

<b>Policy Area:</b> Programs and Services	
<b>Title of Policy:</b> Mandatory WIOA Title I-Trade Co-Enrollment	<b>Number:</b> VBWD 19-01
<b>Effective Date:</b> July 1, 2019	<b>Review by Date:</b> July 1, 2021
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### **I. Purpose**

To communicate the requirement for Workforce Innovation and Opportunity Act (WIOA) Title I and Trade Adjustment Assistance (TAA) Program Co-Enrollment for dislocated workers.

### **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 individuals assessed as eligible for TAA programs be co-enrolled to receive WIOA Title I Dislocated Worker services. These programs are complimentary in nature and provide an additional funding source for dislocated worker services.

This is an update to previous guidance provided under the Workforce Investment Act of 1998.

### **References**

- Workforce Innovation and Opportunity Act, Final Rule
- Training and Employment Guidance Letter 19-16: Operating Guidance for the Workforce Innovation and Opportunity Act
- Training and employment Guidance Letter 05-00: Guidance on Integrating Services Under the Trade Act Programs-The Trade Adjustment Assistance Program and the North Americana Free Trade Agreement-Transition Adjustment Assistance (NAFTA-TAA-(Including the Secondary Worker Program)-With the Workforce Investment Act.
- The Trade Act of 1974

### **Rescissions**

- 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.

### **III. Definitions**

TAA-Trade Adjustment Act

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 TAA.

#### **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 as outlined in VWL #15-02: Eligibility Guidelines. The provision of WIOA services should not be delayed while a TAA certification is pending. There may be cases where a potentially TAA eligible individual may not be eligible for WIOA Title I services and these cases should be addressed on a case by case basis.

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.

Virginia TAA and WIOA Title I will have a TAA Co-Enrollment rate of at least 50% for workers eligible for TAA services in the WIOA Title I Dislocated Worker program. Co-enrollment levels will be provided to local workforce development areas at minimum on a quarterly basis to track the co-enrollment efforts.

The Virginia Employment Commission (VEC) TAA and Virginia Community College System (VCCS) WIOA Title I Administration staff will collaborate to provide training and oversight of the implementation of this Co-Enrollment Policy. VEC and VCCS will work together to determine progress in the implementation of this policy and appropriate corrective actions, including issuance of further guidance, on a quarterly basis.

##### Enrollment

1. 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, and services should start with comprehensive assessment, individual employment plan development, and be assessed for eligibility for training services by WIOA Title I staff. If training is determined appropriate, WIOA Title I should be used for training in the short term until such time that a Trade Petition is certified. After the petition is certified and the participant is enrolled into TAA, TAA 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 found under 20 CFR

617.22 to ensure the seamless transition from WIOA Title I approved and funded training to TAA 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 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.

2. For dislocated workers already deemed TAA eligible: If an individual is assessed as TAA eligible and has in their possession their TAA entitlement letter, they will be assessed for WIOA Title I Dislocated Worker Program eligibility, co-enrolled in the WIOA Title I Dislocated Worker Program for receipt of services, starting with comprehensive assessment. 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 of the participant as determined by the participant, WIOA Title I Case Manager and TAA Case Manager.

### 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. Documentation that impacted workers received Rapid Response services must be present in the individuals' VaWC profile.

### 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 IEP. Once an individual is deemed TAA Eligible and the comprehensive assessment is completed by WIOA Title I Case Manager, 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 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 front line staff as soon as possible. This can occur by making sure that front line staff are signed up for automatic notifications sent through the WARN Log (found here: <http://www.vec.virginia.gov/warn-notices>), by searching TAA Petitions (found here: [https://www.doleta.gov/tradeact/taa/taa\\_search\\_form.cfm](https://www.doleta.gov/tradeact/taa/taa_search_form.cfm)), 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 Local Workforce Development Board's (LWDB) local policies allow the flexibility to reach the 75% rate.