

## **Subject: TAA and Dislocated Worker Co-enrollment**

**Policy No: 2015-10**

**Effective Date: 02/22/21**

**Revised: 9/30/21**

### **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 (DW) program if they are eligible, unless they decline.

### **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 applies 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.

## **Operational Procedure**

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. Co-enrolling TAA-eligible workers in the DW program helps ensure expedited employment services, including training assessments, case management, early intervention services, and increases customer services leading to positive outcomes.

### **A. TAA Participant Notification Requirement**

1. TAA staff shall inform TAA participants about the benefit and option of co-enrolling into the DW program and that declining to co-enroll shall have no adverse impact on their TAA services.
2. TAA staff shall inform the participant that co-enrollment into the DW program depends on meeting DW eligibility criteria.

### **B. Participants Right to Decline**

1. A trade-affected worker may decline co-enrollment, which shall not affect their eligibility for benefits and services under the TAA Program.
2. If the participant declines a referral to the DW program, TAA staff shall document in case notes the referral was declined.
3. If the TAA participant is referred to the DW program and then declines co-enrollment services, the DW subrecipient staff shall document in case notes the TAA participant declined co-enrollment.
4. If the TAA participant declines co-enrollment, the participant may request a referral to the DW program at a later date.

### **C. Referral Process**

1. Eligibility for TAA may not be known at the time rapid response services are offered. Any dislocated worker who can benefit from, or who has requested, DW program services and is determined eligible should be enrolled while the TAA petition determination is under review.
2. If a customer is found to be TAA eligible and has not been enrolled in DW program services, TAA staff shall make a referral for co-enrollment to the DW program.
3. TAA staff shall provide participant information via a TAA Jot Form referral to the DW Subrecipient Manager and a follow-up email. The DW Subrecipient Manager shall assign DW subrecipient staff to contact the TAA participant.

### **D. Enrollment into the DW Program**

DW subrecipient staff shall contact the participant to determine eligibility and offer co-enrollment services within five (5) business days of receiving the referral. DW subrecipient staff shall case note in the state Management Information System (MIS) all outreach attempts that do not result in a successful connection with the TAA participant.

1. If the TAA participant is no longer interested in DW program enrollment when a connection is made, DW subrecipient staff shall case note their desire to decline co-enrollment. DW subrecipient staff shall inform the TAA participant that they may, if eligible, enroll at a later date.
2. Co-enrollment should occur within ten (10) business days of the completed eligibility determination or upon the delivery of a service that triggers participation in the DW Program.
3. It is expected that once the DW eligibility determination has been completed, the TAA participant retains their eligibility status for DW through the duration of TAA program participation unless the TAA participant obtains permanent employment at 80% of their job of dislocation.

#### **E. Coordinated Services and Case Management**

1. TAA and DW subrecipient staff can share assessments results recorded in the state MIS.
2. The primary purpose of co-enrollment with DW is to promote access to DW program services, including career guidance services, individualized occupational exploration, how to conduct labor market research, exploration of training options, training readiness, participation in job clubs, workshops, and the provision of follow-up services.
3. TAA services shall be considered the first dollar resource for allowable training and individualized program services. In the event TAA funds are limited, the DW program may co-fund the service if it is determined appropriate, allowable, and will result in a strong likelihood the participant will obtain suitable employment.
4. If TAA staff determine they cannot provide a service in a timely manner, thus preventing a TAA participant from obtaining suitable employment, they may consult with DW subrecipient staff to determine if the DW program is the most appropriate fund source.
5. TAA staff shall refer TAA participants to DW subrecipient staff for supportive services the TAA program cannot fund. It is the role and responsibility of DW subrecipient staff to determine the need for supportive services on a case-by-case basis.
6. The standard practice between the TAA and DW subrecipient staff is to have continuous communication and co-case management throughout the participant's co-enrollment to ensure the alignment of services and goals and minimize the potential of duplicating services.

<b>Examples of Allowable Supports</b>	
<b>TAA Supplemental Assistance &amp; Allowances*</b>	<b>DW Supportive Services**</b>
Books for training	Hygiene
Technology (computer) required for training	Interview clothing
Tools & equipment required for training	Rent/Mortgage
Relocation with offer & acceptance of suitable employment	Childcare
Transportation reimbursement for training after 25 miles one-way	Transportation not covered by TAA
Out of town job search reimbursement after 25 miles one-way	Car repair

	Utilities
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\* Trade support must tie to training and pre-approved employment activities.  
 \*\*DW supportive services must align with education, training, and employment-related activities.

**F. 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.

**Trade Adjustment Assistance (TAA) Staff** - Provides U.S. workers negatively impacted by international imports or competition with the opportunity to obtain the skills, resources, and support they need to become re-employed in a high wage-high demand occupation.

**Dislocated Worker (DW) Program** - Designed to help dislocated workers who have been laid-off get back to work as quickly as possible and overcome barriers to employment.

**DW Subrecipient Staff** - Provides comprehensive case management, employment and training opportunities, job placement, and follow-up services to dislocated workers.

**DW Subrecipient Program Manager** - Responsible for the oversight of DW subrecipient staff, operations, and program activities.

**G. 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.