

Washington State Trade Adjustment Assistance Policy

Policy Number: 3065, Revision 7 (2011)

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

Effective Date: March 29, 2023

1. Purpose:

To communicate requirements when approving Trade Adjustment Assistance (TAA) Training for petitions certified under 2011 rules.

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

2. Background:

The U.S. Department of Labor (DOL) published the TAA Final Rule at 20 CFR part 618 on August 21, 2020. Through this rulemaking, the Department modernized the TAA Program, provided additional flexibilities to states, and consolidated all applicable program regulations into a single section of the Code of Federal Regulations and continued to align the program with WIOA.

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 Adjustment Assistance Extension Act (TAAEA) of 2011 (Public Law 112-40) was enacted on October 21, 2011. The TAAEA again reauthorized the TAA program with changes to benefits. The 2011 Amendments include a reduction in number of eligible groups qualified for TAA, elimination of three training waivers, and elimination of the additional 26 weeks of TRA for workers participating in prerequisite or remedial training, with the addition of a new Completion TRA component.

The 2011 amendments apply to petitions filed on or after October 21, 2011, and numbered TA-W 81,000 – 89,999. There is a special retroactive applicability for petitions numbered 80,000 – 80,999. Eligible workers with petitions in this range were able elect to receive benefits in accordance with either 2002 or 2011 amendments.

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 at a reasonable cost and as quickly as possible.

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. Only one training program can be approved under a single certification.

a. Initial, Comprehensive, Specialized Assessments, and Individual Employment Plan

Initial, comprehensive, and specialized assessments, and an individual employment plan must be completed for all TAA participants prior to approval of training. For more information see [TAA Policy 3070](#) – Assessments and Required Services.

b. Six Criteria for Approval of Training

TAA case managers must fully document each of the six criteria (20 CFR 618.10) as the basis for approval of TAA training.

- i. There is no suitable employment available for the participant.** It is the responsibility of TAA case managers to determine the availability of suitable employment in the commuting area, or in the area in which participants desire 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 participant would benefit from appropriate training.** When training, skills training or remedial education will increase the chance of securing employment at higher wages or place participants on a pathway to do so. Participants must have the knowledge, skills and abilities to undertake, make satisfactory progress in, and complete the training.
- 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 participants reside or to which the individual is willing to relocate. When initially approving training, there must be a projection based on labor market information of employment opportunities expected to exist at the time of completion of the training. Participants must be job ready upon completion of the training program.
- iv. Training is reasonably available to participants from either public or private sources.** First consideration will be given to training opportunities available within participants' 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 participants' commuting areas, 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 participants are qualified to undertake and complete the training.** Consideration must be given to participants' personal qualifications to undertake and complete the training. The assessments must show that participants have the current skills, educational background, work experience, and financial resources to undertake and complete the specific training

program.

- Assessments must include an analysis of participants' 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 participants to complete the training.
 - Case managers should consider factors beyond just financial aid and Federal work-study programs when determining whether participants have alternative means to support themselves financially if TAA approved training programs last longer than their TRA benefits. Consider if they have access to supports like Supplemental Nutrition Assistance Program (SNAP) or Temporary Assistance for Needy Families benefits (TANF), or if they are equipped to attain part-time employment.
 - It must be noted in participants' case records that financial resources were discussed before 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 participants and available at a reasonable cost. Suitable:** Case managers must demonstrate that the training is appropriate for participants given their capabilities, backgrounds, and experiences that must be identified in criteria 3 and 5. **Reasonable Cost:** All training-related costs must be identified, researched with comparable costs and considered reasonable. See [TAA Policy 3085](#) – Reasonable Training Cost.

c. Occupational Skills Training (classroom or online)

i. Approval of Training

Approval of Training Requests must be completed prior to the start of training. All training plans must meet the six criteria for training approval to be approved.

Case managers must document the selection of the training provider and why it was approved. Information on selection of training providers should be documented in the training research.

To be eligible for TRA benefits the approved training must be full-time as determined by the training institution for the program. Part-time training is allowed if participants can obtain a license, certificate or degree within the allowable weeks. Participants are not eligible for TRA when attending part-time training.

Participants are 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. If the start of training exceeds 26 weeks, a waiver should be approved and completed to protect TRA benefits.

Although TAA does not require participants to apply for Federal Financial Aid, they need to be informed of the program because it could be a potential source of funding support.

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

Participants must be able to complete the occupational goal identified and within the terms of the approved training plan. It must be documented in the management information system.

Prior to the approval of training, case managers must ensure and document that participants meet the six conditions for training approval as explained in subsection **b.** (i-vi).

Training that leads to self-employment can be approved if the occupational goal meets the six criteria for training approval and the suitable employment definition.

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.

See [TAA Policy 3085](#) – Reasonable Training Cost.

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

Case managers cannot approve:

- Training conducted totally or partially outside of the United States.
- Training in which participants are 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.

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 complaints. 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.

ii. Amending Training Plans

Amendments to a training plan may be necessary to provide participants with the

skills necessary to obtain employment. Case managers must amend approved training plans when the need for an amendment was unforeseeable and meets one of the following criteria:

- Remedial education or new employer skills requirements.
- Enhances and complements the worker's original training plan.
- Additional assistance such as tutoring or translation benefits the participant.
- Longer-term or shorter-term training improves the likelihood of employment.
- Participants' unable to complete the originally approved program.
- Originally approved program is of inferior quality.
- Training in a different occupation will lead to a greater likelihood of completion or employment outcome due to changes in labor market conditions.
- Moving from full-time to part-time or part-time to full-time training.
- Adversely Affected Incumbent Workers' (AAIW) circumstances have changed.

Amendments must be made prior to the completion of the original training plan. The six criteria requirements were met when originally approved however, when a training plan is to be amended it must meet the following criteria at the time of the amendment:

- Criteria 3: There is a reasonable expectation of employment following the completion of training.
- Criteria 4: Training continues to be reasonably available.
- Criteria 5: Participant is qualified to undertake and complete the amended training.
- Criteria 6: The amended training is suitable and available at a reasonable cost.

iii. Benchmarks for Training – Completion TRA

The purpose of training benchmarks is to allow early and ongoing assessment of the performance of training participants to determine whether their original training programs remain a good fit.

Case managers must establish benchmarks at the *beginning* of participants' programs (and during any amendments to training plans), Benchmarks are required for all training programs unless it is 3 months in length or less.

Benchmarks must be described in the participant's Individual Employment Plan and documented in the management information system.

Benchmarks enable case managers to monitor a participant's progress towards completing the approved training within the 130-week maximum duration and may be required later during training if unanticipated circumstances arise.

Benchmarks must be flexible (e.g., a single course failure or missed week of attendance should not make participants ineligible), practical, and measurable

enough to allow administration across a broad spectrum of training scenarios.

Training benchmarks may be used to provide early intervention to determine whether the training plans are appropriate for participants or would be prudent to revise. These benchmarks are related to, but differ from, the requirement to “participate in training” as a condition of TRA eligibility.

In order to determine that participants have substantially met the performance benchmarks established in the approved training plan, case managers must evaluate satisfactory progress against the two benchmarks at intervals of no more than 60 days, beginning with the start of the training plan.

Case managers may request training vendors, or participants provide documentation of satisfactory progress. Case managers may attest to participants’ progress after documented consultation with vendors and participants.

Case managers may amend a training plan after participants fail to satisfy one or both training benchmarks for the first time and is not required to wait until a second substandard review. If participants fail 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, the state should reevaluate the training plan with them, and amend the training plan, if necessary, to improve the likelihood that they will complete the training program. If participants fail two courses in one benchmark assessment period, it results in only one substandard review. However, if participants’ failure of two courses makes timely completion of training under the approved training plans unlikely, training plans should be amended.

Participants must substantially meet the following two benchmarks to receive Completion TRA:

- Maintain satisfactory academic standing (e.g. not on probation or determined to be “at risk” by the instructor or training institution); and
- On schedule to complete training within the timeframe identified in the approved training plan.

Participants may qualify for Completion TRA when all 5 of the following conditions are met:

1. Requested weeks are necessary for the participant to complete the approved training plan that leads to a degree or industry recognized credential;
2. Participant is attending training each week;
3. Participant has substantially met the performance benchmarks established in the approved training plan;
4. Participant is expected to continue to make progress toward the completion of the approved training; and
5. Participant will be able to complete the training during the period authorized for the receipt of Completion TRA.

iv. Funding

Case managers may approve training that is either fully funded by TAA or funded

by TAA and a combination of funding from other programs. TAA funds should be the primary source for training when collaborating with other programs.

Programs that could also fund training include the Workforce Innovation and Opportunity Act (WIOA) Title I-B, 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.

Personal sources of funding such as savings, student loans, or from relatives or friends are *not allowable* forms of funding for TAA approved training.

When case managers combine TAA funds with another training source, the participant's funding resource map must be uploaded into the state management information system to reflect all of the details of the funding including the source, the amount, and the time periods for each source that is covering training costs.

When the cost of training is shared by other programs to offset the cost of training, case managers must ensure that the award information is documented in a funding resource map and case notes are in the states management information system.

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

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.

Examples:

1. 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.
2. 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 Worker Retraining, since the funds are not being used at the same time as TAA funds.

TAA case managers 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, small 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, would add \$320 to the estimated cost of the training program) and receipts *must* be retained.

v. Continuation of training after employment

Participants who are approved for training may continue training after obtaining suitable employment, if benchmarks continue to be met.

Case managers must evaluate and discuss with participants whether the training continues to serve long-term employment goals and whether or not amendments are needed for successful completion.

vi. Eligible Training Provider List (ETPL) and TAA

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

It is recommended, but **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 the participants were advised of and acknowledge this issue if they chose non-ETPL programs using the standard form provided.

vii. Length of TAA Funded Training

Case managers can only approve the amount of time necessary (up to 117 weeks of classroom or online training, and 13 weeks of completion if needed), with a maximum of 130 weeks total for participants to gain the skills needed to effectively compete in the local labor market. As determined by an assessment of participant skills, case managers must encourage participants possessing some existing marketable skills to enter short-term training such as skill upgrades or certificate programs.

Participants cannot be approved for more than one training program under a specific Trade Act certification.

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

viii. Pre-Separation Training for Adversely Affected Incumbent Workers

An Adversely Affected Incumbent Worker (AAIW) 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.

Workers threatened with total or partial separation from adversely affected employment can begin TAA-approved training before their date of separation. Case managers must verify the threat based on notice of layoff or similar documentation or a reliable source.

The one training plan rule applies to AAIWs. They will not be eligible for new training plans upon separation, but their existing plan may be amended.

Case managers must periodically verify that the threat of separation still exists for these workers.

An AAIW's threatened employment is not suitable employment.

Funding must cease upon the removal of the threat of separation, but may continue through the most recently funded quarter, semester, etc. for the expenses that have already accrued.

AAIW's may return to approved training plans if threatened with separation in the future.

The criteria and limitations for approval of training for AAIWs 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 for the same position

ix. Statewide Commuting Area

The statewide commuting area is defined as more than 25 miles from residence to training facility. Reimbursement starts the first mile outside the commute area. This definition applies to transportation and subsistence reimbursements while participants are in TAA approved training.

Calculate participants' round-trip mileage and subtract 50 miles. Anything over 50 miles can be reimbursed.

TAA case managers must use the shortest one-way distance from participants' residences to the training site to determine the approved travel distance.

x. Supplemental Assistance - Transportation and Subsistence Allowance

Supplemental assistance in the form of transportation and subsistence payments must be provided to participants that attend training outside their local commuting area.

Transportation and Subsistence Allowance Requests must be completed before payments are made. The need for transportation or subsistence payments must be

documented in the IEP and located in the management information system.

Case managers *must* approve and obligate transportation and/or subsistence allowances before participants begin claiming allowances.

Participants must only receive transportation and/or subsistence allowances for training days attended as shown by weekly transportation reports submitted to the case manager.

Payments should be made promptly at the end of the week or, at a minimum, monthly.

Advancements on transportation and subsistence are approvable.

Transportation Payments:

Transportation payments must be calculated using the cost per mile at the personal vehicle mileage rate authorized under the Federal Travel Regulation regardless of the method of transportation used.

Transportation costs must not exceed the amount of a daily subsistence payment. Case managers must calculate federal mileage reimbursement and 50 percent of the federal per diem rate and pay the lesser benefit.

Subsistence Payments:

Subsistence payments include lodging, meals, and incidentals for the cost of temporary living quarters when participants are living away from their permanent residence during training.

Subsistence must be calculated using the prevailing federal per diem rate for the area of the training facility.

Subsistence payments must be made in lieu of the daily commuting transportation payments when it is lesser than the calculation for transportation amount.

Subsistence payments must not exceed the participants actual daily cost for temporary lodging and meals; or 50 percent of the federal per diem rate. Case managers must calculate reimbursement of the actual cost and 50 percent of the federal per diem rate and pay the lesser of the two.

Subsistence payments must be made at the conclusion of a week of training.

Transportation and Subsistence:

Participants can receive both transportation and subsistence if temporarily living outside the commute area to attend training.

Participants must provide receipts for all lodging, meals, and purchased transportation expenses.

Transportation: Calculated for the first day arriving and last day departing the training.

Subsistence: Must be calculated using the prevailing federal per diem rate for the area of the training facility.

Subsistence payments can only be paid for attended training days.

Payments can be made for both transportation and subsistence on the first and last day of training.

If participants fail or withdrawal from training with justifiable cause, transportation will be paid for their return trip home.

xi. Tools and Equipment required for training

Case managers may approve the purchase of tools, equipment and computers if required for all students and listed on a class syllabus during the training program.

There is no restriction or expense cap for tools, equipment or computers listed as required in the course syllabus.

The training institution must provide a detailed list of required tools and equipment.

Case managers must keep this list in participants' case files. Participants are responsible for all tools issued while in training.

TAA funds *cannot* be used to replace lost or stolen tools.

Case managers are required to inventory all tools, equipment and computers purchased with TAA funds. See [TAA Policy 3085](#) – Reasonable Training Cost.

xii. Procurement of Tools and Equipment for Training

Procurement standards ensure fiscal accountability and prevent waste, fraud and abuse. Case managers must follow state policy in securing the required quotes from participants before procuring tools and equipment for training. Two quotes are required for items under \$250. Three quotes are required for items over \$250. If participants cannot obtain the minimum required quotes, written case documentation must explain why.

Following state policy and procedures enables case managers to use an economical approach to procure goods and services and award purchases to responsible providers/vendors while documenting the purchases are appropriate for the participants' needs.

Case managers and supervisors must follow general procurement standards established in the federal Office of Management and Budget's Uniform Guidance [2 CFR 200.318-326](#) (also known as the Super Circular) and the TAA program procedures that reflect state policy.

It is essential to maintain case management records and documentation in the state management information system that details 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.

xiii. Temporary Leave of Absence from Training due to Health

In cases where there is good cause due to medical or health reasons for the participant or family member, case managers may grant up to 90 days leave of absence to participants attending approved training. The leave of absence must be coordinated with the training institution to ensure 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 training institution representatives. Case managers must communicate to participants' 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 every 30 days.

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

xiv. 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, certificate of completion or transcripts 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 TAA case managers 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 is 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.

xv. Measurable Skill Gains

Participants who are in education or training programs that lead to a recognized postsecondary credentials or employments and who are achieving measurable skill gains, defined as documented academic, technical, occupational, or other forms of progress, towards such a credential or employment.

xvi. Voluntary Withdrawal from Training

When participants withdraw from TAA approved training for reasons other than an excused temporary leave of absence and wish to return to training, case managers may submit a request to the TAA Operator. The TAA Operator will decide whether or not good cause is established and whether or not a participant will be allowed to return to the previously approved training program.

Case managers must allow participants called to active military service to resume their previously approved training plans under TAA if federal funds are available.

Case managers must advise participants of the potential overpayment and denial of future TRA benefits. If they are withdrawing with justifiable cause, they may resume the approved training plan in the future.

If participants fail or withdraw from approved training and do not inform their case manager, they may be liable for a resulting TAA or TRA overpayment and they may no longer be eligible for TAA benefits.

xvii. Waiver of TAA Training Enrollment Deadline

Click [here](#) to read the 2011 TRA Policy Manual regarding TAA waiver enrollment deadlines.

d. Documentation Requirements

All required training forms and supporting documentation will be uploaded in the management information 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

management information system.

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:

- [20 CFR Part 618](#)
- [Training and Employment Guidance Letter \(TEGL\) 14-18](#)
- [Office of Management and Budget Uniform Guidance 2 CFR 200.318-326](#)
- [WorkSource Information Notice \(WIN\) 0023 Change 2, Management of Medical and Disability related information.](#)

6. Supersedes:

TAA Policy 3065, Revision 6 - Approval of TAA Training under 2011 Amendments dated 1/18/2022.

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.

Direct Inquiries To:

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