provision in sec. 617.15(d), for purposes of receiving TRA payments. An individual's approved training program may be amended by the State agency to add a course designed to satisfy unforeseen needs of the individual, such as remedial education or specific occupational skills, as long as the length of the amended training program does not exceed the 104-week training limitation. **20 CFR 617.22****(i) Training outside the United States***.* In no case shall an individual be approved for training under this subpart C which is conducted totally or partially at a location outside the United States.**Enrolled in Training****TEGL 5-15, Attachment A:**  * **“Enrolled in training”** continues to mean the worker’s application for training has been approved by the CSA and the training institution has furnished written notice to the CSA that the worker has been accepted into the approved program set to begin within 30 days of such approval.

**Enrollment Deadlines****TEGL 5-15, Attachment A:**  * Enrollment deadlines are the later of **26 weeks from the separation or certification date**.

**Extension of Training Enrollment Deadlines****TEGL 5-15, Attachment A:**  * The 2015 allows for an extension of the enrollment deadlines **for 45 days** where the CSA determines that there are extenuating circumstances justifying the extension. **“Extenuating circumstances”** continue to be circumstances beyond the control of the worker. This includes situations where:
	+ Training programs are abruptly cancelled, as well as
	+ Where the worker suffers injury or illness preventing participation in training.
* The 2015 Program also continues to allow an exception to the enrollment deadlines where the worker did not enroll by the deadlines because the CSA failed to provide the worker with timely information about the raining enrollment deadlines, which was in effect under the 2009 and 2011 Programs. In that event, the worker must be enrolled by the last day of a period to be determined by the Secretary. Accordingly, the Secretary has determined in TEGL 22-08, Section C.2. that the worker must be enrolled in training or receive a waiver by the Monday of the first week occurring **60 days** after the date on which the worker was properly notified of both his or her eligibility to apply for TAA and the requirement to enroll in training absent a waiver of the training requirement. However, in this situation, the deadlines may be tolled for a longer period, if appropriate. CSAs should review TEGL 8-11 *The Availability of Equitable Tolling of Deadlines for Worker Covered Under TAA Certifications* in considering the application of equitable tolling of these deadlines. (See “Equitable Tolling” under section 4.TRA, below).

**GOOD CAUSE:** **TEGL 5-15, Change 1 Attachment A:** TAARA 2015 reinstates the Federal “Good Cause” provision of Section 234 of the 2011 Act, which allows for a **waiver of deadlines relating to time limitations** on filing an **application for TRA** or **enrolling in training** based on “good cause” determined under Federal criteria established by the Secretary. See section 3.F “Training Waivers” for the complete list **CSAs must consider** before waiving these time limitations.**Individual Training Plan (CT3)** **TAA Procedure Classr0om Training #3045:*** The Individual Training Plan is a contract between the school, the participant and CSA. The CT3 must be signed and dated by all parties **before** a participant begins training. The TAA Supervisor/Manager can only sign the plan within 30 days of the beginning of training. The Training Provider and participant do not have a time restriction for signing as long as it is before the training plan begins.
* If a participant will be attending more than one school, a CT3 must be completed for each school.

**TRAINING APPROVAL****TEGK 5-15, Change 1 Attachment A:**In approving training, CSAs must consider cost, suitability for the worker, and quality and results. A CSA may approve a more expensive training program that is of demonstrably higher quality or that may be expected to produce better results for the worker to obtain suitable employment.**TAA Procedure Classroom Training #3045**: The **Request for Training Approval and Allowance (858**) must be completed prior to the start of training.**WIOA Training** * WIOA sec. 134(c)(3)(D), Released 01/03/2014
* 20 CFR 680.200, .210, .220, and .230; 680.420, 08/19/2016
* TEGL 19-16 - Guidance on Services Provided through the Adult and DW Program under WIOA and Wagner Peyser, Released 03-01-2017

**WIOA Approved Training for TAA Participants*** **TEGL 5-15 Attachment A-** WIOA approved training is approvable TAA training option under Section 236(a)(5)(B) of the 2015 Act. **Training options under TAA are not limited to training programs under WIOA**.
* **ESD TAA Classroom Training Procedures:** TAA participants co-enrolled in the WIA(WIOA) Dislocated Worker program who have completed similar research and are enrolled in training paid by WIA(WIOA) are not required to complete another Training Research packet. However, **if a participant is in WIA(WIOA) paid training, the training must meet the six conditions for TAA approval of training for TAA funding**.

**WIOA TRAINING SERVICES****20 CFR 680.200:** This list of WIOA training services is not all-inclusive and additional training services may be provided:* Occupational skills training
* OJT
* Incumbent worker training
* Programs that combine workplace training with related instruction
* Training programs operated by the private sector
* Skills upgrade and retraining
* Entrepreneurial training
* Transitional jobs in accordance with 680.190 and 680.195
* Job readiness training provided in combination with services listed in paragraphs (a) through (b) of this section
* Adult education and literacy activities, including activities of English language acquisition and integrated education and training programs, provided concurrently or in combination with training services listed in paragraphs (a) through (g) of this section
* Customized training conducted with a commitment by an employer or group of employers to employ an individual upon successful

**WIOA TRAINING REQUIREMENTS*** **20 CFR 680.220:**

**(a)** An individual must at a minimum receive either an interview, evaluation, or assessment, and career planning or any other method through with the one-stop operator or partner can obtain enough information to make an eligibility determination to be determined eligible for training services.**(b) The case file must contain a determination of need for training services** **as determined through the interview, evaluation, or assessment**, **and career planning** **informed by local labor market information and training provider performance information, or through any other career service received.** There is no requirement that career services be provided as a condition to receipt of training services; however, **if career services are not provided before training, the Local WDB must document the circumstances that justified its determination to provide training without first providing the services described in paragraph (a) of this section.****(c)** There is no Federally required minimum time period for participation in career services before receiving training services.* **20 CFR 680.420:** A program of training service is one or more courses or classes, or a structured regiment, that provides the services in 680.200 and leads to:

**(a)** An industry-recognized certificate or certification, a certificate of completion of a registered apprenticeship, a license recognized by the State involved or the Federal government, an associate or baccalaureate degree;**(b)** Consistent with 680.350, a secondary school diploma or its equivalent;**(c)** Employment; or**(d)** Measurable skill gains toward a credential described in paragraph (a) or (b) of this section or employment.**WIOA Final Rule, Department’s responses:*** **Page 56119**:
	+ The Department considers digital literacy to be a pre-vocational service or a workforce preparation activity, both of which are considered to be individualized career services and not training services.
	+ The Department considers a program that leads to a secondary school diploma to be a training service.
* **Page 56120**: The Department notes that training that leads to a “comparable wage” is allowed for individuals to receive training services.
* **Page 56133**: A “program of training” may involve one course or a course of fewer than 3 days in duration, if the course leads to one of the outcomes as described in the definition of a program of training services at 680.420.
 | * What is ESD’s policy and/or procedure for the provision and documentation of training services?
* How does ESD ensure the policies and/or procedures are being followed?
* Was the local policy or procedure followed?

**20 CFR 617.22(c)** Applications for, selection for, approval of, or referral to training shall be filed in accordance with this Subpart C and on forms which shall be furnished to individuals by the State agency.**DOL Core Monitoring Guider with TAA Supplement:*** Does the grantee’s process for approving TAA training that begins as WIA(WIOA)-approved training require that the grantee determine that the training plan meets the Trade Program eligibility requirements?
* Does the grantee make timely and appropriate funding arrangements to allow trade-affected dislocated workers enrolled in WIA(WIOA)-approved training to continue that training under Trade Program funding?
* Does the approved training meet both TAA and WIA(WIOA) program eligibility requirements? If not, was **WIN 0079, Change 2 Attachment B** present in the electronic or case file documenting the participant was advised of adverse impact if chose a non-ETPL program?
* Are the participants eligible for both?
* Does the grantee have a system, procedures and/or process in place to ensure that the six criteria for approval and provision of training for TAA eligible workers are met?
* Does it appear that staff follow the written procedures?
* Do participant files contain documentation adequate to support eligibility for full-time or part-time training under the Trade program?
* Are the statutory timeframes of the 26/26 rule (weeks from total separation from adversely affected employment/or date of certification for enrolling in a training program) accommodated?
* Is the definition of enrollment in training accurately applied?
* Is the State policy for training costs followed?
* Are training eligibility decisions made promptly? What is the time lapse between training applications and training eligibility decisions?
* How is training approval and duration communicated to the TRA payment staff?
* Are the costs of training completed on either a new contract (CT3) or when revising an established contract?

**The paper or electronic file includes:*** Case notes identifying need for any revision to the original training plan with supporting documentation of the general practice use of forms to document a revision and approval:
* Contract Revision Checklist(s)
* Revised ITP’s (contracts)
* Initial and any revised Approval of Training request forms

**TAA Training Approval Decisions shall be documented in the participant’s case notes and will summarize:** * The planned and actual start and end dates of training (DATA VALIDATION)
* Case notes reflect how assessments indicated the participant will be successful in training
* An analysis of the training research packet regarding reasonableness of the request, availability of comparable training; and appropriateness within the parameters of the TAA program
* Three training providers were compared: cost of the program at each school, length of training, placement rates, etc. with an explanation why the training provider and program was chosen
* Training research show a reasonable expectation of employment at the end of training?
* Was the participant’s current occupation not in demand and if in demand, the participant made appropriate and adequate job contacts but no suitable employment was available?
* Was the training occupation in demand and/or if not in demand, the participant has selected a demand area they plan to be commuting or relocating to after training?
* If training is long-term, was how the participant will be financially able to stay in school if TRA exhausts before training is finished explained?
* Were travel, transportation and subsistence expenses factored in determining the selection of the training provider and program?
* Tools, Personal Computers and Equipment:
	+ Where 2-3 quotes for required training costs collected?
	+ Was the lowest cost quote approved?
 | [ ]  Element Met[x]  Element Not Met[ ]  Data Validation  Issues[ ]  N/AComments: | [ ]  No Action Required[ ]  The Following Action is  Required: |
|  |

|  |  |  |  |
| --- | --- | --- | --- |
| **3-A. PRE-SEPARATION TRAINNG** | **Evidence & Indicators** | **Observations** | **Actions Required** |
| * 20 CFR 617.3(c), Current as of 04/07/2017
* TEGL 5-15-Operating Instructions for Implementing the Amendments to the Trade Act of 1974 Enacted by the Trade Adjustment assistance Reauthorization Act of 2015 (TAARA 2015)
* ESD TAA Classroom Training Procedures-Extension Act 2011 - Last Updated 10/07/2015 – POLICY AND PROCEDURES NEED TO BE UPDATED SO ALL REFLECT 2011; NEED 2009, 2011 AND 2015 POLICIES

**TEGL 5-15:** * The 2015 Act allows workers threatened with total or partial separation from adversely affected employment to begin TAA-approved training before their separation.
* Pre-separation training may not be approved if it consists of or includes OJT.
* CSAs must evaluate from time to time whether the threat of total or partial separation continues to exist for the duration of the pre-layoff training. This may be accomplished by verifying with the employer that the threat of separation still exists before funding each subsequent portion of the training.
* If the threat of separation is removed during a training program, funding of the training must cease. The worker would be eligible to complete any portion of the training program where TAA funds have already been expended, but would not be eligible for further TAA funding of the training program in the absence of a threatened or actual separation from the adversely affected employment.
* The CSA may resume funding the approved training program upon the resumption of the threat or in the event of a total qualifying separation, if the six criteria for approval of the training under Section 236(a)(1) continue to be met.
* The longstanding regulatory rule, 20 CFR 617.22(f)(2), continues to permit a CSA to approve only one training program for a worker per certification. A training program that the worker began before separation as an adversely affected incumbent worker counts as that one training program, and that training plan should be designed to meet the long-term needs of the worker based on the expectation that he or she will be laid off.
* The training program should also take into account the availability of up to a total of 130 weeks of training. Thus, while a pre-separation training program may be resumed, a worker who has participated in pre-separation training will not be eligible for a new and different training program and the duration of the training program continues to be limited to a total of 130 weeks.

**20 CFR 617.3(c)** A CSA may determine that a worker has been individually threated with separation when the worker has received a notice of termination or layoff from employment. The CSA also may accept other documentation of a threat of total or partial separation from the firm or other reliable source in making a determination that a worker is an adversely affected incumbent worker entitled to pre-separation training (except OJT and customized training, unless the customized training is for a position other than the worker’s position in the adversely affected employment).**ESD TAA Classroom Training Procedures – Extension Act of 2011 -** POLICY AND PROCEDURES NEED TO BE UPDATED SO ALL REFLECT 2011; NEED 2009, 2011 AND 2015 POLICIESAn adversely affected incumbent worker is defined as:1. A member of a group of workers that has been certified as eligible to apply for TAA benefits; and
2. Has not been totally or partially separated from employment so does not have a qualifying separation; and
3. Is determined to be individually threatened with total or partial separation.
* Allowed to begin TAA-approved training before the date of separation.
* Criteria and limitations for approval of training are the same as they are for adversely affected workers with two exceptions. Pre-separation training may not be approved for:

1. On-the Job Training; or 2. Customized training unless training is for a position other than the worker’s adversely affected employment.* The TAA Counselor must evaluate whether the threat of total or partial separation continues to exist for the duration of the pre-layoff training, such as by the quarter or semester and if the threat of separation is removed during a training program, the subsequent portion of the training is not funded by TAA.
* The worker would be eligible to complete any portion of the training program when TAA funds have already been expended but would not qualify for further TAA funding in the absence of a threatened or actual separation form the adversely affected employment.
* The worker may resume the approved training program upon the resumption of the threat or in the event of a total qualifying separation, if the six criteria for approved training are still met.
 | * What is ESD’s policy and/or procedure for the provision of pre-separation training services?
* How does ESD ensure the policies and/or procedures are being followed?
* Was the local policy or procedure followed?

**20 CFR 617.3(c):*** A notice of termination or layoff from employment.
* The CSA also may accept other documentation of a threat of total or partial separation

**Classroom Training Procedures:*** Criteria and limitations for approval of training are documented
* May include:
* Case notes of evaluation of continued threat of separation; OR
* If no longer qualifies for Pre-Separation training; and/or when status changes to allow or disallow resumption of training.
 | [ ]  Element Met[ ]  Element Not Met[ ]  Data Validation Issues[ ]  N/AComments: | [ ]  No Action Required[ ]  The Following Action is  Required: |

|  |  |  |  |
| --- | --- | --- | --- |
| **3-B. PART-TIME TRAINING** | **Evidence & Indicators** | **Observations** | **Actions Required** |
| * Trade Adjustment Assistance Reauthorization Act of 2015 (TAARA 2015) Sec. 236(g), Released 07/16/2015
* 20 CFR 617.22, Current as of 04/07/2017
* TEGL 5-15 and 5-15 Change 1-Operating Instructions for Implementing the Amendments to the Trade Act of 1974 Enacted by the Trade Adjustment assistance Reauthorization Act of 2015 (TAARA 2015), 09/23/2016
* ESD TAA Classroom Training Procedures-Extension Act 2011 - Last Updated 10/07/2015 – POLICY AND PROCEDURES NEED TO BE UPDATED SO ALL REFLECT 2011; NEED 2009, 2011 AND 2015 POLICIES

**20 CFR 617.22** (1) There is no suitable employment (which may include technical and professional employment) available for an adversely affected worker.(2) The worker would benefit from appropriate training.(3) There is a reasonable expectation of employment following completion of such training.(4) Training approved by the Secretary is reasonably available to the worker from either governmental agencies or private sources.(5) The worker is qualified to undertake and complete such training.(6) Such training is suitable for the worker and available at a reasonable cost**TEGL 5-15, Attachment A (Change 1) & B** * Workers who participate in part-time training are not eligible for TRA.
* The training approval criteria at 20 CFR 617.22(a)(1-6) that apply to the approval of full-time training also applies to the approval of part-time training.

**TAA Procedure Classroom Training #3045****2009 & 2011 Certifications**:* Either part time or full time training can be selected
* Participants are not eligible for TRA if enrolled in part time training
* Training approval criterion that applies to the approval of full time training also applies to part-time training
* Participation in part-time training call allow participation in full time employment if that work is not considered suitable employment.
* Training must be completed within the allowable weeks.

**2014 Reversion and 2015 Reauthorization Certifications:*** Part time training is allowed if participant is working full time
* Participant is not eligible for TRA in this circumstance and the six criteria for training still applies.
 | * What is ESD’s policy and/or procedure for approving part-time training?
* How does ESD ensure the policy/procedure is being followed?
* Was the policy/procedure followed?

**Example documentation may include:*** Detailed case notes relating part time training status and/or full time work that is not considered suitable employment while the participant attends training
* Services and outcomes entered in ETO.
 | [ ]  Element Met[ ]  Element Not Met[ ]  Data Validation Issues[ ]  N/AComments: | [ ]  No Action Required[ ]  The Following Action is  Required: |

|  |  |  |  |
| --- | --- | --- | --- |
|  **3-C. On-the-Job Training (OJT)** | **Evidence & Indicators** | **Observations** | **Actions Required** |
| * Trade Adjustment Assistance Reauthorization Act of 2015 (TAARA 2015), Sec 236; 247(15), Released 09/04/2015
* 20 CFR Part 617.25, Current as of 04/07/2017
* TEGL 19-16- Guidance on Services Provided through the Adult and DW Program under WIOA and Wagner Peyser, Released 03/01/2017
* TEGL 5-15 and 5-15 Change 1-Operating Instructions for Implementing the Amendments to the Trade Act of 1974 Enacted by the Trade Adjustment assistance Reauthorization Act of 2015 (TAARA 2015), Updated 09/23/2016
* ESD Policy 3035 –OJT, Released 08/16/2006
* ESD OJT Procedures, Updated 10/7/2015

**ESD OJT Policy and Procedures: Update to ESD Policy AND TAA Procedures (Retention and $ limit) is Needed*** Training can range from **26-104 weeks** or as appropriate to the occupation for which the participant is being trained, taking into account the content of training and the participant’s prior work experience. May not exceed 104 weeks – see TEGL 5-15
* The employee cannot start OJT until the OJT Training Plan is signed by the service provider and the employer.
* The TAA service provider will visit the employer monthly to ensure all training objectives are being met and that all parties remain satisfied with progress.

**OJT REQUIREMENTS*** **20 CFR 617.25(a) On-the-job training.** The costs of on-the-job training for a worker, which are paid from TAA funds, shall be paid in equal monthly installments. Such costs may be paid from TAA funds only if the State agency determines that:

**(1)** No currently employed individual is displaced by such eligible worker, including partial displacement such as a reduction in the hours of non-overtime work, wages, or employment benefits; **(2)** Such training does not impair existing contracts for services or collective bargaining agreements; **(3)** In the case of training which would be inconsistent with the terms of a collective bargaining agreement, written concurrence has been obtained from the concerned labor organization; **(4)** No other individual is on layoff from the same or any substantially equivalent job for which such eligible worker is being trained; **(5)** The employer has not terminated the employment of any regular employee or otherwise reduced the work force with the intention of filling the vacancy so created by hiring the eligible worker; **(6)** The job for which the eligible worker is being trained is not being created in a promotional line that will infringe in any way upon the promotional opportunities of currently employed individuals; **(7)** Such training is not for the same occupation from which the worker was separated and with respect to which such worker's group was certified pursuant to section 222 of the Act; **(8)** In Law - See 2009 Act repealed this requirement. Also, see **TEGL 5-15, Attachment A, D. 6** which reads…the OJT can reasonably be expected to lead to employment with the OJT employer and does not require a guarantee of employment….under the 2009 Program, 2011 Program, and 2015 Program, OJT is simply one of several training options for workers. **(9)** The employer has not received payment under this subpart C or under any other Federal law for any other on-the-job training provided by such employer which failed to meet the requirements of paragraphs (a)(1) through (a)(6) of this section or such other Federal law; and**(10)** The employer has not taken, at any time, any action which violated the terms of any certification described in paragraph (a)(8) of this section made by the employer with respect to any other on-the-job training provided by the employer for which the employer has received a payment under subpart C of this part (or the prior provisions of subpart C of this part).* **TAARA Sec. 236(c); TEGL 5-15 Attachment B:**

**(1)** The Secretary may approve on-the-job training for any adversely affected worker if—**(A)** the worker meets the requirements for training to be approved under subsection (a)(1);**(B)** the Secretary determines that on-the-job training—**(i)** can reasonably be expected to lead to suitable employment with the employer offering the on-the-job training;**(ii)** is compatible with the skills of the worker;**(iii)** includes a curriculum through which the worker will gain the knowledge or skills to become proficient in the job for which the worker is being trained; and**(iv)** can be measured by benchmarks that indicate that the worker is gaining such knowledge or skills;and**(C)** the State determines that the on-the-job training program meets the requirements of clauses (iii) and (iv) of subparagraph (B).**(2) Monthly Payments**.—The Secretary shall pay the costs of on-the-job training approved under paragraph (1) in monthly installments.**(3) Contracts for OJT**.—**(A) In General.—**The Secretary shall ensure, in entering into a contract with an employer to provide on-the-job training to a worker under this subsection, that the skill requirements of the job for which the worker is being trained, the academic and occupational skill level of the worker, and the work experience of the worker are taken into consideration.(**B) Term of Contract**.—Training under any such contract shall be limited to the period of time required for the worker receiving on-the-job training to become proficient in the job for which the worker is being trained, **but may not exceed 104 weeks in any case.****EMPLOYER GAURANTEE OF FULL-TIME EMPLOYMENT NOT A REQUIREMENT****TEGL 5-15, Change 1 Attachment A:** The OJT can reasonably be expected to lead to employment with the OJT employer and **does not require a guarantee of employment****OJT CO-ENROLLMENT: TEGL 19-16**: TAA participants co-enrolled in WIOA may receive additional OJT funding. WIOA allows up to 75% reimbursement to OJT employers, while the TAA program allows 50% reimbursement. TAA may reimburse the employer 50% and WIOA may reimburse the remaining 25%.**OJT NOT ALLOWED: TEGL 5-15:** OJT is not an allowable pre-separation training. | * What is ESD’s policy and/or procedure for providing OJT services for TAA participants?
* How does ESD ensure the policy/procedure is being followed?
* Was the policy/procedure followed?

**ESD OJT Policy and Procedures:*** OJT Training Plan is signed by the service provider and the employer

**TAARA Sec. 236(c); TEGL 5-15 Attachment B:*** OJT Contract
* Monthly Installment Payments are documented
* Term of Contract does not exceed 104 weeks

**TEGL 19-16****Example documentation may include:*** Detailed case notes relating WIOA funding coordination for Trade and WIOA Co-Enrollment for OJT Services
* Services and outcomes entered in ETO.
 | [ ]  Element Met[ ]  Element Not Met[ ]  Data Validation Issues[ ]  N/AComments: | [ ]  No Action Required[ ]  The Following Action is  Required: |
| **3-D. REGISTERED APPRENTICESHIP** | **Evidence & Indicators** | **Observations** | **Actions Required** |
| * TEGL 5-15 and 5-15 Change 1-Operating Instructions for Implementing the Amendments to the Trade Act of 1974 Enacted by the Trade Adjustment assistance Reauthorization Act of 2015 (TAARA 2015), Updated 09/23/2015
* TEGL 19-16- Guidance on Services Provided through the Adult and DW Program under WIOA and Wagner Peyser, Released 03/01/2017
* ESD Policy 3055 - Apprenticeship Training, UPDATED Last Updated 10/01/2008 - POLICY AND PROCEDURES NEED TO BE

**TEGL 5-15, Change 1 Attachment A:** * Registered apprenticeship programs offer workers employment and a combination of OJT and related instruction.
* TAA funds can be used to pay for the expenses associated with related instruction (e.g., classroom and distance learning), tools, uniforms, equipment, and books.
* These funds can be used until the worker reaches “suitable employment” or **130 weeks**, whichever comes first.
* Suitable employment as defined in Section 236(e) of the 2015 Act means work of substantially equal or higher skill level than the worker’s past adversely affected employment, and wages for such work at not less than 80% of the worker’s average weekly wage.
* In most cases, **adversely affected workers participating in a registered apprenticeship will not be eligible for TRA** due to their earnings from the apprenticeship.
* However, the use of the **RTAA benefit may be an option for adversely affected workers age 50 or older**, who are being trained and employed through a registered apprenticeship program if they are employed for at least 20 hours a week. A key factor for access to and use of RTAA funds are the wages for the workers’ past adversely affected employment, as compared to their current wages while employed in a registered apprenticeship program, as well as meeting the age requirement.

**TEGL 19-16**: RA programs are automatically qualified to be placed on the ETPL allowing ITAs to support participants in RA programs. Given the unique nature of RA, there are several ways in which training services may be used in conjunction with these programs:* An ITA may be developed for a participant to receive RA training;
* An OJT contract may be developed with a RA program for training participants. OJT contracts are made with the employer, and RA general involves both classroom and OJT instruction. The OJT contract may be made to support some or all of the OJT portion of the RA program;
* A combination of an ITA to cover the classroom instruction along with an OJT contract to cover OJT portions of the RA is allowed; and
* Incumbent worker training may be used for upskilling apprentices who already have an established working/training relationship with the RA program.
* Local areas may also include supportive services, in coordination WIOA funded career and/or training services, to participants in a RA program.
 | * What is ESD’s policy and/or procedure for providing registered apprenticeship opportunities to TAA participants?
* How does ESD ensure the policy/procedure is being followed?
* Was the policy/procedure followed?

**Example documentation may include:*** Contract between employer and CSA that defines the terms of commitment for training.
* Case notes documenting progress and outcome of training.
* Service and outcome entered in ETO.
 | [ ]  Element Met[ ]  Element Not Met[ ]  Data Validation Issues[ ]  N/AComments: | [ ]  No Action Required[ ]  The Following Action is Required: |
| **3-E. CUSTOMIZED TRAINING** | **Evidence & Indicators** | **Observations** | **Actions Required** |
| * Trade Adjustment Assistance Reauthorization Act of 2015 (TAARA 2015), Released 06/29/2015
* TEGL 5-15 and 5-15 Change 1-Operating Instructions for Implementing the Amendments to the Trade Act of 1974 Enacted by the Trade Adjustment assistance Reauthorization Act of 2015 (TAARA 2015), Updated 09/23/2015

**TAARA Sec. 236(f); TEGL 5-15 Attachment B:** ‘‘Customized training’’ means training that is—**(1)** Designed to meet the special requirements of an employer or group of employers;**(2)** Conducted with a commitment by the employer or group of employers to employ an individual upon successful completion of the training; and**(3)** For which the employer pays for a significant portion (but in no case less than 50%)**TEGL 5-15, Change 1 Attachment A:** * A CSA **may not approve** **customized training**, meaning training that is designed to meet the special requirements of one or more employers, for an adversely affected incumbent worker **unless such training** is for a position other than the worker’s position in the adversely affected employment.
* CSAs will need to ensure that the training being provided is for a different position than the worker’s current position if the training is being provided under agreement with the worker’s current employer.
* An incumbent worker may receive pre-separation training for another position with the worker’s current employer, but only if the position is not similarly threatened by trade, (i.e., the new position is outside of the firm, or appropriate subdivision of the firm, if applicable, that employed the workers in the certified worker group).
 | * What is ESD’s policy and/or procedure for providing customized training to TAA participants?
* How does ESD ensure the policy/procedure is being followed?
* Was the policy/procedure followed?

**Example documentation may include:*** Contract between employer and CSA that defines the commitment to hire upon completion of training.
* Case notes documenting progress and outcome of training.
* Service and outcome entered in ETO.
 | [ ]  Element Met[ ]  Element Not Met[ ]  Data Validation Issues[ ]  N/AComments: | [ ]  No Action Required[ ]  The Following Action is Required: |
| **3- F Date entered training** *–Data Validation Only* | **Evidence & Indicators** | **Observations** | **Actions Required** |
| * TEGL 22-15, Attachment C, Released 05/12/2016
 | **TEGL 22-15, Attachment C*** Cross-match between dates of service and vendor training information
* Vendor training documentation
* State MIS
* Case notes
 | [ ]  Element Met[ ]  Element Not Met[ ]  Data Validation Issues[ ]  N/AComments: | [ ]  No Action Required[ ]  The Following Action is Required: |

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| **3-G. TRAINING BENCHMARKS** | **Evidence & Indicators** | **Observations** | **Actions Required** |
| * TEGL 5-15 and 5-15 Change 1-Operating Instructions for Implementing the Amendments to the Trade Act of 1974 Enacted by the Trade Adjustment assistance Reauthorization Act of 2015 (TAARA 2015), Attachment A, Revised 09/23/2016
* ESD TAA Classroom Training Procedures-Extension Act 2011 - Last Updated 10/07/2015 – POLICY AND PROCEDURES NEED TO BE UPDATED SO ALL REFLECT 2011; NEED 2009, 2011 AND 2015 POLICIES
* DOL Core DOL Core Monitoring Guide with TAA Supplement, Released *02/2014*

**TEGL 5-15, Change 1 Attachment A:** * **A CSA must establish training benchmarks when a worker enrolls in approved training** to enable the CSA to monitor the worker’s progress toward completing the approved training within the 130-week maximum duration.
* Benchmarks must be included in all but short-term training plans (e.g., three-month certification programs).
* These benchmarks must be flexible enough to allow for some variability (e.g., a single course failure or missed week of attendance should not make the worker ineligible), and both practical and measurable enough to allow administration across a broad spectrum of training scenarios and state environments.
* Inclusion of benchmarks in the training plan should occur when the training plan is initially established, and, in the unusual event that benchmarks are not included in the initial plan, at any time the plan is amended.
* **Training benchmarks must be described in the worker’s IEP.**
* Upon one substandard review of the established benchmarks, the worker will be given a warning.
* Two substandard reviews indicate that the worker will not be able to meet both benchmarks and must result in a modification to the training plan or the worker will no longer be eligible for Completion TRA and a modification of the training plan may be the only way the worker can complete training. In this way, the training benchmarks may be used to provide early intervention that will provide the opportunity to determine whether the training plan in place is appropriate for the individual or would be prudent to revise.
* A CSA may modify a participant’s training plan after he or she fails to satisfy one or both training benchmarks for the first time and is not required to wait until a second substandard review.
* As described in TEGL No. 10-11, Change 2 (Questions 5 and 6), the purpose of training benchmarks is to allow early and ongoing assessment of the performance of a training participant to determine whether the original training plan is a good fit for the individual. Therefore, if a training participant fails a benchmark review for the first time, but that failure is of a magnitude as to make a failure at a later benchmark review likely, then the CSA should reevaluate the training plan with the training participant, and amend the training plan, if necessary, to improve the likelihood that the participant will complete the training program.
* Similarly, if a TAA training participant is failing two courses in one benchmark assessment period, this will result in only one substandard review, however, if the training participant’s failure of two courses makes timely completion of training under the training plan unlikely, then the training plan should be amended.

**ESD TAA Classroom Training Procedures:** * The Classroom Training Responsibilities form will be used to establish benchmarks. The classroom responsibilities listed on the form are the benchmarks of the training plan.
* The Progress Tracking Form presented to the TAA Counselor by the participant approximately at mid-term (as determined by the school) and a copy of the grades submitted to the TAA counselor at the end of each quarter will be proof of meeting satisfactory progress.
* TAA evaluates satisfactory progress against the following benchmarks at intervals of no more than **60 days**, beginning with **the start of the training plan**, to determine whether the worker is:
	+ Maintaining satisfactory academic standing, and
	+ On schedule to complete training within the timeframe identified in the approved training plan.
* When potential difficulties manifest, review the assessments for appropriateness in the choice of training programs.
	+ A tutor may be approved and the training plan may be altered in scope and length.
	+ A participant may be allowed to repeat a course after the counselor documents in case notes that the following steps have taken place and the counselor has provided the results of the following for review:
* Document consultation with Worker Retraining Counselor or Academic Advisor of the school and reasons why the participant failed the class.
* Discuss with the instructor or program director whether the program is appropriate for the participant
* Research the procedure for obtaining a tutor from the school. If tutors are not provided by the school, have the participant research how to obtain a private tutor;
* Request assistance from the Worker Retraining Counselor or Academic Advisor at the school o obtain class-specific monthly progress reports from the instructor(s).
* After one substandard review of the established benchmarks, the participant will be given a warning, while two substandard reviews must result in a modification to the training plan or the worker will no longer be eligible for Completion TRA.
 | * What is ESD’s policy and/or procedure for developing training benchmarks?
* How does ESD ensure the policy/procedure is being followed?
* Was the policy/procedure followed?

**TEGL 5-15 Attachment A: Completion TRA Benchmarks:*** Training benchmarks described in the IEP
* Documentation of satisfactory progress from the training provider
* Case manager attestation to the worker’s progress after consultation with the vendor and the worker
* Instructor attestations

**ESD TAA Classroom Training Procedures:*** Classroom Training Responsibilities form
* Progress Tracking Form
* Copy of grades

**DOL Core Monitoring Guide with TAA Supplement:*** Does the State effectively establish and monitor training benchmarks and effectively communicate modifications of training plans to TAA staff that administer TRA?
* Is information about continue satisfactory progress in training and waiver review coordinated between staff responsible for TRA and other TAA benefits?
* What is the process used for verification of satisfactory training participation by TRA/TAA staff?
* How do both TRA and other TAA benefit staff communicate successful participation and completion of participation to each other?
* Does the State require that TRA determinations be forwarded to TAA staff?
* How does TRA/TAA information flow between programs?
 | [ ]  Element Met[ ]  Element Not Met[ ]  Data Validation Issues[ ]  N/AComments: | [ ]  No Action Required[ ]  The Following Action is Required: |

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| **3-H. TRAINING LEAVE OF ABSENCE** | **Evidence & Indicators** | **Observations** | **Actions Required** |
| * ESD TAA Classroom Training Procedures-Extension Act 2011 - Last Updated 10/07/2015 – POLICY AND PROCEDURES NEED TO BE UPDATED SO ALL REFLECT 2011; NEED 2009, 2011 AND 2015 POLICIES
* 20 CFR 617.18(b)( (2)(i), Current as of 04/07/2017

**ESD TAA Classroom Training Procedures- Extension Act of 2011*** Good cause must be established for a participant to be granted up to a one-quarter leave of absence from training. The approval for a leave of absence will be made on a case by case basis. To approve a leave of absence, the following must occur:
	+ The participant must have established good cause due to medical or health reasons for the participant or a family member. Documentation supporting leave, such as a doctor’s note, must be included in the participant file.
	+ The training provider must approve the leave of absence and documentation must also be included in the file.
	+ If possible, arrangements must be made with the training institution for the participant to make up the time missed.
	+ Leave status must be reviewed every 30 days.
* A participant must be informed that a leave of absence from training can affect their weekly income support because TRA is not payable during the participant’s Leave of Absence from training.
* The TAA counselor must coordinate the temporary leave with the TRA Unit.

**20 CFR 617.18(b)( (2)(i)** Ceased Participation VS. Justifiable CauseAn individual who, without justifiable cause, fails to begin participation in an approved training program or ceases to participate in such training, or for whom a waiver is revoked, shall not be eligible for basic TRA, or any other payment under this part 617, for the week in which such failure, cessation, or revocation occurred, or any succeeding week thereafter until the week in which the individual begins or resumes participation in an approved training program. The following definitions shall be used: **(A) Failed to begin participation.** A worker shall be determined to have failed to begin participation in a training program when the worker fails to attend all scheduled training classes and other training activities in the first week of the training program, without justifiable cause. **(B) Ceased participation.** A worker shall be determined to have ceased participation in a training program when the worker fails to attend all scheduled training classes and other training activities scheduled by the training institution in any week of the training program, without justifiable cause. **(C) Justifiable cause.** For the purposes of paragraph (b)(2) of this section, the term “justifiable cause” means such reasons as would justify an individual's conduct when measured by conduct expected of a reasonable individual in like circumstances, including but not limited to reasons beyond the individual's control and reasons related to the individual's capability to participate in or complete an approved training program.  | * What is ESD’s policy and/or procedure, including documentation requirements, for the approval of training leave of absence?
* How does ESD ensure the policies and/or procedures are being followed?
* Was the local policy or procedure followed?

**ESD TAA Classroom Training Procedures:*** Completed Temporary Leave of Absence from TAA Funded Training form, signed and dated by participant, training provider and case manager:
* Timeline of one quarter or less
* Supporting statement of good cause for leave.
* Training provider leave approval.
* Leave status was reviewed every thirty (30) days.
* Participant was informed leave affects weekly income support of TRA.
* TAA Counselor coordination with TRA/TB Unit.
* “HOLD GAP IN SERVICE” entry in ETO
 | [ ]  Element Met[ ]  Element Not Met[ ]  Data Validation Issues[ ]  N/AComments: | [ ]  No Action Required[ ]  The Following Action is Required: |
| **3-I. Date entered training** *–Data Validation Only-* | **Evidence & Indicators** | **Observations** | **Actions Required** |
| * Federal Register Vol. 80, No. 140-Information Collection for WIOA, Released 07/22/2015
* TEGL 22-15-Data Validation & Performance Reporting Timelines, Released 05/12/2016
 | **Date started training validation: TEGL 22-15:*** Vendor training documentation
* ETO
* Case notes; date in case notes must match date in ETO
 | [ ]  Element Met[ ]  Element Not Met[ ]  Data Validation Issues[ ]  N/A | [ ]  No Action Required[ ]  The Following Action is Required: |
| **3-J. Type of Training Service** *–Data Validation Only-* | **Evidence & Indicators** | **Observations** | **Actions Required** |
| * Federal Register Vol. 80, No. 140-Information Collection for WIOA, Released 07/22/2015
* TEGL 22-15-Data Validation & Performance Reporting Timelines, Released 05/12/2016
 | **Type of training validation: TEGL 22-15:*** Vendor training documentation
* ETO
* Case notes
 | [ ]  Element Met[ ]  Element Not Met[ ]  Data Validation Issues[ ]  N/A | [ ]  No Action Required[ ]  The Following Action is Required: |
| **3-K. Date of most recent measurable skill gains** | **Evidence & Indicators** | **Observations** | **Actions Required** |
| * WIOA Sec. 116(b)(2)(A)(i), Released 01/03/2014
* 20 CFR 677.155(c)(5), Released 08/19/2016
* Federal Register Vol. 80, No. 140-Information Collection for WIOA, Released 05/12/2016

**WIOA Joint Rule, Departments’ response, page 190**: It should be noted that in instances where participants are enrolled in an education or training program that is not intended to result in a credential, the measurable skill gains indicator can capture progress made by participants.**20 CFR 677.155(c)(5):** **Measurable skill gains**, defined as documented academic, technical, occupational or other forms of progress towards such as credential or employment. **Documented progress is defined** as one of the following:**(i)** Documented achievement of at least one educational functioning level of a participant who is receiving instruction below the postsecondary education level;**(ii)** Documented attainment of a secondary school diploma or its recognized equivalent;**(iii)** Secondary or postsecondary transcript or report card for a sufficient number of credit hours that shows a participant is achieving the State unit’s academic standards;**(iv)** Satisfactory or better progress report, towards established milestones, such as completion of OJT or completion of 1 year of an apprenticeship program or similar milestones, from an employer or training provider who is providing training; or**(v)** Successful passage of an exam that is required for a particular occupation or progress in attaining technical or occupational skills as evidenced by trade-related benchmarks such as knowledge-based exams. | **Federal Register Vol. 80, No. 140:*** **Educational achievement** (677.155(c)(5)(i))**:**

ETO and preferable case notes, must include the most recent date the participant achieved at least one educational functioning level (EFL) in an education program that provides instruction below the post-secondary level.* **SECONDARY/POST-SECONDARY TRANSCRIPT/REPORT CARD** (677.155(c)(5)(ii))**:**

ETO and preferable case notes, must include the most recent date of the participant’s transcript or report card for either secondary or post-secondary education for one academic year (or 24 credit hours) showing that the participant is achieving the State unit’s policies for academic standards.* **TRAINING MILESTONE** (677.155(c)(5)(iii) and (iv)**:**

ETO and preferable case notes, must include the most recent date that the participant had a satisfactory or better progress report towards established milestones from an employer/training provider who is providing training (e.g., completion of OJT, completion of one year of a registered apprenticeship program, etc.)* **SKILLS PROGRESSION** (677.155(c)(5)(v))**:**

ETO and preferable case notes, must include the most recent date the participant successfully completed an exam that is required for a particular occupation, or progress in attaining technical or occupational skills as evidenced by trade-related benchmarks such as knowledge-based exams. | [ ]  Element Met[ ]  Element Not Met[ ]  Data Validation Issues[ ]  N/AComments: | [ ]  No Action Required[ ]  The Following Action is Required: |

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| **3-L. Date Completed or Withdrew from Training** | **Evidence & Indicators** | **Observations** | **Actions Required** |
| * 20 CFR 617.11(a)(2)(vii)(D)(2), Released 01/03/2014
* Federal Register Vol. 80, No. 140-Information Collection for WIOA, Released 07/22/2015
* TEGL 22-15-Data Validation & Performance Reporting Timelines, Released 05/12/2016

**20 CFR 617.11(a)(2)(vii)(D)(2):** A worker shall be considered to have completed a training program if the training program was approved, or was approvable and is approved, pursuant to 617.22, and the training was completed subsequent to the individual’s total or partial separation from adversely affected employment within the certification period of a certification issued under the Act, and the training provider has certified that all the conditions for completion of the training program have been satisfied. | **Date completed or withdrew from training validation: TEGL 22-15*** Vendor training documentation
* ETO
* Case notes; date in case notes must match date in ETO
 | [ ]  Element Met[ ]  Element Not Met[ ]  Data Validation Issues[ ]  N/AComments: | [ ]  No Action Required[ ]  The Following Action is Required: |
| **3-M. Date attained degree or certificate or credential** | **Evidence & Indicators** | **Observations** | **Actions Required** |
| * Federal Register Vol. 80, No. 140-Information Collection for WIOA, Released 07/22/2015
* TEGL 22-15-Data Validation & Performance Reporting Timelines, Released 05/12/2016

**TEGL 22-15:** * Secondary school (high school) diploma
* GED or high school equivalency (HSE) diploma
* Certificate or other post-secondary degree/diploma
 | **Date attained degree or certificate or credential validation: TEGL 22-15*** Transcripts
* Certificates, diplomas
* Letter or documentation from school system
* ETO
* Case notes; date entered into case notes and ETO must match the date on the copy of the above documents
 | [ ]  Element Met[ ]  Element Not Met[ ]  Data Validation Issues[ ]  N/AComments: | [ ]  No Action Required[ ]  The Following Action is Required: |
| **3-N. Type of Recognized Credential** | **Evidence & Indicators** | **Observations** | **Actions Required** |
| * Federal Register Vol. 80, No. 140-Information Collection for WIOA, Released 07/22/2015
* TEGL 22-15-Data Validation & Performance Reporting Timelines, Released 05/12/2016

**Federal Register Vol. 80, No. 140:** Use this service to record type of recognized diploma, degree, or a credential consisting of an industry-recognized certificate or certification, a certificate of completion of a registered apprenticeship, a license recognized by the State involved or Federal Government, or an associate or baccalaureate degree attained by the participant who received training services.* High School Diploma/Equivalency
* AA or AS Diploma/Degree
* BA/BS Diploma/Degree
* Post Graduate Degree
* Occupational Skills Licensure
* Occupational Skills Certificate
* Other Recognized Diploma, Degree, or Certificate
 | **Federal Register Vol. 80, No. 140:** Diplomas, degree, or certificate must be attained either during participation or within one year of exit.**TEGL 22-15**:* Copy of transcript, diploma, or certificate and
* Case notes.
 | [ ]  Element Met[ ]  Element Not Met[ ]  Data Validation Issues[ ]  N/AComments: | [ ]  No Action Required[ ]  The Following Action is Required: |

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| **4. TRADE READJUSTMENT ALLOWANCES (TRA)**  | **Evidence & Indicators** | **Observations** | **Actions Required** |
| * Trade Adjustment Assistance Reauthorization Act of 2015 (TAARA 2015), Sec. 231, Released 06/29/2015
* 20 CFR Part 617.10-.19, Current as of 04/07/2017
* TEGL 8-11, Availability of Equitable Tolling of Deadlines for Workers Covered Under Trade Adjustment Assistance (TAA) Certifications, Released 10/19/2011
* TEGL 5-15 and 5-15 Change 1-Operating Instructions for Implementing the Amendments to the Trade Act of 1974 Enacted by the Trade Adjustment assistance Reauthorization Act of 2015 (TAARA 2015), Updated 09/23/2016
* TEGL 22-15 – Data Validation and Performance Reporting Requirements, Released 05/12/2016
* ESD 2015 TRA Policy Manual, Released 06/24/2016
* DOL Core Monitoring Guide with TAA Supplement, Released 02/2014

**Trade Readjustment Allowance (TRA)****20 CFR 617.3(nn): Trade Readjustment Allowance (TRA)** means a weekly allowance payable to an adversely affected worker with respect to such worker's unemployment.**3 Types of TRA****ESD TAARA 2015 TRA Policy Manual:** * **Basic TRA** is payable if the participant is either enrolled in TAA approved training or looking for work and has either not yet reached the waiver of training deadline or has obtained a waiver of training requirement. Basic TRA can also be paid to participants who are conducting a work search following the completion of TAA approved training.
* **Additional TRA** is payable only if the participant is actively attending TAA approved training and has exhausted all rights to Basic TRA. Additional TRA cannot be paid during a break from training that is more than 30 days.
* **Completion TRA** is payable only if the participant is attending TAA approved training, has exhausted all rights to Additional TRA and has met specific training benchmarks. Completion TRA cannot be paid for any week the participant isn’t attending training.

TAA eligible workers who are not eligible for TRA benefits because they **did not** meet the qualifying requirements are still eligible to apply for training, job search allowances, relocation allowances, Reemployment Trade Adjustment Assistance (RTAA) wage subsidy for older workers program and reemployment services.**requred TRA Application REView****TEGL 5-15:** CSAs must review all determinations denying a worker covered under a certification of a petition numbered 85,000-89,999 individual eligibility for TRA. If the denial of a claim for TRA was based on an eligibility criterion that does not apply to eligibility for TRA under the 2015 Program (e.g., did not enroll in training by the later of the 8th week after certification or the 16th week after the most recent total separation; did not apply for Additional TRA within 210 days after the later of date the worker is covered by a TAA certification or after the date of the worker’s total or partial separation; or other ), then the CSA must first determine whether the claim meets the 2015 Program criteria for TRA eligibility. In making this determination, the CSA may apply, as appropriate, either the Federal Good Cause standard for extending benefit deadlines, as described in Section C.2.1. of these Operating Instructions or the doctrine of Equitable Tolling, consistent with the guidance provided at TEGL 08-11 to extend benefit deadlines in egregious circumstances.**TRA eligibility** **TEGL 5-15, Change 1 Attachment A** * Worker must be adversely affected;
* The worker’s total or partial separation occurred during the period covered by the certification;
* The worker had 26 weeks of employment at $30 or more per week in the 52-week period ending with the total or partial separation from adversely affected employment. Exceptions (**TAARA 2015 Sec. 231(a)(2)**) Any week in which such worker:

**(A)** is on employer-authorized leave for purposes of vacation, sickness, injury, maternity, or inactive duty or active duty military service for training (max 7 weeks), **(B)** does not work because of a disability that is compensable under a workmen’s compensation law (max 26 weeks), **(C)** had his employment interrupted in order to serve as a full-time representative of a labor organization in such firm (max 7 weeks), or**(D)** is on call-up for purposes of active duty in a reserve status in the Armed Forces (max 26 weeks) shall be treated as a week of employment at wages of $30 or more.* That the worker was entitled to UI for a week within the benefit period (or would be entitled if the worker filed a UI claim) and exhausted all UI entitlement, except an entitlement (or what would be an entitlement to) additional compensation that is funded by a state and is not reimbursed from any Federal funds;
* Does not have a waiting period applicable for any such UI; and
* The worker would not be disqualified for extended compensation under the Federal-State Extended Compensation Act of 1970 by reason of its work search and job search requirements.
* **Must be enrolled in training when the enrollment deadline is reached.**

**TRA Ineligible*** **TAARA 2015; TEGL 5-15 Attachment B:**

**Sec. 233(d**): TRA is not available for individuals participating in OJT**Sec. 233(e):** TRA is not available for individuals while in “break status” from school if break lasts more than 30 days.**Sec 236(g)(2)**: A worker participating in part-time training may not receive a trade readjustment allowance* **20 CFR 617.18(b)( (2)(i)** An individual who, without justifiable cause, fails to begin participation in an approved training program or ceases to participate in such training, or for whom a waiver is revoked, shall not be eligible for basic TRA, or any other payment under this part 617, for the week in which such failure, cessation, or revocation occurred, or any succeeding week thereafter until the week in which the individual begins or resumes participation in an approved training program. The following definitions shall be used:

**(A) Failed to begin participation.** A worker shall be determined to have failed to begin participation in a training program when the worker fails to attend all scheduled training classes and other training activities in the first week of the training program, without justifiable cause. **(B) Ceased participation.** A worker shall be determined to have ceased participation in a training program when the worker fails to attend all scheduled training classes and other training activities scheduled by the training institution in any week of the training program, without justifiable cause. **(C) Justifiable cause.** For the purposes of paragraph (b)(2) of this section, the term “justifiable cause” means such reasons as would justify an individual's conduct when measured by conduct expected of a reasonable individual in like circumstances, including but not limited to reasons beyond the individual's control and reasons related to the individual's capability to participate in or complete an approved training program. * **TEGL 5-15, Change 1 Attachment A:**
	+ Prerequisite and remedial TRA are no longer payable under the 2015 Act. Workers may still participate in remedial or prerequisite training as part of an approved training program and receive TRA during that period.
	+ No payments may be made retroactively for weeks of UI that occur before the certification was issued

**Duration of TRA****TEGL 5-15, Change 1 Attachment A:** The 2015 Act provides the **total maximum number of weeks of TRA** for which a worker may be eligible **is 130 weeks**, which includes the maximum number of weeks of Basic TRA, Additional TRA, and Completion TRA.**Participation in training****20 CFR Part 617.11(a)(2)vii)(A) The individual must**—**(*1*) Be enrolled in or participating in a training** program, or **(*2*)** Have completed **a training program** after a total or partial separation from adversely affected employment within the certification period, or **(*3*)** Received a training waiver. **(D)** The following definitions shall apply: **(1) Enrolled in training***.* A worker shall be considered to be enrolled in training when the worker's application for training is approved by the State agency and the training institution has furnished written notice to the State agency that the worker has been accepted in the approved training program which is to begin within 30 calendar days of the date of such approval. **(2) Completed training***.* A worker shall be considered to have completed a training program if the training program was approved and the training was completed subsequent to the individual's total or partial separation from adversely affected employment within the certification period, and the training provider has certified that all the conditions for completion of the training program have been satisfied. **Training Enrollment Deadlines****TEGL 5-15, Change 1 Attachment A:** * Deadline for individuals to enroll in training as a condition for receiving TRA is **26 weeks** from the later of the worker’s most recent total qualifying separation, **or 26 weeks** from the issuance of the certification.
* These deadlines apply for eligibility for any TRA payment-Basic TRA, Additional TRA, and Completion TRA. Therefore, timely notice of benefit deadlines is critical, and the **CSA must document its efforts to notify workers of the training enrollment deadlines.**
* In determining eligibility for TRA, a CSA may not waive this requirement after the deadlines have passed.

**Extension of training enrollment deadline:****TEGL 5-15, Change 1 Attachment A**: The 2015 Program continues to allow for an extension of the enrollment deadlines for **45 days** where the CSA determines that there are extenuating circumstances justifying the extension. “**Extenuating circumstances”** continue to be circumstances beyond the control of the worker. This includes situations where:* Training programs are abruptly cancelled, or
* Where the worker suffers injury or illness preventing participation in training.
* The worker did not enroll by the deadlines because the CSA failed to provide the worker with timely information about the training enrollment deadlines. The Secretary has determined in TEGL 22-08, Section C.2. that the worker must be enrolled in training or receive a waiver by the Monday of the first week occurring 60 days after the date on which the worker was properly notified of both his or her eligibility to apply for TAA and the requirement to enroll in training absent a waiver of the training requirement. However, in this situation, the deadlines may be tolled for a longer period, if appropriate. CSAs should review **TEGL 8-11** – *the Availability of Equitable Tolling of Deadlines for Workers Covered Under TAA Certifications* in considering the application of equitable tolling of these deadlines.
* The CSA may approve training for a longer period than the worker’s period of eligibility of TRA, if the worker demonstrates the financial ability to complete the training after the expiration of the TRA eligibility period. This Section is consistent with 20 CFR 617.22(a)(5)(ii) and (iii) in permitting training approval where a worker’s personal or family resources are adequate to complete training. CSAs must not limit training approvals to short-term programs, and must, where the worker requests it, consider approval of training for longer than the individuals worker’s available remaining weeks of income support.

**ESD TAARA 2015 TRA Policy Manual:** TAARA 2015 provides for additional justifiable cause exceptions for TAA eligible workers who miss application and enrollment deadlines. **1. 45 day extension for extenuating circumstances:** Circumstances beyond the control of the worker allow an extension of the deadlines up to 45 days. This includes situations where training programs are abruptly cancelled as well as when a worker suffers injury or illness preventing participation in training. **2. 60 day extension after actual notification of the exception to the enrollment deadlines:** Circumstances deemed to be beyond the worker’s control, such as failure of the state agency to notify the worker, justify an extension of the eligibility periods. This is a worker-centric exception. The worker must be enrolled in training by Monday of the first week occurring 60 days after the date that the worker was properly notified of his or her eligibility to apply for TAA training and the requirement to enroll in training absent a waiver of the training requirement.**GOOD CAUSE WAIVER TO EXTEND ELIGIBILITY OF TRA:** **TEGL 5-15, Change 1 Attachment A:** TAARA 2015 reinstates the Federal “Good Cause” provision of Section 234 of the 2011 Act, which allows for a **waiver of deadlines relating to time limitations** on filing an **application for TRA** or **enrolling in training** based on “good cause” determined under Federal criteria established by the Secretary. **CSAs must consider the following factors**, if relevant, before waiving these time limitations. These factors are:* Whether the worker acted in a manner that a reasonably prudent person would have acted under the same or similar circumstances.
* Whether the worker received timely notice of the need to act before the deadline passed.
* Whether there were factors outside the control of the worker that prevented the worker from taking timely action to meet the deadline.
* Whether the worker’s efforts to seek an extension of time by promptly notifying the state were sufficient.
* Whether the worker was physically unable to take timely action to meet the deadline.
* Whether the worker’s failure to meet the deadline was because of the employer warning, instructing, or coercing the worker in any way that prevented the worker’s timely filing of an application for TRA or to enroll in training.
* Whether the worker’s failure to meet the deadline was because the worker reasonably relied on misleading, incomplete, or erroneous advice provided by the state.
* Whether the worker’s failure to meet the deadline was because the state failed to perform its affirmative duty to provide advice reasonably necessary for the protection of the worker’s entitlement to TRA.
* Whether there were other compelling reasons or circumstances which would prevent a reasonable person presented from meeting a deadline for filing an application for TRA or enrolling in training, including:
* neglect, a mistake, or an administrative error by the state,
* illness or injury of the worker or any member of the worker's immediate family
* the unavailability of mail service for a worker in a remote area
* a natural catastrophe, such as an earthquake, fire, or flood
* an employer’s failure or undue delay in providing documentation, including instructions, a determination or notice, or pertinent and important information
* compelling personal affairs or problems that could not reasonably be postponed, such as an appearance in court or an administrative hearing or proceeding, substantial business matters, attending a funeral, or relocation to another residence or area
* the state failed to effectively communicate in the worker’s native language and the worker has limited understanding of English
* loss or unavailability of records due to a fire, flood, theft, or similar reason. Adequate documentation of the availability of the records includes a police, fire, or insurance report that contains the date of the occurrence and the extent of the loss or damage.
* In cases where the cause of the worker’s failure to meet the deadline for applying for TRA or enrolling in training was the worker’s own negligence, carelessness, or procrastination, CSAs may not find that good cause exists to allow them to waive these time limitations.

**TEGL 8-11:** Waivers **may only be issued before the expiration** of the applicable deadline for enrollment in training, not after it has expired. This TEGL provides, however, that **the deadlines may be extended** for equitable reasons. Accordingly, where the enrollment deadline has been extended, for example, from April 1 to May 3, the worker, to qualify for TRA, must either be enrolled in training by that date or have a waiver of the training requirement. **Equitable tolling****TEGL 8-11:** **A. What Is Equitable Tolling?** Equitable tolling is a doctrine that permits the suspension of statutory and administrative deadlines where equity demands; it is not a statutory provision requiring a waiver of deadlines for “good cause”. Unlike many statutory provisions allowing for “good cause” waiver of time limits, or for late filing of any claim, equitable tolling of a deadline may only apply in egregious circumstances where an individual acted with due diligence to meet that deadline.**B. When Should Equitable Tolling Apply?** The Department has determined that equitable tolling will be applied in situations where it would be manifestly unfair to deny a worker TRA eligibility based on the worker’s failure to meet the statutory deadline for enrolling in training, or to deny other TAA benefits such as Additional TRA, job search allowances or relocation allowances, based on a missed deadline. To apply equitable tolling in a particular situation, the state must determine that, whether or not the Department or the state was at fault, the worker exercised due diligence in meeting these TAA benefit eligibility deadlines.**Scheduled breaks in training****TEGL 11-02, ref: 20 CFR 617.11 (d)(1)** An individual who is otherwise eligible will continue to be eligible for basic and additional weeks of TRA during scheduled breaks in training, but only if a scheduled break is **no longer than 30 days**, [TAA Reform Act of 2002, Sec 116 (a)(2)] and the following additional conditions are met: **(i)** The individual was participating in the training approved under §617.22(a) immediately before the beginning of the break; and **(ii)** The break is provided for in the published schedule or the previously established schedule of training issued by the training provider or is indicated in the training program approved for the worker; and, further **(iii)** The individual resumes participation in the training immediately after the break ends. **(2)** A scheduled break in training shall include all periods within or between courses, terms, quarters, semesters and academic years of the approved training program. **(3)** No basic or additional TRA will be paid to an individual for any week which begins and ends within a scheduled break that is 31 days or more. **[20 CFR 617.11 (d)(3)]****(4)** The days within a break in a training program that shall be counted in determining the number of days of the break shall include all calendar days beginning with the first day of the break and ending with the last day of the break, as provided for in the schedule of the training provider, except that any Saturday, Sunday, or official State or National holiday occurring during the scheduled break in training, on which training would not normally be scheduled in the training program if there were no break in training, shall not be counted in determining the number of days of the break for the purposes of paragraph (d) of this section. **(5)** When the worker is drawing basic TRA, the maximum amount of TRA payable is not affected by the weeks the worker does not receive TRA while in a break period, but the weeks will count against the 104-week eligibility period. **(6)** When the worker is drawing additional weeks of TRA to complete training, any weeks for which TRA is not paid will count against the continuous 26-week eligibility period and the number of weeks payable.**ESD 2015 TRA Policy Manual** * Eligibility for Basic and Additional TRA continues during scheduled breaks in training, but only if a scheduled break is **no longer than 30 days** (not counting weekends and holidays, unless these are included on the academic schedule) and all of the following additional conditions are met:

1. Participant were in TAA-approved training immediately before the beginning of the break, 2. The break is pre-approved in the published academic schedule, or the previously established schedule of training issued by the training provider, or is indicated in the training program approved for participants; and 3. Participants resume training immediately after break. * Use the following to determine participants’ eligibility for payment during a break:

1. The break begins on the day following the last day of scheduled training and up to the last day of the break preceding the next scheduled day of training. Weekend days are not counted unless they are normally scheduled for training. Official state and federal holidays are also not counted. 2. If the number of days is **30 days or less**, they can be paid during the entire break. 3. If the number of days is more than 30 days, they cannot be paid Basic or Additional weeks of TRA during the full weeks of the break. This includes summer breaks. However, they can be paid for any week during which at least one day of training is scheduled and attended. 4. If a training facility closes before a scheduled break because of an emergency situation, any days of closure due to the emergency are not be counted as part of the break. **Waivers of the training requirement****TEGL 5-15, Attachment A:** The 2015 Act provides that Basic TRA is only payable if an individual is enrolled in TAA-approved training, participating in TAA-approved training, has received a waiver of the requirement to participant in training, or has completed TAA-approved training. Therefore, workers who meet the requirements of any of these three waiver provisions may still be eligible for Basic TRA without enrolling in training if a **waiver is issued within 26 weeks of the earlier of the date of certification or date of qualifying separation**:* **Health**: The worker is unable to participate in training due to the health of the worker, except the basis for this waiver does not exempt the worker from the availability for work, active search for work, or refusal to accept work requirements under Federal or State unemployment compensation laws.
* **Enrollment Unavailable:** The first available enrollment date for the approved training of the worker is within 60 days after the date of the determination, or, if later, there are extenuating circumstances for the delay in enrollment, as determined under guidance issued by the Secretary.
* **Training Not Available:** Training approved by the Secretary is not reasonably available to the worker from either governmental agencies or private sources (which may include area vocational schools as defined in section 3 of the Carl D. Perkins Vocational and Technical Education Act of 1998 (20 USC 2302) and employers), no suitable training for the worker is available at reasonable cost, or no training funds are available.

**Formal Written Notice****20 CFR 617.19** **(a)(2)** When it is determined that it is not feasible or is not appropriate to approve a training program for an individual otherwise entitled to basic TRA, the individual shall be furnished a formal written notice of waiver, with an explanation of the reason(s) for the waiver and a statement of why training is not feasible or is not appropriate in the case of such individual. At a minimum, the written statement furnished to the individual shall contain information required by sec. 617.50(e) as well as the following information: **(i)** Name and social security number of the individual; **(ii)** Petition number under which the worker was certified; **(iii)** A statement why the agency has determined that it is not feasible or is not appropriate to approve training for the individual at that time, and the reason(s) for the finding; **(iv)** A statement that the waiver will be revoked at any time that feasible and appropriate training becomes available; **(v)** Any other advice or information the State agency deems appropriate in informing the individual; **(vi)** Signature block (with signature) for the appropriate State official; and **(vii)** Signature block (with signature) for the worker's acknowledgement of receipt. **(3) Denial of a waiver**. In any case in which a determination is made to deny to any individual a waiver of the participation requirement, the individual shall be furnished a formal written notice of denial of waiver, which shall contain all of the information required of formal written notices under paragraph (a)(2) of this section. **(4) Procedure*.*** Any determination under paragraph (a)(2) or paragraph (a)(3) of this section shall include notice of the **individual's appeal rights** as is provided in sec. 617.50(e).**(b)(1)(i) Feasible and appropriate.** For the purposes of this section:**(A) Feasible**means:**(*1*)** Training is available;**(*2*)** The individual is so situated as to be able to take full advantage of the training opportunity and complete the training; and**(*3*)** Funding is available to pay the full costs of the training and any transportation and subsistence expenses which are compensable. The funding includes not only TAA program funds but also all other funds available under any of the provisions of the Title I, Subchapter B of the Workforce Investment Act (WIOA) or any other Federal, State or private source that may be utilized for approvable training. Further, the individual's situation in respect to undertaking training shall include taking into account personal circumstances that preclude the individual from being able to participate in and complete the training program, such as the availability of transportation, the ability to make arrangements for necessary child care, and adequate financial resources if the weeks of training exceeds the duration of UI and TRA payments.**(B) Appropriate**. The term *appropriate* means being suitable or compatible, fitting, or proper. Appropriate, therefore, refers to suitability of the training for the worker (including whether there is a reasonable prospect which is reasonably foreseeable that the individual will be reemployed by the firm from which separated), and compatibility of the training for the purposes of the TAA Program.**(ii) Basis for application***.* Whether training is feasible or appropriate at any given time is determined by finding whether, at that time, training suitable for the worker is available, the training is approvable, the worker is so situated as to be able to take full advantage of the training and satisfactorily complete the training, full funding for the training is available from one or more sources, the worker has the financial resources to complete the training when the duration of the training program exceeds the worker's eligibility for TRA, and the training will commence within 30 days of approval.**(2)** The reasons for any determination that training is not feasible or is not appropriate shall be in accord with the following:**(i) Not feasible** because—**(A)** The beginning date of approved training is beyond 30 days, **(B)** Training is not reasonably available to the individual,**(C)** Training is not available at a reasonable cost,**(D)** Funds are not available to pay the total costs of training, or**(E)** Personal circumstances such as health or financial resources, preclude participation in training or satisfactory completion of training,**(F)** Other (explain).**(ii) Not appropriate** because—**(A)(1)** The firm from which the individual was separated plans to recall the individual within the reasonably foreseeable future (State agencies must verify planned recalls with the employer), **(*2*) Planned recall*.*** For the purpose of determining whether the recall or reemployment of an individual is reasonably foreseeable either a specific or general type of recall (as set out) shall be deemed to be sufficient.**(i) Specific recall*.*** A specific recall is where an individual or group of individuals who was separated from employment is identified and notified by the employer to return to work within a specified time period.**(ii) General recall*.*** A general recall is where the employer announces an intention to recall an individual or group of individuals, or by other action reasonably signals an intent to recall, without specifying any certain date or specific time period.**(iii) Reasonably foreseeable**. For purposes of determining whether training should be denied and a training waiver granted, because of a planned recall that is reasonably foreseeable, such a planned recall includes a specific recall and also includes a general recall if the general recall in each individual's case is reasonably expected to occur before the individual exhausts eligibility for any regular UI payments for which the individual is or may become entitled. A general recall, in which the timing of the recall is reasonably expected to occur after the individual's exhaustion of any regular UI to which the individual is or may become entitled, shall not be treated as precluding approval of training, but shall be treated as any other worker separation for these purposes.**(B)** The duration of training suitable for the individual exceeds the individual's maximum entitlement to basic and additional TRA payments and the individual cannot assure financial responsibility for completing the training program,**(C)** The individual possesses skills for “suitable employment” and there is a reasonable expectation of employment in the foreseeable future, or**(D)** Other (explain).**miscellaneous provisions****20 CFR 617.18(b)(1)** An individual cannot be disqualified from UI or TRA because the individual: **(i)** Is enrolled in or is participating in an approved training program; or **(ii)** Refuses work to which the individual has been referred by the State agency, if such work would require the individual to discontinue training, or if added to hours of training would occupy the individual more than 8 hours a day or 40 hours a week; or **(iii)** Quits work, if the individual was employed in work which was not suitable (as defined in sec. 617.22(a)(1)), and it was reasonable and necessary for the individual to quit work to begin or continue training approved for the individual. **TEGL 5-15:** * Eligible participants may elect to receive TRA instead of UI based upon a second UI benefit year resulting from part-time or short-term work with a lower weekly benefit amount (WBA);
* Special rule for returning members of the Armed Forces and National Guard to allow them to receive TAA in the same manner and to the same extent as if the worker had not served the period of duty;
* Special rule for calculating the TRA eligibility period to exclude any period during which a judicial or administrative appeal of a denial of certification was pending; and
* Special rule for extending the TRA eligibility period for justifiable cause.
 | **20 CFR 617.12   Evidence of qualification.**(a*) State agency action.* When an individual applies for TRA, the State agency having jurisdiction under §617.50(a) shall obtain information necessary to establish:(1) Whether the individual meets the qualifying requirements in §617.11;(2) The individual's average weekly wage; and(3) For an individual claiming to be partially separated, the average weekly hours and average weekly wage in adversely affected employment.(b) *Insufficient data.* If information specified in paragraph (a) of this section is not available from State agency records or from any employer, the State agency shall require the individual to submit a signed statement setting forth such information as may be required for the State agency to make the determinations required by paragraph (a) of this section.(c) *Verification.* A statement made under paragraph (b) of this section shall be certified by the individual to be true to the best of the individual's knowledge and belief and shall be supported by evidence such as Forms W-2, paycheck stubs, union records, income tax returns, or statements of fellow workers, and shall be verified by the employer.(d) *Determinations.* The State agency shall make the necessary determinations on the basis of information obtained pursuant to this section, except that if, after reviewing information obtained under paragraph (b) of this section against other available data, including agency records, it concludes that such information is not reasonably accurate, it shall make appropriate adjustments and shall make the determination on the basis of the adjusted data.**ESD TAARA 2015 TRA Policy Manual:**1. *Certification* - Must be an adversely affected worker covered by a certification and be laid off because of lack of work. 2. *Separation* – Must have a qualifying layoff. The first qualifying layoff must have occurred on or after the impact date of the certification; and on or before the expiration date of the certification. 3. *Wages and employment* - Must have had at least 26 weeks of employment with the certified employer at wages of at least $30 or more per week during the 52-week period ending with the week of their first qualifying separation, or any subsequent qualifying layoff under the same certification. 4. *Entitlement to UI* - Must be monetarily eligible for unemployment insurance (UI) benefits at the time of the first qualifying layoff, on or after the impact date. 5. *Exhaustion of UI* - Must have exhausted all rights to unemployment insurance benefits or federal extensions. 6. *Work search* – Must meet stricter work search requirements (EB work test) to receive Basic TRA, except when participating in an approved TAA training program. 7. *Participation in TAA training* – Must be enrolled in or participating in TAA approved training, have completed TAA training following the qualifying separation (only Basic TRA), or have received a waiver from the TAA training requirements (only Basic TRA). **DOL Core Monitoring Guide with TAA Supplement:** * Is there a clear and consistent communication channel between TAA staff who monitor a worker’s participation in TAA training and the TAA unit responsible for disbursing TAA training and TRA payments?
* How does the State determine that there is income support for the duration of training?
* What is the process for making the initial TRA eligibility decision?
* How long does this process take?
* How does coordination occur between TRA and other TAA benefits in determining initial TRA eligibility decisions?
* How is continuing eligibility communicated to TRA payment staff?

**Example documentation may include:*** Case notes documenting contact between the worker, TAA and TRA staff regarding the worker’s participation and continuing eligibility for TAA/TRA services.
* Petition Determination in ETO or Form 57:

Date Applied:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Date Mailed:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Wks. from Sep/Cert. to App:\_\_\_\_\_\_\_\_\_\_\_\_TAA Eligible: YES or NOTRA Eligible: YES or NO26/26 OR 8/16?Petition #:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Certification Date:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Separation Date:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Impact Date:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Expiration Date:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_TRA Basic Elig. Timeline:\_\_\_\_\_\_\_to\_\_\_\_\_\_\_\_Waiver Deadline:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Det. Site UI Appeal Rights? YES or NODate Applied for TRG:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_If TRG beyond TRA, payment of living expenses explained: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Days from App to TRG Dec.:\_\_\_\_\_\_\_\_\_\_\_\_\_\_TRG Start Date:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_TRG End Date:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_TRG Wks. Duration:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | [ ]  Element Met [ ]  Element Not Met [ ]  Data Validation Issues [ ]  N/AComments: | [ ]  No Action Required[ ]  The Following Action is Required: |

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| **4-A. TRAINING WAIVERS** | **Evidence & Indicators** | **Observations** | **Actions Required** |
| * ESD 2015 TRA Policy Manual, Released 06/24/2016
* ESD TRA Procedures 2011- TA-W 80,000 – 80,999 (election option) & TA-W 81,000+ -- 2011 TRADE, Updated 03/05/2013
* TEGL 5-15 and 5-15 Change 1-Operating Instructions for Implementing the Amendments to the Trade Act of 1974 Enacted by the Trade Adjustment assistance Reauthorization Act of 2015 (TAARA 2015), Updated 09/23/2016
* TEGL 8-11, Availability of Equitable Tolling of Deadlines for Workers Covered Under Trade Adjustment Assistance (TAA) Certifications, Released 10/19/2011Trade Adjustment Assistance Reauthorization Act of 2015 (TAARA 2015), Sec. 231, Released 06/29/2015
* 20 CFR Part 617.10-.19, Current as of 04/07/2017
* TEGL 22-15 – Data Validation and Performance Reporting Requirements, Released 05/12/2016
* DOL Core Monitoring Guide with TAA Supplement, Released 02/2014

**ESD 2015 TRA Policy Manual** **Waiver of TAA Training Requirements To Receive Basic TRA Benefits** Prior to the waiver deadline, individuals may receive Basic TRA while looking for work. After the waiver deadline, to be eligible for Basic TRA the individual must either have a waiver of the deadlines or be enrolled in TAA approved training. Unless enrolled in training, individuals on Basic TRA must be issued a directive by their TAA counselor to conduct a more enhanced job search using federal Extended Benefits (EB) work search criteria.**Waiver Conditions** The 2015 amendments kept three training waiver conditions. An individual must meet one of the three waiver conditions before being issued a waiver of training. If a participant qualifies under more than one reason, only select the one, most applicable reason for issuing a waiver. Participants on waiver must still be able, available and actively seeking work using an EB work search criteria. The three conditions are: 1. **Health** - Training can be waived if an individual is unable to participate in training due to health issues. A letter from a doctor or other appropriate medical documentation is required. 2. **Enrollment unavailable** – When an individual is seriously considering a specific training plan but they cannot enroll in the program right away, or if training will begin later than 60 days after the date of waiver approval, the reason for the delay in enrollment must be noted. 3. **Training not available** – When an individual is not able to find training at a reasonable cost, distance learning options may be available and should be explored; but are not appropriate for all individuals or training programs. **Reasons To Deny A Waiver** A denial of the waiver of TAA training requirements to receive Basic TRA must be written to provide the participant appeal rights whenever the participant requests waiver but doesn’t meet the requirements to receive a waiver. **Example 1:** Participant requests a waiver for health, but doesn’t provide appropriate medical documentation showing he or she is unable to participate in training or indicates not being able, available and actively seeking work.**Example 2:** Participant requests a waiver since enrollment at the school he or she prefers isn’t available, but training at a comparable school is available, and the participant isn’t willing to take the other available training. **Example 3:** Participant requests a waiver due to training not being available at a reasonable cost, where training is available, or distance learning is available; and appropriate for the participant in the desired training program. Waivers cannot be approved if the participant is past the deadline to request a waiver, unless the 45 day extension for an extenuating circumstance applies. Requests after the deadline and not meeting the extenuating circumstances should be denied waiver in writing. **Reviewing And Duration Of Waivers** The first waiver review is done within 90 days of the waiver issue date and subsequent reviews are done every 30 days thereafter. Waivers are effective for not more than 6 months from the date issued. To preserve the participant’s eligibility for TRA, the state TRA Coordinator may approve extending the waiver for another 6 months and for the time necessary to protect the participant’s eligibility for Basic TRA. **Revoking A Waiver** Waivers from training **must be** revoked anytime the conditions of the waiver are no longer applicable. Participants must be notified of the revocation in writing. To be eligible for Additional TRA, participants must be in TAA approved training by the Monday of the first week occurring 30 days after the date of the revocation. **Waiver Expiration** At the end of the 6 month waiver period, if a reassessment of the participant’s case does not indicate a need to extend the waiver period, the waiver will expire and must be revoked.**ESD TRA Procedures 2011- TA-W 80,000 – 80,999 (election) & TA-W 81,000+ - 2011****Waiver of TAA Training Requirements To Receive Basic TRA Benefits*** TAA counselor has conducted initial needs, comprehensive and WOWI assessment and determined the participant is a candidate for training the participant is given a training research packet.
* TAA counselor determines if a waiver from the training requirement is needed.
* After a training waiver is issued, it must be signed and dated by both the TAA counselor and participant.
* Appropriate entries will be made for tracking purposes for DOL.
* Before TRA is paid, the TRA Unit will issue a decision on whether the 26/26 week deadline has been met.
* If the participant is not in training, but under a waiver the TAA counselor will establish an EB work search plan when the claimant transitions to Basic TRA.
* Waivers from the training requirement are issued for 6 months after the date on which the waiver is issued and may be extended for the period necessary to cover the worker’s full entitlement to Basic TRA.
* The extension of the waiver must be approved by the State TRA coordinator.
* TAA counselors must review the waiver of training initially 90 days after it is issued and then every 30 days to see if the waiver conditions still exist and if the individual should now be looking at training options. See 30 day waiver review procedure.
* The TAA counselor will make decisions to revoke waivers and address any issues for weeks claimed.
* The TRA Coordinator will generate the monthly waiver review report from the electronic records. The report shows if the waiver has been reviewed every 30 days and if it has been revoked. Before paying TRA benefits each case will be reviewed to ensure that the waiver was properly reviewed. When the waiver is revoked the TRA Coordinator will review each case to ensure that it was properly revoked.

**Waiver of Training** * When a claimant is approved for a Waiver of Training, the TAA counselor will monitor the Waiver of Training initially 90 days after it is issued and then every 30 days, to ensure that the reasons for issuing a waiver continue to exit and to make sure that training options be considered and training approved by the enrollment in training deadline.

**Waiver while on regular claim** * Claimants on a waiver of training, while collecting regular UI, will be monitored as any other UI participant.
* If a claimant does not conform to the trade act requirements, applicable non-monetary decisions will be issued and the waiver will be revoked.
* If a waiver revocation occurs, the claimant will be advised in writing, including appeal rights, that they have thirty days from the date they were notifies to be enrolled in TAA approved training, or lose TRA benefits entirely.

**Waiver while on Trade Act Basic TRA benefits** * Claimants, who are eligible to collect TRA benefits while not in training, will have stricter work search requirements.
* These individuals will be placed on an Extended Benefits (EB) work search, sign a work search directive and be required to submit weekly work searches, showing proof that they are satisfactorily meeting Trade Act guidelines.

**26/26 Week Deadline Decision - Waiver Requested** **THE PROCESS WILL BEGIN WHEN …** The TAA counselor meets with the participant, performs all required assessments, and it is determined that a waiver may be appropriate. • Verify an entitlement to TRA exists in the electronic record o If the participant isn’t eligible for TRA then there is no need for a waiver • Check to see if a waiver has already been issued * If not already issued, determine the waiver deadline of;
* 26 weeks from certification date; or
* 26 weeks from last day worked, whichever is later
* If the participant has missed the deadlines contact the TRA coordinator to;
* Determine whether the participant meets the requirements for
* a 45 day extenuating circumstances extension; or
* equitable tolling is applicable

• Determine the 6 month date the waiver will expire • If the participant has missed the deadlines contact the TRA coordinator to determine if equitable tolling is applicable * Complete the waiver in the electronic record
* Print a copy of the waiver and explain it to the participant
* Have the participant sign the waiver
* Sign the waiver and make a copy. Original waiver is given to participant, copy goes into participant file.

**26/26 Week Deadline Decision – Training Requested** **THE PROCESS WILL BEGIN WHEN …** The TAA counselor meets with the participant, all required assessments, and it is determined that a waiver is appropriate. • Verify an entitlement to TRA exists in the electronic record* If the participant isn’t eligible for TRA then there is no need for a waiver

• Check to see if a waiver has already been done * If not already done, determine the deadline
* 26 weeks from certification date; or
* 26 weeks from last day worked, whichever is later
* If the participant has missed the deadlines contact the TRA coordinator
* Determine whether the participant meets the requirements for
* a 45 day extenuating circumstances extension; or
* equitable tolling

• Determine the 6 month date the waiver will expire * Complete the waiver in the electronic record
* Print a copy of the waiver and explain it to the participant
* Have the participant sign the waiver
* Sign the waiver and make a copy. Original waiver is given to participant, copy goes into participant file.

• Schedule an appointment 30 days out, also taking into account the start date of training if applicable, to meet with the participant to review the waiver and final enrollment for training**REVOKE THE WAIVER** * A waiver of training must be revoked when the conditions of the waiver no longer apply, when the claimant has exhausted his or her rights to Basic TRA by receiving 52 payments of income support during the first benefit period or by reaching the 2-year eligibility period to collect basic TRA (whichever occurs first).

**NOTE**: The law states that “a waiver must be revoked when the reason for which the waiver was issued no longer exists.” Go to the **Revoking a Waiver** procedure and revoke the waiver. **Waiver Review** * The waiver is good for a maximum of 6 months and needs to be reviewed by the TAA counselor initially 90 days after it is effective and then every 30 days thereafter.
* In the review, the counselor and participant must determine if the condition of the waiver remains the same or has changed. If the condition is the same, enter the waiver review in SKIES and schedule the next review with the participant*.*
* At least 30 days before the expiration of the 6 month waiver period is reached, you should look at reassessing the participants’ case to ensure the waiver is still appropriate or if training may now be an option.
* The State TRA Coordinator will make the determination to approve extending the waiver.
* If the condition of the waiver has changed, we MUST revoke it. *See “waiver revoke” procedure.*

**Revoking a Waiver****THE PROCESS WILL BEGIN WHEN …** * You determine the original condition changed, (ie: approved for enrollment unavailable until fall term. Fall term passed and claimant is not in school, participant not complying with waiver directive).
* Counselors should

• Enter any case notes in the electronic record (fact finding) • Enter any other pertinent information in case notes or enter a case note indicating that the information is in the participant’s file * In the electronic record, revoke the waiver entering the date and applicable reason in the comment area.
* Using the paper waiver from the participant file:

• Write in the revocation date and reason in the comment section. • Have the claimant sign the revocation. • Make a copy for the participant file and give the participant the original. * If the claimant isn’t available to sign the revocation:

• Enter the revocation date and reason on file waiver. • In signature box, enter comment “participant not available for signature.” • Make a copy of revocation for the participant file and mail the original to the participant. **WAIVER EXPIRATION*** 30 days prior to the expiration, a letter should be mailed to the claimant advising him or her that the waiver will expire in 30 days, and if so, the claimant will need to be in TAA approved training by the Monday following the expiration or revocation date.
* An email is sent to the TAA counselor advising of such.
* When the waiver expires, the TAA counselor will:
1. Revoke the waiver in the electronic record (because SKIES will not allow waivers to be removed when they expire) but we are now using ETO. Does ETO relate in the same way?

When “revoking” the waiver under these circumstances: a. Enter the expiration date in the revocation date field. b. In the comment box enter “waiver no longer applicable, reached 6 month expiration date” 2. Send notification to the participant * The claimant may be allowed training in the future, but will not be allowed TRA benefits because the Basic eligibility period has expired.

**waivers of the training requirement****TEGL 5-15, Attachment A:** The 2015 Act provides that Basic TRA is only payable if an individual is enrolled in TAA-approved training, participating in TAA-approved training, has received a waiver of the requirement to participant in training, or has completed TAA-approved training. Therefore, workers who meet the requirements of any of these three waiver provisions may still be eligible for Basic TRA without enrolling in training if a **waiver is issued within 26 weeks of the earlier of the date of certification or date of qualifying separation**:* **Health**: The worker is unable to participate in training due to the health of the worker, except the basis for this waiver does not exempt the worker from the availability for work, active search for work, or refusal to accept work requirements under Federal or State unemployment compensation laws.
* **Enrollment Unavailable:** The first available enrollment date for the approved training of the worker is within 60 days after the date of the determination, or, if later, there are extenuating circumstances for the delay in enrollment, as determined under guidance issued by the Secretary.
* **Training Not Available:** Training approved by the Secretary is not reasonably available to the worker from either governmental agencies or private sources (which may include area vocational schools as defined in section 3 of the Carl D. Perkins Vocational and Technical Education Act of 1998 (20 USC 2302) and employers), no suitable training for the worker is available at reasonable cost, or no training funds are available.

**GOOD CAUSE:** **TEGL 5-15, Change 1 Attachment A:** TAARA 2015 reinstates the Federal “Good Cause” provision of Section 234 of the 2011 Act, which allows for a **waiver of deadlines relating to time limitations** on filing an **application for TRA** or **enrolling in training** based on “good cause” determined under Federal criteria established by the Secretary. **CSAs must consider the following factors**, if relevant, before waiving these time limitations. These factors are:* Whether the worker acted in a manner that a reasonably prudent person would have acted under the same or similar circumstances.
* Whether the worker received timely notice of the need to act before the deadline passed.
* Whether there were factors outside the control of the worker that prevented the worker from taking timely action to meet the deadline.
* Whether the worker’s efforts to seek an extension of time by promptly notifying the state were sufficient.
* Whether the worker was physically unable to take timely action to meet the deadline.
* Whether the worker’s failure to meet the deadline was because of the employer warning, instructing, or coercing the worker in any way that prevented the worker’s timely filing of an application for TRA or to enroll in training.
* Whether the worker’s failure to meet the deadline was because the worker reasonably relied on misleading, incomplete, or erroneous advice provided by the state.
* Whether the worker’s failure to meet the deadline was because the state failed to perform its affirmative duty to provide advice reasonably necessary for the protection of the worker’s entitlement to TRA.
* Whether there were other compelling reasons or circumstances which would prevent a reasonable person presented from meeting a deadline for filing an application for TRA or enrolling in training, including:
* neglect, a mistake, or an administrative error by the state,
* illness or injury of the worker or any member of the worker's immediate family
* the unavailability of mail service for a worker in a remote area
* a natural catastrophe, such as an earthquake, fire, or flood
* an employer’s failure or undue delay in providing documentation, including instructions, a determination or notice, or pertinent and important information
* compelling personal affairs or problems that could not reasonably be postponed, such as an appearance in court or an administrative hearing or proceeding, substantial business matters, attending a funeral, or relocation to another residence or area
* the state failed to effectively communicate in the worker’s native language and the worker has limited understanding of English
* loss or unavailability of records due to a fire, flood, theft, or similar reason. Adequate documentation of the availability of the records includes a police, fire, or insurance report that contains the date of the occurrence and the extent of the loss or damage.
* In cases where the cause of the worker’s failure to meet the deadline for applying for TRA or enrolling in training was the worker’s own negligence, carelessness, or procrastination, CSAs may not find that good cause exists to allow them to waive these time limitations.

**TEGL 8-11:** Waivers **may only be issued before the expiration** of the applicable deadline for enrollment in training, not after it has expired. This TEGL provides, however, that **the deadlines may be extended** for equitable reasons. Accordingly, where the enrollment deadline has been extended, for example, from April 1 to May 3, the worker, to qualify for TRA, must either be enrolled in training by that date or have a waiver of the training requirement. **TRAINING Waiver Requirements****TEGL 5-15, Attachments A (Change 1) and B; TAARA 2015 Sec. 231(c):** **(2)(A)** A waiver issued shall be effective for **not more than 6 months** after the date on which the waiver is issued, unless the Secretary determines otherwise.**(B)** The Secretary shall revoke a waiver if the Secretary determines that the basis of a waiver is no longer applicable to the worker and shall notify the worker in writing of the revocation.**(3)(B)** A State **must review each waiver 3 months** after the date on which the State issues the waiver and on **a monthly basis** thereafter. **Formal Written Notice****20 CFR 617.19** **(a)(2)** When it is determined that it is not feasible or is not appropriate to approve a training program for an individual otherwise entitled to basic TRA, the individual shall be furnished a formal written notice of waiver, with an explanation of the reason(s) for the waiver and a statement of why training is not feasible or is not appropriate in the case of such individual. At a minimum, the written statement furnished to the individual shall contain information required by sec. 617.50(e) as well as the following information: **(i)** Name and social security number of the individual; **(ii)** Petition number under which the worker was certified; **(iii)** A statement why the agency has determined that it is not feasible or is not appropriate to approve training for the individual at that time, and the reason(s) for the finding; **(iv)** A statement that the waiver will be revoked at any time that feasible and appropriate training becomes available; **(v)** Any other advice or information the State agency deems appropriate in informing the individual; **(vi)** Signature block (with signature) for the appropriate State official; and **(vii)** Signature block (with signature) for the worker's acknowledgement of receipt. **(3) Denial of a waiver**. In any case in which a determination is made to deny to any individual a waiver of the participation requirement, the individual shall be furnished a formal written notice of denial of waiver, which shall contain all of the information required of formal written notices under paragraph (a)(2) of this section. **(4) Procedure*.*** Any determination under paragraph (a)(2) or paragraph (a)(3) of this section shall include notice of the **individual's appeal rights** as is provided in sec. 617.50(e).**(b)(1)(i) Feasible and appropriate.** For the purposes of this section:**(A) Feasible**means:**(*1*)** Training is available;**(*2*)** The individual is so situated as to be able to take full advantage of the training opportunity and complete the training; and**(*3*)** Funding is available to pay the full costs of the training and any transportation and subsistence expenses which are compensable. The funding includes not only TAA program funds but also all other funds available under any of the provisions of the Title I, Subchapter B of the Workforce Investment Act (WIOA) or any other Federal, State or private source that may be utilized for approvable training. Further, the individual's situation in respect to undertaking training shall include taking into account personal circumstances that preclude the individual from being able to participate in and complete the training program, such as the availability of transportation, the ability to make arrangements for necessary child care, and adequate financial resources if the weeks of training exceeds the duration of UI and TRA payments.**(B) Appropriate**. The term *appropriate* means being suitable or compatible, fitting, or proper. Appropriate, therefore, refers to suitability of the training for the worker (including whether there is a reasonable prospect which is reasonably foreseeable that the individual will be reemployed by the firm from which separated), and compatibility of the training for the purposes of the TAA Program.**(ii) Basis for application***.* Whether training is feasible or appropriate at any given time is determined by finding whether, at that time, training suitable for the worker is available, the training is approvable, the worker is so situated as to be able to take full advantage of the training and satisfactorily complete the training, full funding for the training is available from one or more sources, the worker has the financial resources to complete the training when the duration of the training program exceeds the worker's eligibility for TRA, and the training will commence within 30 days of approval.**(2)** The reasons for any determination that training is not feasible or is not appropriate shall be in accord with the following:**(i) Not feasible** because—**(A)** The beginning date of approved training is beyond 30 days, **(B)** Training is not reasonably available to the individual,**(C)** Training is not available at a reasonable cost,**(D)** Funds are not available to pay the total costs of training, or**(E)** Personal circumstances such as health or financial resources, preclude participation in training or satisfactory completion of training,**(F)** Other (explain).**(ii) Not appropriate** because—**(A)(1)** The firm from which the individual was separated plans to recall the individual within the reasonably foreseeable future (State agencies must verify planned recalls with the employer), **(*2*) Planned recall*.*** For the purpose of determining whether the recall or reemployment of an individual is reasonably foreseeable either a specific or general type of recall (as set out) shall be deemed to be sufficient.**(i) Specific recall*.*** A specific recall is where an individual or group of individuals who was separated from employment is identified and notified by the employer to return to work within a specified time period.**(ii) General recall*.*** A general recall is where the employer announces an intention to recall an individual or group of individuals, or by other action reasonably signals an intent to recall, without specifying any certain date or specific time period.**(iii) Reasonably foreseeable**. For purposes of determining whether training should be denied and a training waiver granted, because of a planned recall that is reasonably foreseeable, such a planned recall includes a specific recall and also includes a general recall if the general recall in each individual's case is reasonably expected to occur before the individual exhausts eligibility for any regular UI payments for which the individual is or may become entitled. A general recall, in which the timing of the recall is reasonably expected to occur after the individual's exhaustion of any regular UI to which the individual is or may become entitled, shall not be treated as precluding approval of training, but shall be treated as any other worker separation for these purposes.**(B)** The duration of training suitable for the individual exceeds the individual's maximum entitlement to basic and additional TRA payments and the individual cannot assure financial responsibility for completing the training program,**(C)** The individual possesses skills for “suitable employment” and there is a reasonable expectation of employment in the foreseeable future, or**(D)** Other (explain). | * What is ESD’s policy and/or procedure for approving training waivers?
* How does ESD ensure the policy/procedure is being followed?
* Was the policy/procedure followed?

**DOL Core Monitoring Guide with TAA Supplement:*** How is training waiver information shared?
* What initial assessment is conducted before issuing a waiver from training?
* What is the process for deciding to grant a waiver and how is the waiver managed once granted?
* Does the waiver form contain the information required in 20 CFR 617.19(c)(3)?
* Is a copy of the signed waiver available?
* What process is used to conduct periodic reviews as required?
* What are the waiver revocation policies, procedures and documentation?
* How are waiver criteria changes processed and documented?
* How are waiver extensions processed and documented?

**TEGL 22-15, Attachment C:*** Case file documentation that includes initial approval and renewals at 30 day intervals
* State UI records of TRA checks
* Form from employment counselor

**ESD 2015 TRA Policy Manual** The following is documented in either ETO or Client’s paper file regarding a participant’s training waiver: * Deadline date \_\_\_\_\_\_\_\_\_\_\_\_\_\_
* Condition: 1 2 3
* Initially Issued date \_\_\_\_\_\_\_\_\_\_
* 90 Day Review date\_\_\_\_\_\_\_\_\_\_
* Max 3-30 Day Reviews
* Approval to Extend YES or NO
* Denied YES or NO
* Revoked & Notified YES or NO
* Expired YES or NO

**ESD TRA Procedures 2011**The following is documented in either ETO or Client’s paper file regarding a participant’s training waiver: * Assessment: Initial, Comprehensive and WOWI were completed:

YES or NO* Waiver is signed and dated by the TAA Counselor and participant: YES or NO
* If not in training when TRA Basic starts, is the EB form (Work Search Directive) signed and dated by the TAA counselor and participant: YES or NO
* Were the Waiver policy and procedures followed?

 YES or NO | [ ]  Element Met[ ]  Element Not Met[ ]  Data Validation Issues[ ]  N/AComments: | [ ]  No Action Required[ ]  The Following Action  is Required: |

|  |  |  |  |
| --- | --- | --- | --- |
| **4-B. MILITARY SERVICE & TRA Allowance** | **Evidence & Indicators** | **Observations** | **Actions Required** |
| * Trade Adjustment Assistance Reauthorization Act of 2015 (TAARA 2015), Released 06/29/2015
* TEGL 5-15 and 5-15 Change 1-Operating Instructions for Implementing the Amendments to the Trade Act of 1974 Enacted by the Trade Adjustment assistance Reauthorization Act of 2015 (TAARA 2015), Updated 09/23/2016
* ESD 2015 TRA Policy Manual, Released 06/24/2016

**TEGL 5-15, Attachment A (Change 1) & B; TAARA 20-15 Sec. 233(i):** As under the 2011 Act and the 2009 Act, Section 233(i) of the 2015 Act makes returning members of the Armed Forces and National Guard units “whole,” as if the period of military service had not occurred, for the purpose of determining their benefit eligibility. The provision also allows workers called up for active duty military or full-time National Guard service to restart the TAA enrollment process after completion of military service. Upon separation from military service, these workers are eligible to receive TRA, training, and other benefits under this chapter in the same manner and to the same extent as if the worker had not served the period of duty. CSAs must continue to apply this provision to any returning service member who either: (1) served on active duty in the Armed Forces for a period of more than 30 days under a call or order to active duty of more than 30 days; or (2) in the case of a member of the Army National Guard of the United States or Air National Guard of the United States, performed full-time National Guard duty under 32 U.S.C. 502(f) (regarding required drills and field exercises) for 30 consecutive days or more when authorized by the President or the Secretary of Defense for the purpose of responding to a national emergency declared by the President and supported by Federal funds. This “make-whole” provision applies only if the worker’s period of duty occurs before the worker completes a training program approved under Section 236. However, the provision applies even if the worker enrolls in or begins training after the period of duty. Accordingly, in administering the 2015 Program, the CSAs must toll all deadlines for all TAA, and RTAA benefits and services, as well as TRA eligibility periods, during a service member’s period of duty within the period described by Section 233(i)(2), and which occurs before the worker completes TAA-approved training. **ESD 2015 TRA Policy Manual****Special Rules - For military service*** Veterans are given priority of service. The 2015 TAARA continues with the 2011 rules for returning service members. Members of the armed forces and National Guard called to active duty while a participant are considered "whole," as if the period of military service had not occurred.
* The provision allows workers called up for active duty for 30 days or more to restart the TAA enrollment process after completion of military service. This includes workers who had begun, but had not completed, a training program before being called up for active duty, and those workers whose company is certified for Trade Act while the workers are serving on active duty.
* If participants begin training prior to active duty call-up, they are allowed to complete that training. However, they need not have been enrolled in nor begun training before the period of duty for this provision to apply. When separated, these individuals are eligible to receive TRA, training and other benefits under the 2015 amendments in the same manner and extent as if they had not served the period of duty.
* The state pauses all deadlines for all TAA, and RTAA benefits and services, as well as TRA eligibility periods, during a service member’s period of duty that occur before the individual completes TAA-approved training. The state first consults with and receives DOL’s permission before waiving any other TAA requirement.
 | * What is ESD’s policy and/or procedure ensuring compliance with Section 233(i) of the 2015 Act?
* How does ESD ensure the policies and/or procedures are being followed?
* Was the local policy or procedure followed?

**ESD 2015 TRA Policy Manual**If applicable, was the local policy followed? YES or NO | [ ]  Element Met[ ]  Element Not Met[ ]  Data Validation Issues[ ]  N/AComments: | [ ]  No Action Required[ ]  The Following Action is Required: |
| **4-C. BASIC TRA** | **Evidence & Indicators** | **Observations** | **Actions Required** |
| * 20 CFR Part 617, Current as of 04/07/2017
* TEGL 5-15 and 5-15 Change 1-Operating Instructions for Implementing the Amendments to the Trade Act of 1974 Enacted by the Trade Adjustment assistance Reauthorization Act of 2015 (TAARA 2015), Revised 09/23/2016
* TEGL 22-15, Attachment C, Released 05/12/2016
* ESD 2015 TRA Policy Manual, Released 06/24/2016

**TEGL 5-15, Change 1:** Deadline for individuals to enroll in training as a condition for receiving TRA is **26 weeks** from the later of the worker’s most recent total qualifying separation, **or 26 weeks** from the issuance of the certification (TEGL 5-15, Change 1).**TEGL 5-15, Change 1 Attachment A:** * Basic TRA is payable to workers who are:
* Enrolled in or participating in TAA-approved training, or
* Who completed TAA training following a qualifying separation, or
* Who have received a timely waiver of the training requirement.
* Basic TRA is payable for up to 52 times the individual’s WBA during the first UI benefit period following the TRA qualifying separation. The maximum amount of Basic TRA payable is reduced by the amount of the worker’s full UI entitlement (or the amount the worker would have been entitled if the worker had applied) in the first benefit period.
* Basic TRA is payable during the 104-week period beginning with the first week in which the individual experienced a total qualifying separation as provided at 20 CFR 617.3(m)(1).
 | **20 CFR 617.12: Evidence of Qualification****(a)** The State agency shall obtain information necessary to establish:1. Whether the individual meets the qualifying requirements in 617.11;
2. Individual’s weekly wage; and
3. For an individual claiming to be partially separated, the average weekly hours and average weekly wage in adversely affected employment.

**(b)** If information (above) is not available from State agency records or from any employer, the State agency shall require the individual to submit a signed statement setting forth such information as may be required for the State agency to make the determinations required of this section.**(c)** A statement made under paragraph (b) above shall be certified by the individual to be true to the best of the individual’s knowledge and belief and shall be supported by evidence such as:* Forms W-2,
* paycheck stubs,
* union records,
* income tax returns, or
* statements of fellow workers, and shall be verified by the employer.

**Date Received First Basic TRA Payment, TEGL 22-15,Attachment C:*** State UI Records of Basic TRA checks issued
* Request for allowance
* State MIS
 | [ ]  Element Met[ ]  Element Not Met[ ]  Data Validation Issues[ ]  N/AComments: | [ ]  No Action Required[ ]  The Following Action is Required: |

|  |  |  |  |
| --- | --- | --- | --- |
| **4-D. DATE RECEIVED FIRST BASIC TRA PAYMENT –***Data Validation Only-* | **Evidence & Indicators** | **Observations** | **Actions Required** |
| * TEGL 22-15 – Data Validation and Performance Reporting Requirements, Attachment C, Released 05/12/2016
 | **TEGL 22-15:** * State UI records of Basic TRA checks issued
* Request for allowance
* State MIS
 | [ ]  Element Met[ ]  Element Not Met[ ]  Data Validation Issues[ ]  N/A | [ ]  No Action Required[ ]  The Following Action is Required: |
| **4-E. ADDITIONAL TRA** | **Evidence & Indicators** | **Observations** | **Actions Required** |
| * 20 CFR Part 617, Current as of 04/07/2017
* TEGL 5-15 and 5-15 Change 1 - Operating Instructions for Implementing the Amendments to the Trade Act of 1974 Enacted by the Trade Adjustment assistance Reauthorization Act of 2015 (TAARA 2015), Revised 09/23/2016

**TEGL 5-15, Change 1 Attachment A:** * **Additional TRA** is payable for a **maximum of 65 weeks** **after exhaustion of Basic TRA** **while the worker is in approved TAA training.** Additional TRA is payable during the consecutive calendar weeks that occur in the 78-week period that begins immediately following the last week of entitlement to Basic TRA, the first week of approved TAA training if the training begins after the last week of entitlement to Basic TRA, or the first week in which TAA training is approved, if such training already has commenced (although Additional TRA or training costs may not be paid for any week before the week in which the TAA training was approved).

**TEGL 5-15:** * No application for training required to be filed within 210 days of certification or separation as a condition for the receipt of Additional TRA.
 | * What is ESD’s policy and/or procedure for the provision and documentation of Additional TRA?
* How does ESD ensure the policies and/or procedures are being followed?
* Was the local policy or procedure followed?
 | [ ]  Element Met[ ]  Element Not Met[ ]  Data Validation Issues[ ]  N/AComments: | [ ]  No Action Required[ ]  The Following Action is Required: |
| **4-F. COMPLETION TRA** | **Evidence & Indicators** | **Observations** | **Actions Required** |
| * Trade Adjustment Assistance Reauthorization Act of 2015 (TAARA 2015), Released 06/29/2015
* TEGL 15-10, Increasing Credential, Degree, and Certificate Attainment, Released 12/15/2010
* TEGL 5-15 & 5-15 Attachment A-Operating Instructions for Implementing the Amendments to the Trade Act of 1974 Enacted by the Trade Adjustment assistance Reauthorization Act of 2015 (TAARA 2015), Attachment A, Updated 09/23/2016
* ESD TAA Classroom Training Procedures-Extension Act 2011 - Last Updated 10/07/2015 – POLICY AND PROCEDURES NEED TO BE UPDATED SO ALL REFLECT 2011; NEED 2009, 2011 AND 2015 POLICIES

**TEGL 5-15, Change 1 Attachment A:** * **Completion TRA** is payable for **up to 13 weeks** (within a 20 consecutive-week timeframe) to assist a worker in completing TAA training after exhaustion of Additional TRA.
* Completion TRA is payable during weeks that occur in the 20-week consecutive calendar period that begins with the first week in which the training participant files a claim for Completion TRA and seeks compensation for such given week.
* Therefore, a worker may experience a break after exhaustion of Additional TRA, when no TRA is payable, before the eligibility period for Completion TRA begins. The 20-week consecutive calendar period within which a worker may receive up to 13 weeks of Completion TRA allows the further flexibility of continuing eligibility to accommodate a break in training of up to but no longer than 7 weeks, so long as the worker completes the training by the end of the 20-week eligibility period.
* No payment for breaks in training are allowed, and the participant can only be paid Completion TRA for each week of full-time training, and then only if all five of the following Completion TRA eligibility criteria are met:

**1.** The requested weeks are necessary for the worker to complete a training program that leads to completion of a degree or industry-recognized credential, as described in TEGL No. 15-10; and **2.** The worker is participating in training in each such week; and **3.** The worker has substantially met the performance benchmarks established in the approved training plan; and **4**. The worker is expected to continue to make progress toward the completion of the approved training; and **5**. The worker will be able to complete the training during the period authorized for receipt of Completion TRA.* If, during the period in which a worker is eligible to receive Completion TRA, the worker ceases to meet any of the five conditions listed above, the CSA may no longer pay Completion TRA.
* Since training that leads to a degree or industry-recognized credential must be completed during the 20-week eligibility period for Completion TRA, the first week of Completion TRA claimed should be carefully considered in coordination with case management while the participant’s training plan is being developed.

**20-week Extension:** If “**justifiable cause**” exists, the Secretary may extend that 20 week period. “Justifiable cause” means circumstances beyond the worker’s control. Examples of justifiable cause for extending the Completion TRA eligibility period include situations where the provider changes the requirements of a training program while the program is in progress, where a course is cancelled, and where required courses are not offered in accordance with the originally anticipated schedule and the CSA is unable to identify an alternative that will allow for completion of the training program within the 20-week period. However, an extension will not increase the maximum number of payable Completion TRA weeks above 13. **Extension not allowed:** **TEGL No. 10-11, Change 2,** (Questions 3 and 4) describe a scenario that CSAs may not amend the training participant’s training plan to provide for a later 20-week eligibility period for Completion TRA if (1) training is interrupted after the individual has filed a claim for Completion TRA; and (2) that interruption leads to a training completion date that occurs after the 20-week eligibility period in the approved training plan. The 20-week eligibility period to receive up to 13 weeks of Completion TRA allows for the flexibility of a break in training of up to 7 weeks, but no more. In this scenario, since the amended training completion date is after the 20-week eligibility period in the approved training plan, the individual will no longer be eligible for Completion TRA. In the same scenario, if a worker has not yet filed a claim for Completion TRA, the eligibility period for Completion TRA has not begun. In that case, the CSA may amend the participant’s training plan to provide for a later training completion date and correspondingly later 20-week eligibility period for Completion TRA.**ESD TAA Classroom Training Procedures:** **Training Benchmarks** * A participant in TAA funded training must **maintain contact with the TAA Counselor at no more than 60-day intervals**. One of the contacts made during the quarter **must be in person**.
* The TAA counselor must provide the participant with a **Progress Tracking form.** The participant must submit the form completed by the current classroom instructors and return it to the TAA counselor during or immediately after the mid-term (as determined by the training site). This is **required to remain eligible for the Completion TRA.** The participant is also required to provide the TAA counselor with **current grades** and a **copy of their registration for the next quarter/semester**.
 | * What is ESD’s policy and/or procedure for the provision and documentation of Completion TRA?
* How does ESD ensure the policies and/or procedures are being followed?
* Was the local policy or procedure followed?

**TEGL 5-15 Attachment A: Completion TRA Benchmarks:*** Training benchmarks described in the IEP
* Documentation of satisfactory progress from the training provider
* Case manager attestation to the worker’s progress after consultation with the vendor and the worker
* Instructor attestations

**ESD TAA Classroom Training Procedures, proof of meeting satisfactory progress:*** Copy of Classroom Training Responsibilities
* Progress Tracking form
* Copy of grades
* Class Registration each quarter/semester
* Maintained contact at no more than 60 day intervals
* Maintained In Person contact each quarter/semester
 | [ ]  Element Met[ ]  Element Not Met[ ]  Data Validation Issues[ ]  N/AComments: | [ ]  No Action Required[ ]  The Following Action is Required: |

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| **4.G. REEMPLOYMENT TRADE ADJUSTMENT ASSISTANCE PROGRAM (RTAA)** (*ATAA under 2002, 2009, and Reversion 2014 Programs*) | **Evidence & Indicators** | **Observations** | **Actions Required** |
| * Trade Adjustment Assistance Reauthorization Act of 2015 (TAARA 2015), Released 06/29/2015
* TEGL 5-15 and 5-15 Change 1-Operating Instructions for Implementing the Amendments to the Trade Act of 1974 Enacted by the Trade Adjustment assistance Reauthorization Act of 2015 (TAARA 2015), Revised 09/23/2016
* ESD 2015 RTAA Policy Manual, Released 06/24/2016
* DOL Core Monitoring Guide with TAA Supplement, Released 02/2014

**eligibility****TEGL 5-15, Change 1 Attachment A:** * *(Workers covered by certifications of petitions number 85,000-89,999 are eligible for this benefit on September 28, 2015.)*
* Be at least age 50 at time of reemployment. The individual’s age can be verified with a driver’s license or other appropriate documentation. RTAA is available once the participant turns 50 and all other employment requirements are met.
* Must not earn more than $50,000 annually in gross wages, excluding overtime pay, from the reemployment. If a paycheck has not been issued at the time of application, the employer must submit a supporting statement documenting the worker’s annual wages.
* **Reemployment** – The participant must:

**a.** Be reemployed full-time where the worker is employed and not enrolled in a TAA-approved training program. The CSA will verify reemployment in accordance with State policies; **or** **b**. Be reemployed less than full-time, but at least 20 hours a week, and be enrolled in a TAA-approved training program. TRA benefits may only be paid when enrolled in a (full-time) TAA approved training program, eligibility for RTAA benefits based on part-time employment and participation in training requires enrollment in a full-time training program (either part-time or full-time) as well. The verification will be conducted in accordance with State policies in the same manner used for verifying employment for RTAA eligibility and for verifying participation in training under the 2009 and 2011 Programs. * The worker cannot return to employment at the “firm” from which the worker was separated. The 2015 Act defines “firm” as either the entire firm or the appropriate subdivision. Accordingly, this requirement means that, if the certification is issued for a worker group in an appropriate subdivision of a firm, the worker may not return to employment with that subdivision, but may return to work at another subdivision of the firm that was not the subject of the certification. If, however, the certification is issued for workers in the entire firm, the worker may not return to employment in any subdivision of that firm.
* The 2015 Program the CSA must issue a written determination on an RTAA application **within five working days of its receipt**. The RTAA applicant has the right to appeal a state determination that denies RTAA benefits in the same manner as provided for in State UI law for all TAA determinations.
* Where a worker seeks to establish RTAA eligibility based upon more than one job, the employment hours will be combined in order to determine whether the worker has the number of hours needed to qualify for RTAA. If the worker obtains additional job(s), the wages from this employment will be included in the calculation to determine whether the worker is expected to reach the $50,000 annual limit for reemployment wages.
* Qualifying employment that was commenced before the date of separation from adversely affected employment may be considered qualifying employment for purposes of determining RTAA eligibility.

**TEGL 5-15**: * CSAs must apply the interpretations of this TEGL to RTAA eligibility for those certified under the 2009 and 2011 Programs.
* RTAA is available without a separate group certification of eligibility for this benefit.
* No specific deadline for a worker to find reemployment after layoff from adversely affected employment as an eligibility requirement.
* Workers who choose and are eligible to receive RTAA may also receive regular TAA benefits and services involving: employment and case management services, training, TRA (with limitations), HCTC, and relocation and job search allowances.
* Once a worker elects RTAA, the worker cannot return to TRA.
* The eligibility for RTAA depends in part on whether or not the worker has received TRA:
* **A worker who has not received TRA** may receive RTAA benefits for a period not to exceed two years beginning on the earlier of: **1**. The date on which the worker exhausts all rights to UI; or **2.** The date on which the worker obtains reemployment.
* **A worker who has received TRA** may receive RTAA benefits for a period of 104 weeks beginning on the date which the worker obtains reemployment reduced by the total number of weeks the individual received TRA. The controlling variables in both situations are: **1.** Exhaustion of the worker’s UI entitlement; or **2.** The date the worker obtains reemployment.
* A worker who is approved for the RTAA program and who continues to meet the eligibility criteria will be paid RTAA benefits until the end of the eligibility period or the payment of $10,000, whichever is first.
* Nothing in the statute precludes an individual from working for different employers within the eligibility period and employment is not required to be consecutive. However, RTAA benefits are not payable during periods of unemployment, but payment is allowable when the worker is on employer-allowed release time, such as sick leave.
* Changes in employment that do not encompass a period of unemployment will be handled during the CSAs ongoing review of each worker’s RTAA status.
* In the event of a period of unemployment, workers will need to complete a new application for RTAA upon reemployment. The worker would be eligible for the remaining RTAA benefits to which he or she is entitled. The eligibility period continues to run from the date of UI exhaustion or reemployment.
* Workers applying for RTAA will need to visit a one-stop career center in person to provide information and establish initial individual eligibility for RTAA.
* The CSA will need to assess each RTAA claimant’s continuing eligibility for RTAA on at least a **monthly basis**. If the worker is employed part-time (at least 20 hours per week) and receiving RTAA while in TAA-approved training, the CSA **must, on a monthly basis, verify participation in the training.**
* It is the CSA’s responsibility, when calculating the RTAA payment, to annualize the recipient’s wages on a monthly basis to assure that the recipient’s annual wages do not exceed $50,000. Annual wage calculations include all jobs in which the worker is employed

**RTAA payments stop** in the event of any one of the following: • The worker’s annualized wages from reemployment exceed $50,000 in a year. • The worker no longer meets the reemployment requirement through either full-time work or a combination of TAA-approved training and at least 20 hours of work. • The worker has received the maximum amount of RTAA. • The worker has reached the end of the RTAA eligibility period. * A worker who is working part-time and is enrolled in TAA-approved training will be excused from the training requirement for any week for which she or he has “justifiable cause, for failing to begin or ceasing participation in training. If the worker has justifiable cause for failing to participate in training for a week, but is working at least 20 hours per week, RTAA is payable for that week if the worker is otherwise eligible. If the worker fails to participate in training for a week without justifiable cause, the worker is ineligible for RTAA for that week.
 | * What is ESD’s policy and/or procedure for the provision and documentation of RTAA services?
* How does ESD ensure the policies and/or procedures are being followed?
* Was the local policy or procedure followed?

**TEGL 5-15, Attachment A:*** The individual’s age can be verified with a driver’s license or other appropriate documentation.
* If a paycheck has not been issued at the time of application, the employer must submit a supporting statement documenting the worker’s annual wages.
* Participants must verify continued employment by submitting pay stubs monthly.

**DOL Core Monitoring Guide with TAA Supplement:*** How and when and who provides TAA-certified workers of their potential eligibility for RTAA and the eligibility requirements for this TAA benefit?
* Are RTAA participants informed that once they receive RTAA they can no longer be eligible for TRA if they become unemployed?
* Are RTAA participants required to sign a form acknowledging that they may no longer be eligible for TRA if they become unemployed? If yes, are copies retained in the TAA participant file?
 | [ ]  Element Met[ ]  Element Not Met[ ]  Data Validation Issues[ ]  N/AComments:Need new interpretation for ESD Relocation Allowances POLICY #3005, last updated 01/17/2006SEE TEGL 5-15, Change 1, page 70, 71, 72. Plus new one: See p.3-1, 3-2, 3-3ALSO:See TEGL 5-15 pg-81 – overpaymentsContinued EmploymentFT/PT workAge 50Pg 31, 32, 33 | [ ]  No Action Required[ ]  The Following Action is Required: |
| **4-h. Date and Reason for program Exit** | **Evidence & Indicators** | **Observations** | **Actions Required** |
| * Federal Register Vol. 80, No. 140-Information Collection for WIOA, Released 07/22/2015
* TEGL 22-15-Data Validation & Performance Reporting Timelines, Released 05/12/2016

**20 CFR 677.150(c)(1):** Exit is the last day of service. The last day of service cannot be determined until at least 90 days have elapsed since the participant last received services; services do not include self-service, information-only services, activities, or follow-up services. This also requires that there are no plans to provide the participant with future services. | **Federal Register Vol. 80, No. 140:** Record the last date that the participant received staff assisted services.**Date of Exit documentation requirements TEGL 22-15**:* ETO
* WIOA Status/Exit forms and
* Case notes
 | [ ]  Element Met[ ]  Element Not Met[ ]  Data Validation Issues[ ]  N/AComments: | [ ]  No Action Required[ ]  The Following Action is Required: |
| **4-I. \*DATE ENROLLED IN POST-EXIT EDUCATION OR TRAINING PROGRAM LEADING TO A RECOGNIZED POST-SECONDARY CREDENTIAL** | **Evidence & Indicators** | **Observations** | **Actions Required** |
| * WIOA Sec. 116(b)(2)(A)(ii), Released 01/03/2014
* TAARA 2015 Sec. 239(j)(2)(A)(i)(IV), Released 07/16/2015
* Federal Register Vol. 80, No. 140-Information Collection for WIOA, Released 07/22/2015
* WIN 0080, Documentation of Training Completion for TAA, Released 01/13/2017

**WIN 0080**

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| Acceptable forms of source documentation for training completion:* Vendor Training documentation in case file –paper or electronic copy of the diploma or certificate of completion issued by the training provider to the individual.
* State Management Information System-record or report from the training provider’s data system that confirms that the individual has completed a program of study

on a specific date and earned the associated credential or a record generated through the SSN-enabled data match between WorkSource Integrated Technology (WIT)and, for example, the National Student Clearinghouse or State Board for Community and Technical Colleges. * Case notes about communications with program-entered into WIT by TAA counselors that reflect information from calls or e-mail correspondence with training

provider representatives such as registrars, program directors, academic advisors, etc. (include name, title, contact information, and date of contract) confirmingthat individuals have completed the training program (include training provider name and location, the credential earned, and the training completion date).* Self-attestation- written statement from an individual personally vouching to certain facts, in this case the completion of training. This can be a form of either a

Self-attestation form that is signed and dated by the individual or an email sent from an individual’s recognized e-mail address or account. The information required through either approach is (1) training provider name, (2) training provider location, (3) degree or certificate earned, and (4) training completion date, which can be the last day of the training program or the date affixed to the credential.**\*WIOA Sec. 116(b)(2)(A)(iii):** This is only for participants who exited secondary education and obtained a high school credential or its recognized equivalent.**Federal Register Vol. 80, No. 140- Information Collection for WIOA:** Documentation supporting the date the participant is enrolled in an education or training program that leads to a recognized postsecondary credential **after program exit**. |

 | **Example documentation may include:** * Documentation validating the participant’s high school credential or recognized equivalent such as transcripts, certificates, diploma; and
* Enrollment documentation from school; and
* Case notes, and
* ETO uploaded credential or self-attestation form
 | [ ]  Element Met[ ]  Element Not Met[ ]  Data Validation Issues[ ]  N/AComments: | [ ]  No Action Required[ ]  The Following Action is Required: |
| **4-j. FOLLOW-UP SERVICES** | **Evidence & Indicators** | **Observations** | **Actions Required** |
| * WIOA sec. 134(c)(2)(A)(xiii), Released 01/03/2014
* 20 CFR 678.430(c) and 20 CFR 680.150, Released 08/19/2016
* TEGL 19-16- Guidance on Services Provided through the Adult and DW Program under WIOA and Wagner Peyser, Released 03/01/2017
* TEGL 5-15 and 5-15 Change 1-Operating Instructions for Implementing the Amendments to the Trade Act of 1974 Enacted by the Trade Adjustment assistance Reauthorization Act of 2015 (TAARA 2015), Revised 09/23/2016

**TEGL 19-16:** Follow-up services must be provided as appropriate for participants who are placed in unsubsidized employment, for up to 12 months after the first day of employment. Counseling about the work place is an appropriate type of follow-up service. Follow-up services do not extend the date of exit in performance reporting.**TEGL 5-15, Change 1 Attachment A:** Follow up career counseling and other informational resources must also be available after the individual completes training, through his or her reemployment and exit from the TAA Program. | * What is ESD’s policy and/or procedure for the provision and documentation of training services?
* How does ESD ensure the policies and/or procedures are being followed?
* Was the local policy or procedure followed?

**Example documentation may include:** * Case notes, and/or
* ETO Follow Up Services Entry
 | [ ]  Element Met[ ]  Element Not Met[ ]  Data Validation Issues[ ]  N/AComments: | [ ]  No Action Required[ ]  The Following Action is Required: |

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| **5. Data Validation, Data Integrity** |
| **5-A. ETO** | **Evidence & Indicators** | **Observations** | **Actions Required** |
| * Trade Adjustment Assistance Reauthorization Act of 2015 (TAARA 2015), Released 06/29/2015
* TEGL 5-15 -Operating Instructions for Implementing the Amendments to the Trade Act of 1974 Enacted by the Trade Adjustment assistance Reauthorization Act of 2015 (TAARA 2015), Attachment B, Updated 09/23/2016
* esd win 0082- Real Time Data Entry in the WorkSource Integrated Technology (WIT) System, Released 02/14/2017
* ESD Policy 1020 Data Integrity and Performance Policy and Handbook, Released 03/13/2015

**TEGL 5-15 Attachment B & TAARA 2015 Sec. 249B:** (**b) DATA TO BE INCLUDED**.—The system required under subsection (a) shall include collection of and reporting on the following data for each fiscal year:**(1) DATA ON PETITIONS FILED, CERTIFIED, AND DENIED**.—**(A)** The number of petitions filed, certified, and denied under this chapter.**(B)** The number of workers covered by petitions filed, certified, and denied.**(C)** The number of petitions, classified by—(i) the basis for certification, including increased imports, shifts in production, and other bases of eligibility; and(ii) Congressional district of the United States.**(D)** The average time for processing such petitions.**(2) DATA ON BENEFITS RECEIVED**.—**(A)** The number of workers receiving benefits under this chapter.**(B)** The number of workers receiving each type of benefit, including training, trade readjustment allowances, employment and case management services, and relocation and job search allowances, and, to the extent feasible, credits for health insurance costs.**(C)** The average time during which such workers receive each such type of benefit.**(D)** The average number of week’s trade readjustment allowances were paid to workers.**(E)** The number of workers who report that they have received benefits under a prior certification issued under this chapter in any of the 10 fiscal years preceding the fiscal year for which the data is collected under this section.**(3) DATA ON TRAINING**.— **(A)** The number of workers who received approved training, classified by major types of training, including classroom training, training through distance learning, training leading to an associate’s degree, remedial education, pre-requisite education, on-the-job training, and customized training. **(B)** The number of workers who exited training, including who received pre-layoff training or part-time training at any time during that training. **(C)** The average duration of training, and the average duration of training that does not include remedial or prerequisite education. **(D)** The number of training waivers granted, classified by type of waiver. **(E)** The number of workers who exited training and the average duration of such training. **(F)** The number of workers who do not exit training and the average duration of the training that was completed by such workers.**(G)** The average cost per worker receiving training.**(H)** The percentage of workers who received training and obtained unsubsidized employment in a field related to that training.**(4) DATA ON OUTCOMES.—****(A)** A summary of the annual reports required under section 239(j).**(B)** A summary of the data on workers classified by the age, pre-program educational level, and post-program credential attainment of the workers.**(C)** The median earnings of workers during the second calendar quarter after exit from the program, expressed as a percentage of the median earnings of such workers before the calendar quarter in which such workers began receiving benefits under this chapter.**(D)** The sectors in which workers are employed after receiving benefits under this chapter.**esd win 0082- Real Time Data Entry in the WorkSource Integrated Technology (WIT) System**In the interest of data integrity, it is imperative, to the fullest extent possible, that data entered into the WorkSource Integrated Technology (WIT) system accurately reflect the service provided at the time the service is provided. Therefore, effective February 15, 2017, the minimal WIT data entry requirements are as follows: * Services must be entered at the point in time they are delivered.
* If services cannot be entered at the time they are delivered, Basic Services and Individualized, Training, and Support Services must be entered within 14 calendar days of service delivery and the service date entered must always reflect the date the service was delivered.

**ESD Policy 1020 Data Integrity and Performance Policy and Handbook:****5.1:** It is imperative, to the fullest extent possible, to enter the service that most accurately reflects the service provided at the time the service is provided. All performance calculations and reports are designed to be customer-driven. The intent is to capture a realistic picture of the participant’s experiences, progress and outcomes.* + Services should be entered at the point in time they are delivered.
	+ Services must be entered within 14 calendar days after the actual date of the service.

**5.2** When a service is provided, the appropriate qualifying service must be identified, even if case notes are entered.* + Services should only be entered when delivered to a customer and only actual services delivered should be entered
	+ Case notes should support and not contradict service entries
	+ Case notes should not be entered to represent service delivery without also entering a qualifying service from the Service Catalog.
 | * Participant demographic information is correctly entered into ETO
* Every service provided to a participant is entered into ETO
* The correct service was entered into ETO
* Services are entered within the required timeframes
* Services are closed on the actual date the participant completes the activity
* Case notes support the services and outcomes entered into ETO
 | [ ]  Element Met[ ]  Element Not Met[ ]  Data Validation Issues[ ]  N/AComments: | [ ]  No Action Required[ ]  The Following Action is Required: |

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| **5-b. Case notes** | **Evidence & Indicators** | **Observations** | **Actions Required** |
| * DOL Core Monitoring Guide with TAA Supplement, Released *02/2014*
* TEGL 22-15-Data Validation & Performance Reporting Timelines, Released 05/12/2016
* ESD WIN 0023-Management of Medical and Disability-Related Information, Released 07/19/2012
* ESD Policy 1020-Data Integrity and Performance Policy and Handbook, Released 03/13/2015
* ESD TAA Classroom Training Procedures-Extension Act 2011 - Last Updated 10/07/2015 – POLICY AND PROCEDURES NEED TO BE UPDATED SO ALL REFLECT 2011; NEED 2009, 2011 AND 2015 POLICIES
* ESD TAA Job Search Allowances Procedure – Extension 2011- Last Updated 01/01/2014 - revise when policies are updated
* ESD Policy 3065, Rev. 2 – Approval of Training Under TAA, Last Updated 01/24/2016
* ESD TAA Relocation Allowances Procedures-2011, Updated 10/07/2015
* ESD TAA Assessment Procedures, Updated *01/01/2014*
* esd win 0082- Real Time Data Entry in the WorkSource Integrated Technology (WIT) System, Released 02/14/2017

**ESD Policy #3065 Rev. 2:** * **Each of the six criteria for TAA funded training** must be documented in the participant record.
* It must be noted in the individual record that **financial resources were discussed** before the training is approved.
* The documentation in the **participant record must include**:
	+ Assurance that the training is suitable for the worker,
	+ Is at the lowest reasonable cost, and
	+ Will enable the worker to obtain employment within a reasonable period.

**ESD TAA Classroom Training Procedures:** Required documentation in case notes include, but is not limited to:* **Private training institution**: Enter the reason why a private institution was selected over a public institution in case notes
* **Repeating a training course**: Document in case note the required steps taken to justify a participant retaking a training course
* **Tools/equipment**: Document in case notes that all tools ordered from Vendor have been received and inventoried. If something is missing, document in case notes what is missing and who is working with the vendor to receive the missing items. Case notes need to clearly document the verification that all items were received.
* **Resource Map**: Enter information in case notes that a Resource Map was completed.
* Enter information regarding the participant’s training plan, required tools, unusual supplies approved or any other helpful information for Central office to make the payment process smoother for you.

**ESD TAA Relocation Allowances Procedures:*** **Transporting Household Goods:** Case notes must include the selected moving company and the estimated charges for reasonable and necessary accessories, insurance up to $10,000 of value and the cost for the number of miles, if applicable

**ESD TAA Assessment Procedures:*** Record **employment barriers** documented in case notes
* Case notes that document and track information about the participant’s **program services** and activities will be annotated in SKIES (ETO) note screens.
* Case note documentation will **commence with the initial assessment and end at the time of program exit.**

**EST TAA Job Search Allowances Procedures:*** Case notes for **every phase of the job search activity**.

**ESD Policy 1020:** Case notes should support and not contradict service entries. Case notes should not be entered to represent service delivery without also entering a qualifying service from the Services Catalog.**WIN 0023**: Any case notes containing confidential information, such as medical information, must be kept in a separate file and in a secure location apart from the participant’s regular program file.**ESD Monitoring Team recommendations:** * Case notes should include detailed information about the participant’s eligibility, the participant’s service needs, services provided to the participant, outcomes of those services and general case management provided.
* Case notes should provide the whole story of the participant; do not just focus on one activity (e.g. GED, WEX).
 | * What is ESD’s policy and/or procedure for the documentation of case notes?
* How does ESD ensure the policy and/or procedures are being followed?
* Was the policy or procedure followed?

[DOL Core Monitoring Guide:](https://www.doleta.gov/regions/reg02/documents/OSID%20Conference/Resource%20-%20Core-Monitoring-Guide.pdf) Objective 4.2 Participant Files: A review of participant files ***and case notes***demonstrates that participants are receiving appropriate and effective services* Do the case notes document that there is ongoing contact between the case manager and the participant, and that the participant’s progress is being tracked?
* Do the case notes and participant files identify the barriers that may prevent the client from participant in and successfully completing the individual service plan?

**ESD TAA Assessment Procedures:*** Employment barriers documented in case notes
* Case notes that document and track information about the participant’s program services and activities will be annotated in SKIES (ETO) note screens.
* Case note documentation will commence with the initial assessment and end at the time of program exit

**ESD TAA Job Search Allowances Procedure – Extension 2011*** Copy of work search contacts
* Case notes documenting:
	+ Participant’s job seeking activities
	+ Demand/Decline occupational research for participant’s skill set.
	+ Every phase of the job search
 | [ ]  Element Met[ ]  Element Not Met[ ]  Data Validation Issues[ ]  N/AComments: | [ ]  No Action Required[ ]  The Following Action is Required: |

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| **6. Overpayments; penalties for fraud – where the State MAY or can waive repayment only applies to 2002** | **Evidence & Indicators** | **Observations** | **Actions Required** |
| * TEGL 5-15, Change 1, Operating Instructions for Implementing the Trade Adjustment Assistance Reauthorization Act of 2015 (TAARA 2015) Attachment A, C.10., Updated 09/23/2016
* 20 CFR Part 617.55, Last Updated 09/23/2016

**TEGL 5-15, Change 1, Attachment A, C.10—Waiver of Recovery of Overpayment****Statute:** Section 243(a)(1) of the 2015 Act reads:*(a)(1) If a cooperating State agency, the Secretary, or a court of competent jurisdiction determines that any person has received any payment under this chapter to which the person was not entitled, including a payment referred to in subsection (b), [on receipt of payments where fraud is involved], such person shall be liable to repay such amount to the State agency or the Secretary, as the case may be, except that the State agency or the Secretary shall waive such repayment if such agency or the Secretary determines that—* *(A) the payment was made without fault on the part of such individual, and* *(B) requiring such repayment would cause a financial hardship for the individual (or the individual’s household, if applicable) when taking into consideration the income and resources reasonably available to the individual (or household) and other ordinary living expenses of the individual (or household),*As under the 2011 Act, and the 2009 Act, Section 243(1) of the 2015 Act requires the Secretary or the CSA to waive recovery of an overpayment of TRA and any other TAA payment under chapter 2 of title II of the Trade Act if “the payment was made without fault” on the worker’s part, and requiring the repayment would cause a financial hardship. Therefore, **20 CFR 617.55(a)(1)(ii) and 20 CFR 617.55(a)(2)(ii) have been superseded by statute and do not apply to the recovery of non-fault overpayments under the 2015 Program (or the 2009 Program or the 2011 Program).** To administer the “financial hardship” waiver criterion, CSAs **must** provide workers determined to have received TAA overpayments a reasonable opportunity to demonstrate that they were without fault and are unable to repay their TAA overpayments and, therefore, are eligible for waivers of overpayments. The determinations granting or denying waivers of overpayments **must** be made in accordance with the requirements of Section 243(a)(1) of the 2015 Act, 20 CFR 617.55(a)(2)(i)(A), and 20 CFR 617.55(a)(3) (in response to a request for a waiver determination). CSAs must develop or use existing procedures under State UI law that substantiate that a financial hardship exists for the individual before issuing a determination that waives the overpayment. CSAs should consider all sources of income, including pensions, UI, social security, disability, rental income, etc. Such items should be measured and compared to existing living expenses such as mortgage or rent, ordinary living expenses such as outstanding debts (including medical debts or credit card debt), and all other expenses (food, utilities, insurance, etc.), and **must determine that both conditions, lack of fault and inability to pay, exist before waiving an overpayment.** Therefore, it is not sufficient to determine agency error and rely on unfairness to waive the recovery of the overpayment. In accordance with 20 CFR 617.51, waiver determinations must be subject to review in the same manner and to the same extent as determinations under the applicable state law.**20 CFR 617.55 – Superseded by 2009, 2011 & 2015 –See current Operating Instructions above--TEGL 5-15, Change 1, Attachment A, C.10-Waiver of Recovery of Overpayment****(a) Determination and repayment.****(1)** If a State agency or a court of competent jurisdiction determines that any person or individual has received any payment under this part 617 to which the person or individual was not entitled, including a payment referred to in paragraph (b) or paragraph (c) of this section, such person or individual shall be liable to repay such amount to the State agency, and the State agency shall recover any such overpayment in accordance with the provisions of this part 617; except that the State agency may waive the recovery of any such overpayment if the State agency determines, in accordance with the guidelines prescribed in paragraph (a)(2) of this section, that: **(i)** The payment was made without fault on the part of such person or individual; and **(ii)** Requiring such repayment would be contrary to equity and good conscience. **(2)(i)(A)** In determining whether fault exists for purposes of paragraph (a)(1)(i) of this section, the following factors shall be considered: **(1)** Whether a material statement or representation was made by the person or individual in connection with the application for TAA that resulted in the overpayment, and whether the person or individual knew or should have known that the statement or representation was inaccurate. **(2)** Whether the person or individual failed or caused another to fail to disclose a material fact, in connection with an application for TAA that resulted in the overpayment, and whether the person or individual knew or should have known that the fact was material. **(3)** Whether the person or individual knew or could have been expected to know, that the person or individual was not entitled to the TAA payment. **(4)** Whether, for any other reason, the overpayment resulted directly or indirectly, and partially or totally, from any act or omission of the person or individual or of which the person or individual had knowledge, and which was erroneous or inaccurate or otherwise wrong. **(5)** Whether there has been a determination of fraud under paragraph (b) of this section or section 243 of the Act. **(B)** An affirmative finding on any one of the factors in paragraphs (a)(2)(i)(A) of this section precludes waiver of overpayment recovery. **(ii)(A)** In determining whether equity and good conscience exists for purposes of paragraph (a)(1)(ii) of this section, the following factors shall be considered: **(1)** Whether the overpayment was the result of a decision on appeal, whether the State agency had given notice to the person or individual that the case has been appealed and that the person or individual may be required to repay the overpayment in the event of a reversal on appeal, and whether recovery of the overpayment will not cause extraordinary and lasting financial hardship to the person or individual. **(2)** Whether recovery of the overpayment will not cause extraordinary financial hardship to the person or individual, and there has been no affirmative finding under paragraph (a)(2)(ii)(A) of this section with respect to such person or individual and such overpayment. **(B)** An affirmative finding on either of the foregoing factors in paragraphs (a)(2)(ii)(A) of this section precludes waiver of overpayment recovery. **(C)(1)** For the purpose of paragraph (a)(2)(ii) of this section, an extraordinary financial hardship shall exist if recovery of the overpayment would result directly in the person's or individual's loss of or inability to obtain minimal necessities of food, medicine, and shelter for a substantial period of time; and an extraordinary and lasting financial hardship shall be extraordinary as described above and may be expected to endure for the foreseeable future. **(2)** In applying this test in the case of attempted recovery by repayment, a substantial period of time shall be 30 days, and the foreseeable future shall be at least three months. In applying this test in the case of proposed recoupment from other benefits, a substantial period of time and the foreseeable future shall be the longest potential period of benefit entitlement as seen at the time of the request for a waiver determination. In making these determinations, the State agency shall take into account all potential income of the person or individual and the person's or individual's firm, organization, or family and all cash resources available or potentially available to the person or individual and the person's or individual's firm, organization, or family in the time period being considered. **(3)** Determinations granting or denying waivers of overpayments shall be made only on request for a waiver determination. Such request shall be made on a form which shall be furnished to the person or individual by the State agency. Notices of determination of overpayments shall include an accurate description of the waiver provisions of paragraph (a) of this section, if the State agency has elected to allow waivers of TAA overpayments. **(4)** Each State shall have the option to establish a policy as to whether the waiver provisions of this section shall be applied to TAA overpayments. A State's decision on its policy shall not be controlled by whether it waives UI overpayments, but the State's decision shall be published for the information of the public and the Department. **(5)(i)** Unless an overpayment is otherwise recovered, or is waived under paragraph (a) of this section, the State agency shall recover the overpayment by deduction from any sums payable to such person or individual under: **(A)** This part 617; **(B)** Any Federal unemployment compensation law administered by the State agency; or **(C)** Any other Federal law administered by the State agency which provides for the payment of unemployment assistance or an allowance with respect to unemployment. **(ii)** In addition, a State agency may recover the overpayment from unemployment insurance payable to such person or individual under the State law. **(b) Fraud**. If a State agency or a court of competent jurisdiction finds that any person or individual: **(1)** Knowingly has made, or caused another to make, a false statement or representation of a material fact; or **(2)** Knowingly has failed, or caused another to fail, to disclose a material fact; and as a result of such false statement or representation, or of such nondisclosure, such individual has received any payment under this part 617 to which the person or individual was not entitled, such person or individual shall, in addition to any other penalty provided by law, be ineligible for any further payments under this part 617. **(c) Training, job search and relocation allowances**. **(1)** If an individual fails, with good cause, to complete training, a job search, or a relocation, any payment or portion of a payment made under this part 617 to such individual or any person that is not properly and necessarily expended in attempting to complete such training, job search, or relocation, shall constitute an overpayment. **(2)** If an individual fails, without good cause, to complete training, a job search, or a relocation, any payment made under this part 617 to such individual or any person shall constitute an overpayment. **(3)** Such overpayment shall be recovered or waived as provided in paragraph (a) of this section. **(d) Final determination**. Except for overpayments determined by a court of competent jurisdiction, no repayment may be required, and no deduction may be made, under this section until a determination under paragraph (a) of this section by the State agency has been made, notice of the determination and an opportunity for a fair hearing thereon has been given to the person or individual concerned, and the determination has become final.  | * What is ESD’s policy and/or procedure to ensure compliance with 20 CFR 617.55?
* How does ESD ensure the policy and/or procedures are being followed?
* Was the policy or procedure followed?
 | [ ]  Element Met[ ]  Element Not Met[ ]  Data Validation Issues[ ]  N/AComments:* + - Financial
 | [ ]  No Action Required[ ]  The Following  Action is Required: |

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| **taa performance indicators*** **TEGL 5-15 and 5-15, Change 1-Operating Instructions for Implementing the Amendments to the Trade Act of 1974 Enacted by the Trade Adjustment assistance Reauthorization Act of 2015 (TAARA 2015):** TAA Performance Measures will now align with the WIOA performance reporting requirements, Last updated 09/23/2016
* **Trade Adjustment Assistance Reauthorization Act of 2015 (TAARA 2015) Sec. 239(j)**, Updated 09/04/2016
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| TAARA 2015, Sec. 239(j)(2)(A)(i)(V)**IN-PROGRAM** **MEASURABLE SKILL GAINS****-During Program Participation**The percentage and number of workers who received benefits under the trade adjustment assistance program who, during a year while receiving such benefits, are in an education or training program that leads to a recognized postsecondary credential or employment and who are achieving measurable gains in skills toward such a credential or employment. | TAARA 2015, Sec. 239(j)(2)(A)(i)(IV)WIOA Sec. 3(52)**CREDENTIAL RATE****-During Program Participation or Within 1 Year after Exit**The percentage and number of workers who received benefits under the trade adjustment assistance program who, subject to clause (ii), obtain a recognized postsecondary credential or a secondary school diploma or its recognized equivalent, during participation in the program or within 1 year after exit from the program.**Sec. 239(j)(2)(A)(i)(ii):** For purposes of clause (i)(IV), a worker who received benefits under the trade adjustment assistance program who obtained a secondary school diploma or its recognized equivalent shall be included in the percentage counted for purposes of that clause only if the worker, in addition to obtaining such a diploma or its recognized equivalent, has obtained or retained employment or is in an education or training program leading to a recognized postsecondary credential within 1 year after exit from the program.**WIOA Joint Rule, Departments’ responses:****•Page 55841**: The Departments have excluded participants enrolled in work-based OJT or customized training from this indicator because such training does not typically lead to a credential.**•Page 55841:** Such employment or enrollment in an education or training program only needs to be for some period during the 4 quarters after exit, not for the entire 1-year period after exit.**•Page 55842**: It should be noted that in instances where participants are enrolled in an education or training program that is not intended to result in a credential, the measurable skill gains indicator can capture progress made by participants. | TAARA 2015, Sec. 239(j)(2)(A)(i)(III)**Median Earnings****-2nd Quarter after Exit**The median earnings of workers described in subclause (I). | TAARA 2015, Sec. 239(j)(2)(A)(i)(I)**PLACEMENT IN EMPLOYMENT** **-2nd Quarter after Exit**% and number of workers who received benefits under the trade adjustment assistance program who are in unsubsidized employment during the second calendar quarter after exit from the program. | TAARA 2015, Sec. 239(j)(2)(A)(i)(II)**PLACEMENT IN EMPLOYMENT** **-4th Quarter after Exit**% and number of workers who received benefits under the trade adjustment assistance program who are in unsubsidized employment during the fourth calendar quarter after exit from the program. |