

Washington State Trade Adjustment Assistance Policy

Policy Number: 3085, Revision 1 (2011)

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

Effective Date: December 11, 2020

1. Purpose:

To communicate the established state education expense, which requires local area discretion and must be within a reasonable cost and meet the conditions for approval of training.

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:

There is no imposed 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.

Approved training plans should result in the most reasonable and cost-effective ways of returning participants to sustainable employment. Case managers must take into

consideration the varying costs for training. If a training plan exceeds the reasonable cost threshold, the TAA Operator must be informed and will make the final decision on approval or denial.

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 are available 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, supplemental assistance with 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 local commuting area that involves transportation or subsistence costs that add substantially to the total cost cannot be approved if other appropriate training is available within the commute area.
- Case managers must consider cost, suitability for the participants, quality and results when approving training plans. Case managers may approve a more expensive training program that is of demonstrably higher quality or that may be expected to produce better results for participants to obtain suitable employment.
- Reasonable cost may include other funding sources such as grants, scholarships, etc., but not personal funds of participants such as savings, family members, or friends.
- An application for training must be denied if training is 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 participants.

Most importantly, when it comes to approval of TAA training, the following six criteria found at

20 CFR 618.10 and state [TAA Policy 3065](#) must be satisfied and case managers must ensure that all assessments and an Individual Employment Plan have been completed and that participant case files thoroughly and accurately document the following:

1. No suitable employment available.
2. Participants' will benefit from training.
3. Reasonable expectation of employment following completion of training.
4. Training is reasonably available from either public or private sources.
5. Participants are qualified to undertake and complete the training.

6. Training is suitable and available at a reasonable cost.

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

Denials

Case managers must review [Policy 3025 Denial of TAA and Appeals](#) before denying participants any TAA benefits.

Participants may use the appeal process in the [Customer Concern and Complaint Resolution Policy 1012](#) if the request for training is denied.

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.

Education Expense – tuition, books, fees, tools.

5. References:

- [20 CFR Part 618](#)

6. Supersedes:

Policy 3085, Trade Adjustment Assistance (TAA) Reasonable Training Cost under 2011 Amendments dated September 29, 2017.

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:

*Employment System Administration and Policy
Employment System Policy and Integrity Division
Employment Security Department
P.O. Box 9046
Olympia, WA 98507-9046*

SystemPolicy@esd.wa.gov