

Washington State Trade Adjustment Assistance Policy

Policy Number: 3065, Revision 6 (2009)

Policy Title: Approval of Trade Adjustment Assistance (TAA) Training under 2009 Amendments

Effective Date: March 29, 2023

1. Purpose:

To communicate requirements when approving Trade Adjustment Assistance (TAA) Training for petitions approved for 2009.

The fifth revision communicates a change in the number of quotes required when procuring tools and equipment for training.

The sixth revision updates the leave of absence language to ensure proper collection and storage of medical related information.

2. Background:

The Trade Adjustment Assistance for Workers Program (TAA program) was first established in the Trade Act of 1974 as a tool to retrain trade impacted workers and help them find suitable employment. The Trade and Globalization Adjustment Assistance Act (TGAAA) of 2009 (Public Law 111-5) was enacted on February 17, 2009, and extended the TGAAA program through December 31, 2010. It expanded TAA benefits for workers, firms, and Farmers, including workers and firms in the service sector. It also improves workers' opportunities for reemployment services, training, and income support. The 2009 Program applies to workers covered under petition numbers TA-W 70,000 – 79,999.

3. Policy

The objective of TAA training is achieving marketable skills for a participant's return to suitable employment. The TAA case manager will make every effort to help the participant successfully complete the approved training plan. Only one training program can be approved under a specific Trade Act certification. This policy provides the expectations, standards, and rationale required for justifying and approving TAA training. All six criteria must be documented to support an approval or denial of training.

a. **Six Criteria for TAA-funded Training**

TAA case managers must fully document each of the six criteria (20 CFR 617.22(a)) as the basis for approving TAA-funded training.

- i. **There is no suitable employment available for the individual.** It is the responsibility of the TAA case manager to determine the availability of suitable employment in the commuting area, or in the area in which the individual desires to relocate and that there is no reasonable prospect of suitable employment (jobs that pay at least 80 percent of pre-dislocation average weekly wages) becoming available in the foreseeable future.
- ii. **The individual would benefit from appropriate training.** There must be a direct relationship between the needs of the individual for skills training or remedial education and the training program under consideration.
- iii. **There is a reasonable expectation of employment following completion of training.** The training must be in a demand occupation for the labor market in which the individual resides or to which the individual is willing to relocate. The individual must be job ready upon completion of the training program.
- iv. **Training approved is reasonably available to the individual from either public or private sources.** First consideration will be given to training opportunities available within the individual's normal commuting area, although not precluding training outside the commuting area, the training must be available at a reasonable cost. If training isn't available at the time within the individual's commuting area, documented justification for the chosen provider and program must show the need or justification for the out of area provider or higher cost.
- v. **The individual is qualified to undertake and complete the training.** Consideration must be given to the individual's personal qualifications to undertake and complete the training. The assessment must show that the individual has the physical and mental capabilities, educational background, work experience, and financial resources to undertake and complete the specific training program.
 - The assessment must include an analysis of the individual's remaining weeks of Unemployment Insurance (UI) and Trade Readjustment Assistance (TRA) payments in relation to the duration of the training program. If the weekly benefits will exhaust before the end of the training program, it must be determined that personal or family resources are available to the individual to complete the training. It must be noted in the individual's record that financial resources were discussed before the training is approved.
 - When adequate financial resources are not available to complete the training program, the plan cannot be approved, and consideration must be given to other available training opportunities.
- vi. **The training is suitable for the individual and available at a reasonable cost.** Case managers must demonstrate that the training is appropriate for the individual given their capabilities, background, and experience. See TAA Policy 3028 – Reasonable Training Cost.

b. Classroom/Occupational Skills Training

i. Approval of Training

Approval of training request must be completed prior to the start of training. 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.

Training *may not* be approved when the costs of the training are unreasonably high in comparison with the average costs of training in similar occupations at other providers. See [TAA Policy 3085](#) – Reasonable Training Cost.

All approved classroom training must be full time as determined by the training institution for the approved program, in order for the participant to be eligible for TRA benefits. Part-time training is allowed if a participant is able to obtain a license, certificate or degree within the allowable weeks. Participants are not eligible for TRA in this circumstance. The six criteria for training still apply.

The participant is required to be enrolled in TAA approved training within 26 weeks from their most recent Trade Act qualifying separation or within 26 weeks from the date of certification, whichever is later, or have a waiver, or assessment of waiver completed and approved by the 26th week from the start of training in order to access TRA benefits.

The participant must be able to complete the occupational goal identified in the state case management system and within the terms of the approved training plan.

All approved training must be in compliance with [TAA Policy 3085](#) – Reasonable Training Cost to help the participant obtain employment within a reasonable period.

Consistent with the desire to resolve all complaints at the lowest level possible, initial attempts to resolve TAA complaints must be made locally by TAA supervisors in consultation with WorkSource Administrators and TAA operational leads within 15 days of receiving the complaint. See [WorkSource System Policy 1012](#) – Customer Concern and Complaint Resolution. A request for training that is denied may be appealed. See [TAA Policy 3025](#) – Denial of Trade Adjustment Assistance and Appeals.

Case manager cannot approve:

- Training conducted totally or partially outside of the United States.
- Training in which a participant is required to pay *any* of the costs associated with their training program.
- Training that requires an extraordinarily high skill level or where the total cost of the training is substantially higher than other training that is suitable for participants.

Prior to the approval of classroom training, the case manager must ensure and document that the participant meets the six conditions for training approval as explained above.

While a participant is attending TAA approved training the case manager is responsible for maintaining regular contact at intervals not exceeding 60 days and documenting in the state case management system case notes that the participant is making satisfactory progress. Copies of benchmarks, grades and schedules must be maintained in the participant's file.

If a participant fails or drops out of approved training and does not inform their case manager, the participant may be liable for a resulting TRA overpayment and they may no longer be eligible for TAA benefits.

ii. Assessment

Initial and Comprehensive Assessments

Initial and comprehensive assessments need to be done for all TAA participants. For more information see [TAA Policy 3070](#) – Assessment.

Specialized Career Assessment

A specialized career assessment will serve as the foundation and justification for all participants receiving training services offered through the Trade Act program and will serve as a guide in the development of the participant's training plan. A major reason for conducting specialized career assessments is to demonstrate that participants have the abilities and qualifications to participate successfully in a specific training program.

Specialized career assessments are detailed examinations of the participant's qualifications, skills and capabilities and should explore any relevant facets that may impact negatively upon the successful completion of the proposed training plan. This may include a combination or all of the following: educational background; employment history; information about basic literacy (math, reading, and writing); occupational skill levels; transferable skills; English language proficiency; interests; aptitudes; family and financial situation; emotional and physical health, including disabilities; attitudes toward work; motivation; and supportive service needs.

Documentation Requirements

All assessments will be documented in the state case management system. Case notes that document and track information about the participant's program services and activities will also be annotated in the state case management system. Case note documentation will begin with the initial assessment and end at the time of program exit. Information about participant health issues and sensitive personal and confidential information will not be documented in the state case management system.

Recommended Assessment Tools

A specialized career assessment must use the approved state assessment tool when assessing basic skills levels, deficiencies, and to develop an appropriate training plan that identifies the occupational goal and justification for needed training.

Exception: If a co-enrollment partner has already performed a specialized career assessment, the case manager can use the results from that assessment. If any elements of that assessment are missing, that would have been assessed in the state's assessment tool, the case manager must administer the missing elements.

iii. Length of Classroom Training

The case manager can only approve the amount of time necessary (up to 156 weeks of classroom training) for the participant to gain the skills needed to effectively compete in the local labor market. As determined by an assessment of the individual's skills, the case manager must encourage participants possessing some existing marketable skills to enter into short-term training such as skill upgrades or certificate programs.

An individual cannot be approved for more than one training program under a specific Trade Act Certification. If a participant requests to change their approved training program, the request must be submitted to the state TAA Operator for a determination.

For more information see [TAA Policy 3085](#) – Reasonable Training Cost.

iv. Funding

The case manager may approve training that is either fully funded by TAA or funded by TAA and a combination of funding from partner programs.

Programs that could also fund training include the Workforce Innovation and Opportunity Act (WIOA), Worker Retraining, Vocational Rehabilitation, Labor and Industries, Veterans Education Benefits, PELL or any other Federal Education Assistance Grant program. Funds established by employers, unions, and other private organizations to assist participants in transition to reemployment *may* also be used.

Fund sources personal to an individual such as self, student loans, relatives or friends are not allowable forms of funding for TAA approved training. When the case manager combines TAA funds with another training source, the participant's funding resource map must be uploaded into the state case management system to reflect all of the details of the funding including the source, the amount, and the time periods being paid for. The entire training plan must meet the six TAA approval criteria and be documented in writing in the individual's file before he or she begins training.

Although TAA does not require participants to apply for Federal Financial Aid, they need to be advised of the program because it could be a potential source of funding for training during a period when TAA is not funding training.

Examples:

- A participant has chosen a program that is ready to begin in two weeks. The program exceeds reasonable cost, however, the participant has money remaining on their GI bill and resources to self-pay the first quarter. By doing so it will match a more reasonable cost program for all quarters following. The individual can then use TAA funds for the rest of the program going forward.
- TAA approval has not yet been finalized; however, the participant would like to begin the next term starting in a week. The participant can use funds from another program, such as funds from Worker Retraining, since the funds are not being used at the same time as TAA funds.

An individual who is paying their own training costs or is required to repay the funds to other parties *is not considered enrolled in TAA approved training* and cannot be eligible for TRA weekly benefits.

When the cost of training exceeds the reasonable cost limit, Federal Financial Aid Funds awarded to an individual could be applied to the training costs in order to approve the plan. If a Federal Financial Aid award, not including student loans, is used to offset the cost of training, the case manager must ensure that the award information is documented in a funding resource map and case notes are in the state case management system.

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.

A TAA case manager may authorize up to \$40 per term (quarter or semester) for the purchase of incidental classroom supplies above and beyond the cost of training as defined by policy, such as paper, pencils, pens, binders, dictionaries, calculators, cartridge ink, and non-edible supplies needed by participants to support classroom training. This list is not exhaustive. This expense must be factored into the determination of the cost of an approved training program (e.g., \$40 per quarter over the course of a two-year program, excluding summer quarter, would add \$240 to the estimated cost of the training program) and receipts *must* be retained.

v. Eligible Training Provider List (ETPL) and TAA

Co-enrollment with other programs can help participants while in training. Some of those programs require the training program chosen be listed on the state's ETPL as a condition of eligibility. If a provider is chosen that is not on the ETPL, eligibility for those programs will be adversely affected. Examples include Training Benefits (TB) and the WIOA Title I Dislocated Worker Program.

Prior policy required training providers to be on the state's ETPL for the approved TAA training plan. It is recommended, but it is **not** required, that providers be on the ETPL. Providers on the ETPL offering comparable training within a local area should be given strong consideration over providers not on the ETPL. This applies to all petition years.

It is essential that all TAA case managers advise participants that co-enrollment with other programs may be adversely impacted if they choose training programs that are not on the ETPL. TAA case managers must document that participants were advised of and acknowledge this issue if they chose non-ETPL programs using the standard form provided.

vi. Statewide Commuting Area

The statewide commuting area is defined as 25 miles one way. This definition only applies to transportation and subsistence reimbursements while a participant is in TAA approved training. TAA case managers 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 participant who travels 25 miles or more one way will be paid.

Note: The 25-mile definition of commuting area does not apply for the out-of-area job search or relocation allowance. For a participant to receive an out-of-area job search or relocation allowance, the location of the new job must be more than 50 miles from the participant's residence.

vii. Transportation and Subsistence Allowances

A participant approved for subsistence allowances may receive transportation allowances for one round trip to travel to and from the training location at the beginning and end of training, using the least expensive means of travel reasonably available.

Transportation and subsistence allowances must be calculated using federal per diem rates, not state per diem rates. The case manager *must* approve and obligate transportation and/or subsistence allowances for the participant before he or she begins claiming allowances.

The Case Manager may approve:

- Transportation allowances for a participant when the training facility is located outside of the participant's commuting area - the area in which a participant would be expected to travel to and from school on a daily basis as determined by the case manager.
- Subsistence allowances for a participant who must maintain two separate households when attending approved training outside of the commuting area. (*The participant cannot be receiving living assistance from any other funding source or partner funded program*).

The participant must only receive transportation and/or subsistence allowances for days he or she attends training as shown by weekly transportation reports submitted to the case manager.

Transportation costs may not exceed the lesser of:

- The actual cost for travel by the least expensive means of transportation that is reasonably available between the participant's home and training facility; or
- The cost per mile at the prevailing federal mileage rate; or
- The amount otherwise payable as subsistence as outlined below (50 percent of prevailing subsistence rate).

Subsistence and transportation allowances must be calculated using federal per diem rates, not state per diem rates. Subsistence costs may not exceed the lesser of:

- The actual daily cost for temporary lodging and meals in the area of training documented by the department or the participant; or
- Fifty percent of the prevailing federal rate for lodging and meals for the locale of the training.

viii. Tools and Equipment Required for Training

The case manager may approve the purchase of tools if they are required for training and the cost is obligated in advance as part of the training contract.

Purchase of equipment such as personal computers is permitted if it is part of the class syllabus. There is no restriction or cap for personal computer and equipment required in the course syllabus for an approved training program contained in the training agreement.

The training institution must provide a list of required tools. The case manager must keep this list in the participant's case file. The participant is responsible for all tools issued while in training. TAA funds *cannot* be used to replace lost or stolen tools.

The tools will become the property of the participant:

- After the participant completes training for use in his or her employment.
- If the participant does not complete training *but* obtains training related employment.

If the participant does not complete training or does not obtain training-related employment, the participant must return the tools to the case manager. The case manager is responsible for the inventory of all items. See [TAA Policy 3085](#) – Reasonable Training Cost. If the items are not returned, an overpayment will be established for the full-purchase cost.

ix. Procurement of Tools and Equipment for Training

Procurement standards ensure fiscal accountability and prevent waste, fraud and abuse. All case managers must follow state policy in securing the required quotes from the

participant before procuring tools and equipment for training. Two quotes are required for items under \$250 Three quotes are required for items over \$250. If the participant cannot obtain the minimum required quotes, written case documentation must explain why.

Using state policy and procedures allows case managers to use an economical approach to procurement of goods and services and awards the purchase to responsible providers/vendors while documenting the purchase is appropriate for the participant's needs.

Staff must follow general procurement standards established in the federal Office of Management and Budget Uniform Guidance [2 CFR 200.318-326](#) (also known as Super Circular) and the TAA program procedures that reflect state policy. It is essential to maintain case management records and documentation in case management records detailing the history and progression of procured items. This should include the rationale for the selected method, chosen item, and the basis for approving or denying the final selected item. If case managers comply with the preceding direction, but determine a more costly purchase is justified, written case management records must support the final purchase.

*If the participant **does not** complete training or obtain training-related employment, the participant must return the tools to the case manager.* The case manager is responsible for the inventory of all items. See [TAA Policy 3085](#) – Reasonable Training Cost. If the items are not returned, an overpayment will be established for the full-purchase cost.

xi. Temporary Leave of Absence from Training

In cases where there is good cause due to medical or health reasons for the participant or family member, the case manager may grant up to 90 days leave of absence for a participant attending approved training. The leave of absence must be coordinated with the training institution to ensure the participants' original training plan can be successfully completed with the approved amendment. The Temporary Leave of Absence form must be signed by participants, case managers and the training institution representatives. Case manager must communicate to the participant the potential impact a leave may have on TRA benefits.

The *reason* for the leave of absence must be documented and stored separately from the participants' case file in a secure medical confidential file. Leave status must be reviewed and documented every 30 days.

NOTE: Because an approved leave of absence from training may affect a participant's eligibility for TRA weekly benefits the case manager *must* notify the TRA unit of the planned temporary leave dates.

xii. Documentation of Training Completion

The following are acceptable forms of source documentation for training completion:

- Training Provider Completion documentation in case file
- State Management Information System (MIS)

- Case notes about communications with program
- Self-attestation

Training Provider Documentation in Case File is a paper or electronic copy of the diploma or certificate of completion issued by the training provider to the individual.

State MIS is a record of 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 or report generated through an SSN-enabled data match between the WorkSource MIS and, for example, the National Student Clearinghouse or State Board for Community and Technical Colleges.

Case Notes About Communications with Program are case notes entered into the MIS by a TAA case manager that reflect information from calls or email correspondence with training provider representatives such as registrars, program directors, academic advisors, etc. (include name, title, contact information, and date of contact) confirming that individuals have completed the training program (include training provider name and location, the credential earned, and the training completion date).

Self-Attestation is a written statement from an individual personally vouching to certain facts, in this case the completion of training. This can be in the form of either a [self-attestation form](#) that is signed and dated by the individual (also found on the TAA SharePoint Site) or an email sent from an individual's recognized email 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.

The source documentation cited above are recognized by DOL as having equal weight. However, TAA staff should note that in situations where TAA participants are unable to secure training provider documentation in a timely manner or state MIS information is unavailable, case notes based on direct communication between the TAA case manager and training provider representatives are preferable to self-attestation and that the former should be pursued by TAA case managers before the latter.

xiii. Measurable Skill Gains

The participants who are in an education or training program that leads to a recognized postsecondary credential or employment and who are achieving measurable skill gains, defined as documented academic, technical, occupational, or other forms of progress, towards such a credential or employment.

xiv. Request to Return to Training after Withdrawal

When a participant drops or withdraws from TAA approved training for reasons other than an excused temporary leave of absence and wishes to return to training, the case manager may submit a request to the TAA Operator. If good cause is established the

TAA Operator will make a determination on whether the participant will be allowed to return to the previously approved training program.

A case manager may allow participants called to active military service to resume the previously approved training plan under TAA as long as federal funds are available.

c. Pre-Separation Training

An adversely affected incumbent worker is defined as:

- i. A member of a group of workers that has been certified as eligible to apply for TAA benefits; and
- ii. Has not been totally or partially separated from employment so does not have a qualifying separation; and
- iii. Is determined to be individually threatened with total or partial separation.

A worker threatened with total or partial separation from adversely affected employment is allowed to begin TAA-approved training before the date of separation. The criteria and limitations for approval of training for adversely affected incumbent workers are the same as they are for adversely affected workers with two exceptions. Pre-separation training cannot be approved for:

- On the job training, or
- Customized training

d. Waiver of TAA Training Enrollment Deadline

Click [here](#) to read the 2009 TRA Policy Manual regarding TAA waiver enrollment deadlines.

e. Veteran's Priority of Service

The TAA program must comply with the Jobs for Veterans Act, enacted into [Public Law 107- 288](#) on November 7, 2002. Covered veterans determined eligible for the TAA program must receive priority over non-veterans for the receipt of appropriate services provided under the TAA program.

4. Definitions:

Refer to references.

5. References:

- [Public Law 111-5](#), Trade and Globalization Adjustment Assistance Act of 2009
- [20 CFR Part 618](#), TAA Final Rule

- [Training and Employment Guidance Letter \(TEGL\) 22-08](#), Operating Instructions for Implementing the Amendments to the Trade Act of 1974 enacted by the Trade and Globalization Adjustment Assistance Act of 2009; [Change 1](#)
- [WorkSource Information Notice \(WIN\) 0023 Change 2, Management of Medical and Disability related information.](#)

6. Supersedes:

TAA Policy 3065, Revision 5 – Approval of TAA Training under 2009 Amendments dated 1/18/22.

7. Website:

[Workforce Professionals Center](#)

8. Action:

Employment Security Department Regional Directors and WorkSource Administrators must distribute this policy broadly throughout the system to ensure that WorkSource System staff are familiar with its content and requirements.

9. Attachments:

None.

Direct Inquiries To:

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