

Washington State Trade Adjustment Assistance Policy

Policy Number: 3085 (2002)

Policy Title: Trade Adjustment Assistance (TAA) Reasonable Training Cost under 2002 Amendments

Effective Date: September 29, 2017

1. Purpose:

This policy establishes state education expenses, which require local area discretion and must be within a reasonable cost, and conditions of approval of training.

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 Adjustment Assistance Reform Act of 2002 (Public Law 107-210) reauthorized and expanded the scope of the TAA program. It also repealed the North American Free Trade Agreement Transitional Adjustment Assistance (NAFTA-TAA) program, which had been added to the TAA program in 1993 to provide benefits to workers who lost their jobs because of trade with Mexico and Canada after NAFTA. The NAFTA-TAA program was no longer necessary because the 2002 amendments extended the same favorable TAA coverage to workers who lost their jobs because of shifts in production to other countries with which the United States had trade agreements, treaties or where there was also a likelihood of increased imports because of shifts in production to Mexico and Canada.

The 2002 amendments expanded coverage to adversely impacted secondary workers, whose layoffs could be attributed to trade impacts demonstrated by TAA certifications of workers for companies considered upstream suppliers or downstream producers to the certified primary firm. The 2002 Program applies to workers covered under petition numbers TA-W 50,000 – 69,999.

3. Policy:

Neither TAA law, rules, nor guidance imposes a cap on training expenses. Approved training must be within reasonable cost and is dependent upon funds available. Local discretion applies. Books, academic fees, and equipment explicitly required in course syllabi will be funded when approving training programs.

The TAA approved training plan should result in the most reasonable and cost-effective ways of returning the worker to sustainable employment. When considering these policies, Classroom (Occupational Skills) Training, Approval of Training, and Reasonable Cost of Training, the following must be documented in the participant's record when approving training plans:

- When training that is substantially similar in quality, content and results is offered by more than one training provider within the commuting area, the lowest cost training must be approved.
- Sufficient funds to cover the reasonable cost of suitable training for high growth, demand occupation.
- Costs of a training program must include tuition and related expenses such as, books, tools, academic fees, travel or transportation expenses, and subsistence (subsistence and transportation allowances must be calculated using federal per diem rates, not state per diem rates).
- Training at facilities outside the worker's normal commuting area that involves transportation or subsistence costs that add substantially to the total cost cannot be approved if other appropriate training is available.
- 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.
- Reasonable cost may include other funding sources such as grants, scholarships, etc., but not funds personal to the worker, family members, or friends.
- An application for training must be denied if it is for training in an occupation that requires an extraordinarily high skill level and for which the total cost of training is substantially higher than the cost of other training that is suitable for the worker.

Most importantly, when it comes to approval of TAA training, the following six criteria found at 20 CFR 617.22 and state [TAA Policy 3065](#) must be satisfied and TAA counselors must ensure that all assessments have been completed and that participant case files thoroughly and accurately document the following:

- No suitable employment available (i.e., jobs that pay at least 80 percent of pre-dislocation average weekly wages)
- Participant will benefit from training
- Reasonable expectation of employment following completion of training
- Training is reasonably available and accessible (if outside of their present labor market area, participants must document to TAA staff satisfaction that they can make the situation work).

- Participant is qualified to undertake and complete the training
- Training is suitable and available at a reasonable cost

Paper or electronic documents must be respectively signed by TAA Case Manager and the original signed document placed in participants' paper files or uploaded into the Case Management System.

Denials

Participants may use the appeal process in the [Complaints and Appeals Process Policy 1012](#) if the request for training is denied.

4. Definitions:

Definitions of terms

5. References:

- [Public Law 107-210](#), Trade Adjustment Assistance Reform Act 2002
- [Training and Employment Guidance Letter \(TEGL\) 11-02](#), Operating Instructions for Implementing the Amendments to the Trade Act of 1974 Enacted by the Trade Act of 2002; [Change 1](#); [Change 2](#); [Change 3](#)

6. Supersedes:

None or previous version

7. Website:

[Workforce Professionals Center](#)

8. Action:

Employment Security 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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