

TITLE: Co-enrollment TAA/Dislocated Workers Policy # 5500

Type: Program Policy

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Supersedes: N/A

Purpose

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.

Although 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 level.

Policy

TAA participants are to be co-enrolled in the WIOA Title IB DW program if they are determined eligible, unless the participant declines.

Although TAARA guidance of 2015 allowed for such, new guidance within TAA Reversion 2021 informs that Adversely Affected Incumbent Workers (AAIW) do not qualify. There is no impact for workers certified under petitions filed on or before June 30, 2021. The TAA Program regulations, codified at 20 CFR 618, apply under Reversion 2021.

WIOA Title I-B DW program are to accept referrals of TAA participants from the TAA program in their Workforce Development Area and have a process for doing so.

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.

The WIOA Title I-B DW program must inform the TAA program of the TAA participants' enrollment into or of the declination of the DW program once the enrollment has been completed or upon declination by the participant. The DW program will inform the TAA program through a standardized process **as soon as possible and no later than 10 days after the referral is received.**

The TAA Final Rule, at 20 CFR 618.350, requires TAA case managers to use the results of a worker's initial assessment as part of developing an Individual Employment Plan (IEP).

Policy Guideline

TAA Participants and Documenting Declination

TAA case managers will inform TAA participants about the benefit and option of co-enrolling into the WIOA DW program and the services available informing them that declining to co-enroll in WIOA DW will have no adverse impact on their services from TAA.

TAA case managers should inform their participants that co-enrollment into WIOA DW is dependent upon meeting DW program eligibility requirements.

If the TAA participant declines to follow through on the referral, TAA case managers will enter a case note into the MIS system stating that the individual declined the referral.

However, if a TAA participant declines co-enrollment and then changes their mind, they may later, request referral to the WIOA DW program.

Referral Process

TAA Case Managers and WIOA DW Staff must do the following:

- A. TAA Case Managers and WIOA DW staff will become familiar with eligibility requirements for both programs.
- B. Referrals will be submitted by TAA to DW within 10 working days of the enrollment into TAA. If the trade-affected worker declines the referral or the enrollment into multiple programs, a TAA case note must be added noting referral was attempted and declined or not eligible.
- C. If co-enrollment is accepted by trade affected worker, WIOA DW staff must follow up and confirm referral and determine eligibility and enroll within 10 working days of the referral. Again, documenting in case notes the attempts, determination, and enrollment. In addition, making sure TAA case manager is aware of co-enrollment and begin to coordinate service delivery.
- D. TAA case manager as part of the enrollment process, documents the initial, comprehensive, and specialized assessments in ETO. DW may use these same assessments for DW enrollment if done within the timeframe specified above.

Enrollment into the WIOA DW Individualized Career, Training, and Support Services

WIOA DW staff will begin conducting outreach to the participant for an eligibility determination within **10 business days** of receiving the referral. WIOA DW staff will enter a case note in the MIS system if multiple attempts to connection with the TAA are unsuccessful.

WIOA DW staff will also enter a case note into the shared MIS system if the TAA participant declined services at the time of eligibility determination. This should not be construed as an ongoing declination of services. The individual may be enrolled at a later date when the person is ready to engage in WIOA DW services.

In the event that the TAA participant informs the DW staff prior to enrollment into the DW program that they have no interest in the WIOA DW program, the DW staff will case note the declination in the MIS system. They will also case note that they have informed the TAA participant that they may, if determined still eligible, enroll at another time during or after their current period of TAA Program participation.

Enrollment should occur within **10 business days** of a completed eligibility determination. In addition to the TAA developed IEP, DW staff must complete an Individual Participation Plan (IPP) to identify barriers and determine prospective service needs as the service that triggers participation.

In addition to the required co-enrollment with the WIOA DW program, and dependent upon the needs of the trade-affected worker, a broad range of other available workforce services may enhance and further support a participant's successful outcome. Such programs may include, but are not limited to, Wagner-Peyser Act Employment Service (ES) activities, WIOA Adult program, WIOA DWGs, Unemployment Insurance (UI), other WIOA partner programs, faith-based and community-based programs, vocational rehabilitation services, and services for veterans.

Additionally, it should be a standard practice between the TAA and DW case managers to have continuous communication/co-case management throughout the co-enrollment relationship to ensure alignment of services and goals for the participant and minimize the potential for duplication of services.

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.

References

Workforce Innovation and Opportunity Act of 2014

WIOA Final Rule; 20 CFR Parts 676,677, and 678; Federal Register, Vol. 81, No. 161, August 19, 2016

WIOA Final Rule; 20 CFR Parts 603, 651, 652, et al; Federal Register, Vol. 81, No. 161, August 19, 2016

20 CFR 618.25 - 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).

- 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
- 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.

WorkSource System Policy 1019 R6 & Attachment A - Eligibility Handbook

WorkSource System Policy 5617 R1 Co-enrollment of Trade Adjustment Assistance participants into the WIOA Title I-B Dislocated Worker program.

PacMtn Policy # 5000 – Adult and Dislocated Worker Program Eligibility

PacMtn Policy # 5000P DW – Dislocated Worker

PacMtn Policy # 5200 - Support Service

PacMtn Procedure # 5200P - Support Service

PacMtn Policy # 5100 Adult/DW Individual Training Accounts (ITA's)

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