



Employment Security Department

WASHINGTON STATE

Workforce Innovation and Opportunity Act Policy Employment System Administration and Policy

Washington envisions a nationally recognized fully integrated One-Stop system with enhanced customer access to program services, improved long-term employment outcomes for job seekers and consistent, high quality services to business customers. In order to achieve this vision, Employment System Administration and Policy sets a common direction and standards for Washington's WorkSource system through the development of WorkSource system policies, information memoranda, and technical assistance.

Policy Number: 5617, Revision 1

To: Washington WorkSource System

Effective Date: July 1, 2021

Subject: Co-enrollment of Trade Adjustment Assistance participants into the WIOA Title I-B Dislocated Worker program.

1. Purpose:

To communicate the requirement to co-enroll Trade Adjustment Assistance (TAA) participants into the Workforce Innovation and Opportunity Act (WIOA) Title I-B Dislocated Worker program if they are eligible, unless they decline.

2. Background:

The U.S. Department of Labor (DOL) published the TAA Program Reversion Provisions of the Trade Adjustment Assistance Reauthorization Act of 2015 (TAARA 2015) that apply to the program benefits applicable to workers covered by petitions filed on or after July 1, 2021.

The U.S. Department of Labor (DOL) published the updated and consolidated TAA Final Rule on August 21, 2020. 20 CFR 618.325 requires co-enrollment of all TAA participants into the WIOA Title I-B Dislocated Worker (DW) program, subject to eligibility, unless they decline.

Though there is no equivalent WIOA Final Rule or WIOA-operating guidance, DOL commented on page 51913 of the TAA Final Rule that States, under their Governor-Secretary Agreements, are required to implement the Final Rule. The Agreements bind state governments to the terms and conditions of the Agreement and implementation of the TAA program, including the co-enrollment requirement, and the ability to enforce the co-enrollment requirement at the state and local levels.

3. Policy:

The WorkSource System is an equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities. Language assistance services for limited English proficient individuals are available free of charge.

- a. TAA participants must be co-enrolled in the WIOA Title I-B DW program if they are determined eligible, unless the participant declines. For TAA participants being served under the TAARA of 2015, co-enrollment would include Adversely Affected Incumbent Workers (AAIW) (see definition below). However, AAIW do not qualify under TAA Reversion 2021.
- b. Local Workforce Development Boards (LWDBs) must have policies for co-enrolling TAA participants into the WIOA Title I-B DW program that address the following:
 1. The requirement that WIOA Title I-B DW program accept referrals of TAA participants from the TAA program in their Workforce Development Area and have a process for doing so.
 2. The requirement that TAA participants who are eligible for the WIOA Title I-B DW program and want to be co-enrolled are assessed and enrolled in a timely manner (e.g., maximum number of days within which enrollment must occur after referrals). Note: The TAA program conducts three assessments (initial, comprehensive, specialized) at the time of enrollment that may meet WIOA Title I-B DW program requirements.
 3. The requirement that the WIOA Title I-B DW program inform the TAA program of the enrollment or declination of TAA participants into the former and have a process for doing so.
- c. LWDB policies must be in place no later than 90 days of the effective date of this state policy.

4. Definitions:

Adversely Affected Incumbent Workers (AAIW) - A worker who: (1) Is a member of a worker group certified as eligible to apply for the TAA program under subpart B of the TAA Final Rule; (2) has not been totally or partially separated from adversely affected employment; and (3) DOL determines, on an individual basis, is threatened with total or partial separation.

5. References:

- [20 CFR 618.325](#), Integrated service strategies and Workforce Innovation and Opportunity Act co-enrollment, Trade Adjustment Assistance Final Rule, Federal Register, Volume 85, No. 163, August 21, 2020, page 51987.
- [Training and Employment Guidance Letter \(TEGL\) 04-20](#), Guidance on Integrating Services for Trade-Affected Workers under the TAA Program with the WIOA Title I DW Program, October 29, 2020
- [Training and Employment Guidance Letter \(TEGL\) 24-20](#), Operating Instructions for Implementing the Reversion Provisions of the Amendments to the Trade Act of 1974 Enacted by the Trade Adjustment Assistance Reauthorization Act of 2015.

6. Supersedes:

Policy 5617 Co-enrollment of Trade Adjustment Assistance participants into the WIOA Title I-Dislocated Worker program dated November 25, 2020.

7. Website:

<https://wpc.wa.gov/policy/state/WIOA>

8. Action:

Local Workforce Development Boards and their contractors, and ESD Regional Directors, must distribute this policy broadly throughout the system to ensure that WorkSource System staff are familiar with its content and requirements.

9. Attachments:

None.

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