

Washington State Trade Adjustment Assistance Policy

Policy Number: 3070, Revision 1 (2011)

Policy Title: Assessments and Required Services

Effective Date: December 11, 2020

1. Purpose:

To provide TAA case managers with assessment standards to support early intervention and reemployment services for petitions certified under 2011 rules.

2. Background:

The U.S. Department of Labor (DOL) published TAA Final Rule 20 CFR part 618 on August 21, 2020. Through this final rulemaking, the Department modernizes the TAA Program, provides additional flexibilities to states, and consolidates all applicable program regulations into a single section of the Code of Federal Regulations and continues 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:

TAA case managers must ensure effective strategies are used in assisting adversely affected workers in obtaining employment as quickly as possible. This will require developing comprehensive service delivery strategies that are tailored to the employment objectives of the customer.

a. **Initial Assessment**

TAA case managers will provide each participant with an initial assessment as part of the enrollment requirement to determine the best service strategy and decide if the

worker is job ready or in need of training that will return the participant to suitable employment. Initial assessments must take the following into consideration:

1. Prevailing local labor market conditions, including the unemployment rate, employer skill demands and hiring requirements;
2. Knowledge, skills and abilities from education and previous employment;
3. Transferable skills;
4. Evaluation of worker's skill levels (including literacy, numeracy, and English language proficiency), aptitudes, skill gaps and supportive service needs; and
5. Any barriers to reemployment.

When it is determined that a participant has marketable employment skills and suitable work is available, they should be referred to the appropriate case management services available through the TAA program and partner programs.

b. Comprehensive and Specialized Assessment

A comprehensive assessment and specialized assessment expand on the initial assessment and are the foundation and justification for all participants' receiving benefits and services offered through TAA. They serve as a guide in the development of the participant's individual employment plan and the six criteria for approval of training. A major reason for conducting a comprehensive assessment and specialized assessment is to demonstrate that participants have a realistic and obtainable employment goal, and to determine whether training is an option to achieve that goal.

Comprehensive assessments are detailed examinations of the participants' qualifications, skills and capabilities and should explore any relevant factors that may negatively impact successful completion of the individual employment plan and ultimately their ability to find appropriate employment. The comprehensive assessments must take the following into consideration:

- 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;
- interest in relocation; and
- supportive service needs.

Exception: If a co-enrollment partner has already performed assessments, the case manager must use the results from those assessments. If any elements of the TAA assessments are missing the case manager must administer the missing elements.

c. Waiver Assessment

The case manager must conduct a waiver assessment and determine if there is an immediate need for training or if a training waiver is necessary. The case manager must review the waiver deadline date with the participant, include it in the Individual Employment Plan and document it in the case file.

Review the TAA Procedure Manual for waiver reasons and directions on how to issue and review a waiver. Review [2015 TRA Policy](#) for the waiver policy.

d. **Individualized Employment Plan**

The Individualized Employment Plan (IEP) must be developed jointly with participants as they have an active role and responsibility in the process and must be documented in the case management system. To reduce duplication of services, you must use an IEP that was developed by a partner program. If any TAA elements are missing, it can be supplemented to include the required TAA elements. Results from the assessments should be used to help create an IEP.

The IEP must include:

- Employment Goal (targeted occupation and industry)
- Proposed training program, if applicable
- Services needed to obtain suitable employment
- Services provided by partner programs
- Post training services, if applicable
- Transportation or Subsistence payments, if applicable
- Identify workers responsibilities for the plan

e. **Required Services**

Case managers must inform participants of the required services, provide requested services that are appropriate, and document in the case management system all services that are offered, any that were not offered, and why those services were not offered.

The required services are:

1. Comprehensive and specialized assessments
2. Development of an individual employment plan (IEP)
3. Information on how to apply for financial aid
4. Short-term prevocational services
 - a. Learning skills, communication skills, interviewing skills, punctuality, personal maintenance skills, professional conduct, etc.
5. Individual and group career counseling
6. Provision of employment statistics and other labor market information
7. Information about supportive services available by partner programs

f. **Co-Enrollment in WIOA Dislocated Worker**

TAA participants must be co-enrolled in the WIOA Title I-B DW program if they are determined eligible, unless they decline. For details on co-enrollment review the TAA Procedure Manual. There is also information in Policy 5617 Co-Enrollment of TAA participants into WIOA Title I-B Dislocated Worker program.

g. **Approach**

Case managers should use a multifaceted approach to the assessment process and possess the following knowledge, skills and abilities:

- Knowledge of the local labor market;
- Knowledge of local employer and occupation skill demands and hiring prerequisites, such as educational requirements and professional certifications;
- Ability to identify transferable skills that would be of interest to other occupations;
- Ability to evaluate the workers self-directed job search and provide guidance;

- Ability to identify barriers to employment that could be overcome with training or other services, and
- Ability to translate the specialized assessment for the participant.

h. Documentation Requirements

All assessments and IEP will be documented in the management information system. Case notes that document and track information about the participant's intake, program services and activities will also be annotated 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.

4. Definitions:

Suitable Employment - Work of a substantially equal or higher skill level than the worker's past adversely affected employment (as described for the purposes of the Trade Act of 1974, P.L. 93-618), and wages for such work that are not less than 80 percent of the worker's average weekly wage. Part-time, temporary, short-term, or threatened employment is not suitable employment.

5. References:

- [20 CFR Part 618](#)
- [Training and Employment Guidance Letter \(TEGL\) 19-16](#)

6. Supersedes:

TAA Policy 3070 – Assessment (2011 Amendments) dated December 19, 2018.

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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