

Co-Enrollment of Participants in the Trade Adjustment Assistance Program and WIOA Dislocated Worker Program

The NWPA Job Connect has developed this policy on co-enrollments between Trade and WIOA Dislocated Worker participants to ensure these participants receive integrated service delivery based on the 20 CFR Section 618.325 mandating co-enrollment between the TAA and WIOA Dislocated Worker programs and strongly encourages co-enrollment in other programs to ensure coordinated services for trade-affected workers. This policy applies to all Trade Adjustment Assistance and Dislocated Worker participants who are interested in enrolling in these programs. Program services contractor staff, PA CareerLink® staff, and NWPA Job Connect staff are responsible for implementing this policy.

Definitions:

Adversely Affected Workers (AAW): an individual, including an employer, who, because of lack of work in adversely affected employment, has been totally or partially separated from such employment.

Adversely Affected Incumbent Worker (AAIW): a worker who:

- A. Is a member of a worker group certified as eligible to apply for the TAA program;
- B. Has not been totally or partially separated from adversely affected employment; and
- C. The State Workforce Agency determines, on an individual basis, is threatened with total or partial separation.

Dislocated Worker: any adult 18 years and older who meets one or more of the following criteria:

- A. An individual or small group layoff. The Individual has been terminated or laid off, or has received a notice of termination or layoff, from employment; and is eligible for or has exhausted entitlement to unemployment compensation; or has been employed for a duration sufficient to demonstrate attachment to the workforce, but is not eligible for unemployment compensation due to insufficient earnings or having performed services for an employer that were not covered under a state's Unemployment Insurance law; and is unlikely to return to a previous industry or occupation.
- B. A permanent closure or mass layoff. The individual has been terminated or laid off, or has received a notice of termination or layoff, from employment as a result of any permanent closure of, or any substantial layoff at, a plant, facility, or enterprise; or is employed at a facility at which the employer has made a general announcement that such facility will close within 180 days; or for the purpose of eligibility to receive services other than training services, career services, or supportive services, is employed at a facility at which the employer has made a general announcement that such facility will close.

C. Is self-employed. The individual was self-employed (including employment as a farmer, a rancher, or a fisherman) but is unemployed because of general economic conditions in the community in which the individual resides or because of natural disasters. This includes individuals working as independent contractors or consultants but not technically employees of a firm.

D. Is a displaced homemaker.

E. Is a military spouse- the spouse of a member of the Armed Forces on active duty, and who has experienced a loss of employment as a direct result of relocation to accommodate a permanent change in duty station of such members; or is the spouse of a member of the Armed Forces on active duty, and who is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment.

F. Is separating or a separated member of the US Armed Forces. A separated service member with a discharge other than dishonorable, qualifies for dislocated worker activities based on the following criteria:

- the separating service member has received a notice of separation, a DD-214 from the Department of Defense, or other documentation showing a separation or imminent separation from the Armed Forces to satisfy the termination or layoff part of the dislocated worker eligibility criteria in WIOA sec. 3(15)(A)(i);
- the separating service member qualifies for the dislocated worker eligibility criteria on eligibility for or exhaustion of unemployment compensation in WIOA sec. 3(15)(A)(ii)(I) or (II); and
- as a separating service member, the individual is unlikely to return to a previous industry or occupation as referenced in WIOA sec. 3(15)(A)(iii).

Reemployment Trade Adjustment Assistance (RTAA): the TAA program benefit available to certain AAWs 50 years of age and older who obtain qualifying reemployment.

Trade Adjustment Assistance (TAA): provides assistance to workers adversely affected by foreign trade.

Trade Affected Worker: describes both “adversely affected workers” and “adversely affected incumbent workers.”

Co-Enrollment Requirements:

Trade-affected workers who are deemed eligible must be enrolled in the WIOA Dislocated Worker program. WIOA PA CareerLink® partners must consider this information when working with dislocated workers who are awaiting certification of a pending Trade petition and immediately after receiving referrals of trade-affected workers from the Bureau of Workforce Partnership & Operations, or BWPO, staff.

Individuals are considered participants when they have received a WIOA service other than self-service or information-only activities. Program enrollment, or participation, begins when the first value-added service is provided to a trade-affected dislocated worker in the Commonwealth Workforce Development System, or CWDS. Per Section 680.220 of the WIOA Final Regulations (USDOL-only), the first value-added service for a dislocated worker must be a basic

career service or individualized career service. Note: If an individual is determined to be a dislocated worker, it does not mean that they are automatically considered to be enrolled into the Dislocated Worker program.

TAA funds must be the primary source of funding for eligible participants co-enrolled in WIOA and TAA. A complete description of payment restrictions for training programs is described in 20 CFR § 618.625.

As defined in WIOA Section 3(15), the majority of trade-affected workers meet the eligibility criteria of a dislocated worker. Partially separated workers and AAIWs may meet eligibility criteria as a dislocated worker under WIOA in some circumstances, as in a general announcement of a closure. These workers also must be co-enrolled.

Trade-affected workers who do not meet the Selective Service registration requirement are ineligible for the WIOA Dislocated Worker program. In this instance, they will be exempt from the co-enrollment requirement. Trade-affected workers who are otherwise eligible for Dislocated Worker services may choose to decline WIOA co-enrollment, but a state cannot deny worker's benefits or services under the TAA program solely for declining co-enrollment in WIOA. A case progress note associated with the TAA case must be entered in CWDS for any trade-affected worker who chooses to decline enrollment.

Referral for Co-Enrollment:

Co-enrollment consists of a referral to Title I, even if trade eligibility has not yet been determined. Trade-affected workers must be informed of the co-enrollment process and give consent prior to the creation of the WIOA Dislocated Worker program case. To better serve workforce customers staff must inform trade-affected workers of the benefits to co-enrollment. Trade-affected workers must also be informed of their option to decline co-enrollment. Participant consent for co-enrollment into the WIOA Dislocated Worker Program must be documented in the participant case notes. If the participant declines co-enrollment, this must also be documented in the participant case notes. A decision to opt-out of co-enrollment will have no effect on eligibility for benefits and services under the TAA Program. It is the responsibility of the TAA case manager and the Title I case manager to maintain lateral communication regarding the progress of the trade-affected worker.

Assessments and IEPs:

TAA program participants are dislocated workers, and, if necessary, will be administered the same assessment as all dislocated workers in our local area.

In order to eliminate redundant assessment or IEP steps, it is strongly encouraged that program partners work towards integration by accepting partners' assessments or IEPs. Career Advisors or merit staff will review already administered assessments to ensure they meet the minimum requirements as described in 20 CFR § 618.335 and 20 CFR § 618.345. The IEP will be reviewed for full compliance with the TAA program requirements as described in 20 CFR § 618.350.

Common Exit (Common Measures):

A common exit is when a participant, who is enrolled in multiple partner programs, has not received services from any of the partner programs for at least 90 days and no future services are planned. Title I and BWPO staff must confirm the dates of training associated with the TAA training match the dates of training for the training service code applied by the WIOA Dislocated Worker program. This would also apply in an instance of early withdrawal from training. Both program partners' training service codes must be the same and should reflect the last day of participation in the training

REFERENCES

- Workforce Innovation and Opportunity Act (Pub. L. 113-128) (July 22, 2014)
- TAA Final Rule, 20 CFR Part 618, 85FR 51896 (August 21, 2020)
- Chapter 1 of Title II of the Trade Act of 1974, as amended (Pub. L. 93-618)(Trade Act)(codified at 19 U.S.C. 2271 et seq
- WIOA Final Rule, 20 CFR Part 680 and 687
- Training and Employment Guidance Letter No. 4-20

HISTORY

Name	Date	Rev. Level	Description of Change	Effective Date
Susan Richmond	5/13/2022	A	New policy per state	07/08/2022