



## VIRGINIA BOARD OF WORKFORCE DEVELOPMENT

<b>Policy Area:</b> Programs and Services	
<b>Title of Policy:</b> Trade Adjustment Assistance (TAA) Co-Enrollment with Workforce Innovation and Opportunity Act (WIOA) Dislocated Worker Program	<b>Number:</b> VBWD 19-01 change 1
<b>Effective Date:</b> March 28, 2024	<b>Approved Date:</b> March 28, 2024
<b>Revision History:</b> VBWD 19-01 Mandatory WIOA Title I Trade Co-Enrollment Virginia Workforce Network Directive 07-01: Co-Enrollment of Eligible Individual in Workforce Investment Act (WIA) Dislocated Worker and Trade Adjustment Act (TAA) Programs and Services.	<b>Approved by:</b>  DocuSigned by: <i>James Monroe</i> DDFFCCB7860041F...

### I. Purpose

To communicate the requirement for co-enrollment between the Trade Adjustment Assistance (TAA) Program and the Workforce Innovation and Opportunity Act (WIOA) Dislocated Worker program if a trade-affected worker is eligible for the WIOA Dislocated Worker program.

### II. Summary and Impact

It is critical to the overall function of the Workforce System in Virginia to ensure that services delivered to dislocated workers are seamless, efficient, and effective to assist workers impacted by layoffs to access the training and supportive services that they need to return to work. To ensure the best use of federal funds in producing outcomes that benefit workers, it is the policy of Virginia's Workforce System that **all** TAA participants must be offered the opportunity to co-enroll with the WIOA Title I Dislocated Worker program. Co-enrollment must be made available to trade-affected workers who are eligible for other one-stop partner programs to ensure that all necessary and appropriate services, including supportive services, are available to the worker. TAA does not have a selective service compliance requirement; therefore, TAA participants who are unable to meet the selective service registration requirement after all avenues to establish the selective service registration requirement have been exhausted will be exempt from the Dislocated Worker co-enrollment requirement.

### References

- Chapter 2 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.)
- Workforce Innovation and Opportunity Act (WIOA) (Pub. L. 113-128) (July 22, 2014)
- Training and Employment Guidance Letter 19-16: Guidance on Services provided through the Adult and Dislocated worker Programs under the Workforce Innovation and Opportunity Act (WIOA) and the Wagner-Peyser Act Employment Services (ES), as amended by title III of WIOA, and for Implementation of the WIOA Final Rules (March 1, 2017)
- Training and Employment Guidance Letter 14-18, Aligning Performance Accountability Reporting, Definitions, and Policies Across Workforce Employment and Training Programs Administered by the U.S. Department of Labor (DOL) (March 25, 2019)



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- Training and Employment Guidance Letter 01-19, Change 1. Trade Adjustment Assistance Data Integrity (TAADI) (August 18, 2022).
- Training and Employment Guidance Letter 04-20: Guidance on Integrating Services for Trade-Affected Workers under the Trade Adjustment Assistance Program (TAA Program) with the Workforce Innovation and Opportunity Act (WIOA) Title I Dislocated Worker (DW) Program.
- Training and Employment Guidance 24-20 and Change 1. 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 (November 25, 2022).
- Training and Employment Guidance 14-22. Trade Adjustment Assistance (TAA) for Workers Program Phase-out Termination Frequently Asked Questions (April 1, 2023).
- Title 20 Code of Federal Regulations, Part 618.

### III. Definitions

Trade Petition-Petition submitted to the United States Department of Labor to provide additional benefits to United States workers who have lost or may lose their jobs as a result of foreign trade. If a Trade Petition is certified, workers may then be eligible to receive benefits under the Trade Adjustment Act.

### IV. Policy

#### Policy Statement

A majority of the individuals who may be covered in a Trade Petition will likely qualify for services from the WIOA Title I Dislocated Worker Program. The provision of WIOA services should not be delayed while a TAA certification is pending. Trade-affected workers can receive the services that they need upon notice of a layoff, before or at the point a TAA petition is filed for the group of workers, and while a petition is under investigation through the WIOA Title I Dislocated Worker Program. A Trade Petition investigation can take the United States Department of Labor several months to complete. The expedient assessment and enrollment of potentially TAA impacted workers into the WIOA Title I Dislocated Worker Program will reduce the amount of idle time for those who have been laid off and not yet TAA certified. These programs and funds should be coordinated to best meet the needs of the workers. The TAA and WIOA Title I Dislocated Worker Programs are complementary in nature, and are not intended to substitute for each other.

Annually Trade Adjustment Assistance Data Integrity (TAADI) performance targets are established by the Department of Labor. The Virginia TAA Program and WIOA Title I Dislocated Worker Program target co-enrollment rate is at least 75%. The TAA and WIOA Title I Administration staff will collaborate to provide training and oversight of the implementation of this co-enrollment policy. The state program coordinators will work together to determine progress in the implementation of this policy and appropriate corrective actions, including issuance of further guidance and the development of local corrective action plans. Co-Enrollment levels will be provided to local workforce development areas at minimum on a quarterly basis to track co-enrollment efforts.



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### Co-Enrollment

For dislocated workers covered under an active TAA Petition Investigation: In the case that potentially TAA-affected workers seek assistance from the WIOA Title I Dislocated Worker Program services prior to TAA certification, participants should be assessed for WIOA Title I eligibility. Services should start with comprehensive assessment, individual employment plan (IEP) development, and determination of eligibility for training services by WIOA Title I staff. If training is deemed appropriate, WIOA Title I funding should be used for the cost of training in the short term until such time that a Trade Petition is certified. After the petition is certified and the participant is co-enrolled into the TAA program, the TAA program should be the primary funder of the training should the worker's individual eligibility for TAA benefits be affirmed and the training course approved. Prior to approval of WIOA Title I funded training for potentially TAA-affected program participants, WIOA Title I Case Managers must coordinate with TAA Case Managers to determine that the training meets the six criteria for the approval of training under the TAA program found under 20 CFR 617.22 to ensure the seamless transition from WIOA Title I approved and funded training to TAA approved and funded training. Once the participant is engaged in TAA funded training, they may continue to be enrolled in WIOA Title I activities that meet their needs as determined by the participant, the WIOA Title I Case Manager and the TAA Case Manager.

In the case that WIOA Title I training funds have already been expended on training for a TAA affected participant prior to TAA certification, WIOA Title I cannot be reimbursed for funds already expended on the training.

For dislocated workers already deemed TAA eligible: If an individual is assessed as TAA eligible, the TAA Case Manager will refer the participant to the local WIOA Title I service provider for co-enrollment. TAA will take responsibility for the provision of the training services and primary case management, while WIOA Title I will provide services and activities that meet the needs of the participant as determined by the participant, WIOA Title I Case Manager, and TAA Case Manager.

### Documentation that WIOA Title I Services Were Offered

The TAA Case Manager or WIOA Title I Case Manager must document that WIOA Title I services were offered in the electronic system of record (Virginia Workforce Connection). Participants may choose to decline co-enrollment in WIOA Title I services. A participant cannot be denied benefits and services under the TAA Program solely for declining co-enrollment in WIOA Title I.

### Individual Employment Plan

At the time of co-enrollment, if an IEP has already been developed it is not necessary to duplicate the plan. The original plan should be updated to include additional services provided by the co-enrolling agency.

### Rapid Response Activities

Section 221(a)(2)(A) of the Trade Adjustment Act requires that the Governor ensure that Rapid Response services are delivered to all workers covered by a Trade Petition. Rapid Response services must be offered during TAA Benefit Enrollment Sessions to ensure that all individuals receiving TAA services have received Rapid Response services. Rapid response providers will



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document attempts to provide services to businesses and employees to the State Rapid Response Coordinator.

### Case Management

Local case management between WIOA Title I Case Managers and TAA Case Managers should be as seamless as possible. This can be achieved through team meetings or calls with the clients and by integrating a co-enrolled service strategy into the Individual Employment Plan (IEP). The TAA Case Manager should take primary responsibility for case management while the individual is in TAA funded training. The WIOA Title I Case Managers and TAA Case Managers should co-staff cases regularly to provide updates on the needs of individuals, including the need for the appropriate supportive services as available under Local Workforce Development Board (LWDB) policy.

Upon completion of the TAA related training, the appropriate American Job Center (AJC) staff should assist the participant with job placement into an appropriate career. Upon successful placement in employment and closure of the case, all programs will receive credit for the placement and outcomes. During this process, the participant should not experience being frequently passed between various case managers.

### Communication

To ensure that the local flow of information is complete and seamless, WIOA Title I Case Managers and TAA Case Managers should be kept fully informed of the local layoff and Rapid Response activities taking place in their respective regions, including when Trade Petitions are filed. American Job Center staff should be kept informed of these activities locally to reduce confusion regarding which services may be available to dislocated workers seeking services. This action can be completed by sharing Rapid Response activities scheduled in a local workforce development area, and sharing when Trade Petition filings, certifications, and denials are made available to frontline staff as soon as possible. This can occur by making sure that frontline staff are signed up for automatic notifications sent through the Worker Adjustment and Retraining Notification Act (WARN) Log (found here: <http://www.vec.virginia.gov/warn-notices>), by searching TAA Petitions (found here: [www.dol.gov/agencies/eta/tradeact/data/petitions-determinations](http://www.dol.gov/agencies/eta/tradeact/data/petitions-determinations)) through staff meetings updates, or other locally available methods. The State Rapid Response Coordinator and State Trade Act Coordinator will collaborate to ensure that the most up to date information is provided to local AJC and LWDB leadership.

### On-the-Job Training

Under WIOA Title I, up to 75% of the cost of On-the-Job Training may be covered. The TAA program may reimburse employers up to 50%, and WIOA Title I may reimburse employers up to an additional 25%, for a total of 75% of the individual's wages, provided the LWDB's local policies allow the flexibility to reach the 75% rate.