

**Procedure: TAA Trade Service Strategy**

⏹ Procedures for the eligibility, assessment and case management of TAA in the Workforce Centers.

**RESOURCES:**

Trade and Globalization Adjustment Assistance Act (TGAAA) 2009

WD Letter 52-09, change 1

WD Letter 06-10,

TAA Reemployment and Training Plan (REP-1 Form)

TWIST Counselor Note Procedures

Funding Closure and Exit Procedures

TAA TWIST Desk Aid

TAA Help Sheet (70,000+)

TAA Help Sheet (50,000 – 70,000)

**SERVICES**

Case management provides the coordination of services & resources, guidance, encouragement, and motivation at the level needed by each customer to successfully meet goals. It also includes the appropriate documentation and tracking of plans, progress, needs, addressing of needs, and outcomes.

**COMPLIANCE REQUIREMENTS & MEASURES:**

* QA Instrument has 90% YES responses.
* Performance Rates for Educational Achievement equal to or exceeding Board goals.
* Ensure potential for successful training completions was justified and results lead to training related employment.

**WORKFORCE SOLUTIONS EXPECTATIONS:**

Workforce staff (individually and as a team) will provide and ensure on-going case management to all Trade-certified workers with a positive and professional demeanor. Case management should be individualized for each customer based on their needs, goals, and plan.

Workforce staff will provide individualized and quality customer service by planning strategies, coordinating services, addressing needs as identified and providing the encouragement and motivation to participate, complete and succeed in all activities.

Workforce staff will track and document case management through TWIST, counselor notes, and the *Trade Adjustment Assistance Re-employment and Training Plan* form (REP-1 form). As well as, utilization of assessment tools to help research the desired occupation and gather labor market information on the specified occupation. Documentation will be maintained in the file.

Workforce staff will enforce compliance with rules, regulations, policies, & work instructions through case management to ensure the absence of disallowed costs.

Workforce staff will verify if TAA eligibility is documented and meets the five “YES” codes.

Workforce staff will ensure TAA selected trainings are within training compliance and not limited by any rule or policy beyond those outlined by TAA guidance. The six training approval criteria should be used as the basis for training approval and justification or recommending denial of the request.

Workforce staff will make every reasonable effort to build a rapport, promote positive public relations, and maintain contact to assure the greatest potential to attain successful outcomes for customers and performance measures (local, state, and federal).

Workforce staff will be accountable to document completion of training at any time through the end of the customers third post program quarter.

**WORK INSTRUCTIONS:**

**Application Date:**

Once a Trade-certified worker *first* contacts a Workforce Center to request TAA services, this is considered the *Application Date.* This date is entered into the *application date* field box in the *TAA Program Summary* tab in TWIST.

At this initial date, all Workforce staff must refer the Trade-certified worker directly to the designated TAA Personal Service Representative (PSR).

**TAA Eligibility:**

TAA Eligibility is determined by TWC TAA Unit. TWC TAA unit create *the TAA TWIST Program Detail*, but a TAA program detail does not mean a customer is eligible for TAA. Workforce staff must ensure the *Eligibility Criteria* tab have five “YES” codes entered. These include the following field boxes: *Separation Date, Separation Reason, Job Description, Job Location and Subdivision/Department*. If Workforce staff should encounter that any of the five “YES” codes are not completed, then Workforce staff should contact the TWC TAA unit to determine further eligibility status/action.

Workforce Center Workforce staff must ensure that for the TAA eligibility documentation, a printed copy of the *TAA Program Detail (containing the five “YES” codes)* is maintained in the eligibility section of the file. Refer to the *TAA File Order* for details. Workforce staff must also be aware, that the TAA Personal Service Representative can complete the eligibility process and that a Trade-certified worker does not need to be scheduled a separate intake/eligibility appointment so as not to delay the length toward training enrollment.

If during the assessment it is discovered that the Trade Worker may be in need of WIA support services (services not covered by TAA), then Workforce staff may consider WIA co-enrollment into the Dislocated Worker program. However, a TAA training request approval should not be delayed while determining eligibility for Workforce Investment Act (WIA) services. This co-enrollment may occur at any phase of the Trade-certified worker’s participation (initially, upon notice of support need or at the end of TAA participation). If Workforce staff pursues the WIA Dislocated Worker co-enrollment, then WIA eligibility and case management must be maintained according to local, state and federal guidelines. The case would be maintained with collaboration (co-case managed) by the TAA Personal Service Representative and the WIA Personal Service Representative .

**Case Management and Assessment:**

Case management is critical to providing quality customer service, justifying and tracking program participation and fund expenditures, ensuring compliance with rules, regulations, policies, & procedures and ultimately attaining successful outcomes for customers and performance measures (local, state, and federal). It is the “glue” for service delivery.

* Workforce staff should ensure early intervention services are a priority for TAA program participants. Early intervention services include the following:
* Orientation
* Initial assessment of skills, language, education, aptitudes, and abilities
* Provision of labor market information, job search assistance, and financial management workshops

Upon initial interview, Workforce staff will provide an overview of TAA services and guidelines. This includes, but is not limited to, discussing the *TWC Explanation of Services (EOS)* form and ensuring the Trade-certified worker signs and dates the EOS form. Assessing and reviewing the customer’s job skills and circumstances, which may impact the use of a “waiver of training.”

* Workforce staff should ensure early assessment and early entry into training when appropriate and that training request approvals are not delayed while determining eligibility for Workforce Investment Act (WIA) services.
* The assessment evaluation should help determine whether a Trade-certified participant meets TAA training criteria or matches specific employment opportunities within the community. Workforce staff may utilize websites outlined on the *TAA Re-Employment and Training Plan* (REP-1 form) to assist with the labor market information on the specified occupation. Staff may utilize any standard assessment evaluation tool to document a Trade-certified workers skills, aptitudes and abilities, education, etc. Assessment results should be discussed with the Trade-certified worker and maintained in the file for documentation. If training provider supplies curriculum, then staff may notate on REP form “see school attachment.”
* Workforce staff should provide Trade-certified participants the information and support necessary to help them achieve sustainable reemployment. This includes, but is not limited to, referral information to training vendor, contacting training vendors, assisting with occupational research, etc.
* Workforce staff should continue case management services over the course of the customer’s participation in TAA. Contact should be maintained monthly, at a minimum, and should be documented in TWIST Counselor Notes.
* Workforce staff should complete the *TAA Re-employment and Training Plan* (REP-1 form), if there are no immediate job opportunities, to identify any skill gaps or job requirements, including remedial and prerequisite training that enables the customer to be job ready in a specific occupation. The REP-1 form is used as the basis for training approval and justification or recommending denial of the request. It must ensure that the Trade-certified worker will be job ready at the completion of training.
* The approval of the training is not subject to any WIA related activities, such as the ITA Approval Committee, completion of any ITA checklist, WIA sequence of services or training that is on a demand occupation or on the Statewide list of Eligible Training Providers (ETP). The approval may be reviewed by management to ensure compliance with TAA guidance.

**Trade Readjustment Allowances:**

TRA are support payments for Trade-affected workers enrolled in TAA-approved training. These include: Basic Unemployment Insurance, Extended Unemployment Insurance, Basic TRA, Additional TRA Additional Remedial/Prerequisites TRA and needs based payments. The application for TRA is for BS-100

Workforce staff must be aware of the following:

* Basic TRA is payable for 52 weeks minus the number of weeks of allowable unemployment insurance (UI) benefit payments;
* Under TGAAA, TRA requires that the Trade-certified participant:
* be enrolled in TAA-approved training within 26 weeks of separation date or the Trade petition certification date—whichever is later; or
* has a waiver of the training requirement;
* The potential length of TRA, along with UI, is extended to 130 weeks.
* Additional remedial TRA (of up to 26 weeks) is now allowed if either remedial or prerequisite training is required.
* Under the Trade Adjustment Act of 2002, TRA requires enrollment in TAA-approved training, or a waiver of training, within:
* eight weeks of petition certification date; or
* sixteen weeks of the separation date—whichever is later;
* Basic TRA is exhausted when:
* the Trade-certified participant receives the maximum benefit amount; or
* two years from the separation date—whichever is earlier;
* To be eligible for additional TRA, the Trade-certified participant must be in TAA-approved training when basic TRA is exhausted; and
* If the Trade-certified participant is not enrolled in TAA-approved training when basic TRA is exhausted, eligibility for additional TRA is permanently lost.
* Staff must be aware that to receive TRA under a waiver, the worker must contact the TAA Personal Service Representative at least every 30 days. This should be documented in TWIST Counselor Notes.

**Waiver of Training Requirement:**

If a Trade-certified worker indicates that they want to consider a “waiver for training,” they are indicating that training is not feasible for one of six reasons.

* In order for a “waiver of training” to occur, Workforce staff should have assessed and documented the worker’s job skills and circumstances during the initial assessment to indicate that training is not feasible. This documentation should be included in *TWIST Counselor Notes*.
* The deadline for the waiver is 26 weeks from the petition certification or last qualifying separation date; whichever is later.
* When a waiver is granted, contact must be maintained at least once every 30 days to determine if circumstances granting waiver still exist. Waiver period can not be more than 6 months.
* If the circumstances for granting the wavier no longer exist, the reason is changed or the waiver is revoked.
* Waivers must be documented in TWIST under the *TAA Program Detail Waiver* tab. The *Waiver/In Training Deadline Date* is on the *Eligibility Criteria* tab.

The six waiver reasons include:

1. Recall—The worker was notified that the affected company will recall the worker within six months.
2. Marketable skills—The worker possesses marketable skills for employment in a specific occupation, as determined by an initial assessment of the worker’s total job skills.

*Note*: “marketable skills” means that the worker a) possesses all the job skills necessary for a specific occupation with available jobs in the local commuting area (or an area to which the worker is willing to relocate); and b) is likely to be employed within 90 days. Marketable skills also can include the possession of a postgraduate degree or certification in a specialized field.

1. Retirement—The worker is within two years of being eligible for retirement under Social Security retirement benefits or a private pension sponsored by the employer or labor organization.
2. Health—The worker is unable to participate in training for health reasons.
3. Enrollment unavailable—The first available enrollment date for the TAA-approved training is within 60 days, or later if there are extenuating circumstances.
4. Training not available—TAA-approved training is not reasonably available to the worker from a public or private source, no suitable training is available for the worker at a reasonable cost, or no training funds are available in the state.

**TAA Approved Training:**

If after Workforce staff have met with the Trade-certified worker to discuss assessment results, current skills, discussed training providers, selected an occupation and met six TAA training criteria, then training may be approved or recommended for denial.

* All TAA approved training must be occupational training for a specific occupation.
* Stand alone remedial training may be approved only if the customer has all other required job skills.
* Training may include: Staff may refer to the *TAA TWIST Coding Examples*, for TWIST data entry requirements on TAA services.
* institutional training;
* remedial education;
* prerequisites for any training that may be TAA approved;
* distance or online training;
* on-the-job training;
* customized training; and
* Apprenticeship program training.
* The following are the six criteria:

1. There is no suitable employment available.
2. The affected worker will benefit from training.
3. There exists a reasonable expectation of employment following training.
4. The training is reasonably available from a private or public school regulated by a state agency.
5. The Trade-certified worker is qualified to undertake and complete the training.
6. Training is available at both a reasonable cost and at the lowest cost available for the occupation.

Three other considerations:

1. All TAA training programs must be completed within 130 (50,000-70,000)/156 weeks (70,000+) and within the training standard.
2. A Trade-certified participant must not be required to pay any of the training costs, including student loans or any funds that must be repaid. Self-financing is not allowed.
3. If the training program is part-time (70,000+), the Trade-certified participant is informed that he or she will not receive TRA. Staff must inform the Trade-certified worker TRA will not be received if training is part-time. If petition is under 70,000, training must be full-time.

* Workforce staff will submit to Fiscal: the ITA Cost Obligation form, any bid letter indicating the training cost, acceptance letters, etc. for processing, once TAA training has been approved.
* Workforce staff will discuss with the Trade-certified worker, the importance of maintaining contact, submitting training timesheets, discussion of any changes in class attendance/progress/grades.
* Workforce staff must also inform the Trade-certified worker, that the first consideration is given to appropriate training within the local commuting area. When considering a training option outside the local commuting area, the cost of the necessary travel and subsistence must be considered as part of the training cost when calculating the lowest-cost training available.
* Workforce staff must be aware that requests for TAA training from adversely affected incumbent workers must be considered for approval. Such requests must meet all TAA training approval criteria. If the threat of layoff is removed, then the training program must be terminated.
* Individual Trade-certified participants are allowed only one training program each under any one Trade certification. That training program must include all training required to afford the individual complete job readiness in a specific occupation. One training program may require more than one training component—e.g., English as a Second Language, Adult Basic Education, or GED classes—and may require training at more than one institution. If it is determined after a training program begins that the training will not afford the Trade-certified participant complete job readiness, the program can be amended. There is no “customer choice” regarding the training provider.
* A training program that will last longer than the Trade-certified participant’s remaining TRA eligibility period must be approved only if the individual demonstrates a financial ability to complete the training after TRA eligibility is exhausted.

**Training Costs:**

* In determining the reasonable cost of training, other public or private funds can be considered to lower the TAA program cost, such as:
* scholarships;
* employer financing; or
* other non-personal funds that the Trade-certified participant does not have to repay.

Trade-certified workers cannot be required to use other public or private funds to lower the cost of training as a condition of training approval. If a Trade-certified worker volunteers to use other grant funds to supplement TAA training funds when the cost of training is otherwise not reasonable (and all other training approval criteria are met), the training program will be approved.

* The cost of a TAA-approved training program must include:
* tuition;
* books;
* tools required to be purchased by all students taking the training;
* academic fees;
* travel and subsistence expenses when the training location is outside the local commuting area; and
* any certification test or license required for the employment.
* Workforce staff should ensure that the TAA training is approved by TEA, Texas Higher Education Coordinating Board, TWC or regulated by a accredited board. Staff may utilize the links outlined on the *70,000+ Help Sheet:* 
  + <http://www.txhighereddata.org/Interactive/Institutions.cfm>
  + <http://www.thecb.state.tx.us/index.cfm?objectid=64BDCE51-D636-526E-DA30D84E3D623495>
* <https://services.twc.state.tx.us/PECOSRPT/propschool>
* The verification should be documented in counselor notes and documentation printed from site (if applicable).
* Workforce staff should be aware that the reasonable cost standard is $17,000. If the cost is greater than $17,000, then staff must submit a justification to the TWC TAA State Unit. (See How to contact TWC TAA below).

**Transportation and Subsistence Costs for Training**

Workforce Center staff must be aware of the following for transportation and subsistence costs for training:

* When the shortest distance from a Trade-certified participant’s residence to the site of training is greater than the normal commuting distance, transportation and subsistence costs are provided as part of the overall TAA cost of approved training.
* Transportation and subsistence costs are the lesser of the:
* actual cost; or
* 50% of the federal per diem rate for the area in which training takes place.
* The actual mileage from a Trade-certified participant’s residence to the training facility is verified.
* Transportation allowances provided for daily commuting do not exceed the amount payable using the alternative subsistence calculation (see Trade Adjustment Assistance Reemployment and Training Plan at <http://intra.twc.state.tx.us/intranet/gl/html/trade_forms.html>).
* If a Trade-certified participant is staying at a training facility outside the local commuting area, only one round-trip payment is provided.
* Federal per diem rates are verified using the U.S. General Services Administration Web site at

<http://www.gsa.gov/Portal/gsa/ep/contentView.do?contentType=GSA_BASIC&contentId=17943>.

* If transportation and subsistence allowances are included in the TAA training program\*:
* an application for subsistence is completed and retained in the applicant’s file;
* Trade-certified participants submit attendance before receiving transportation and subsistence assistance; and
* Payments cannot be made for any unexcused absences.
* If training outside of the normal commuting area makes the cost of training unreasonable, a request for denial of training is submitted to the Commission’s Trade Funded Services unit.

**Approval or Denial of Training**

* Workforce Center staff must be aware that a request for training from a Trade-certified worker is approved unless a recommendation for denial based on the six TAA approval criteria and three considerations is made to the Commission’s Trade Funded Services unit.
* Workforce Center staff must be aware that if a Trade-certified worker’s request for training meets all federal TAA approval criteria, the request must be approved.
* Workforce Center staff must be aware that they do not have the authority to deny a request for TAA training. Recommendations for denial must be sent to the Texas Workforce Commission’s (Commission) Trade Funded Services unit.
* Any denial of a TAA benefit can be appealed through the UI appeals process, this information should be shared with the Trade-certified worker. A denial must identify the regulation site under which the denial is based and only the State TAA Coordinator can deny a TAA benefit.

**Affected Workers from Other States**

Workforce Center staff must be aware that TAA is a federal program and trade-affected workers have the right to seek TAA services in any state they choose.

**When to contact the TWC TAA Unit:**

Workforce Center staff may contact the TWC TAA unit when:

* An individual’s eligibility for the TAA program needs to be determined or if the TAA program detail does not contain all five “YES” codes (to ensure correct eligibility).
* A waiver of the training is granted, then a copy of the waiver is sent to the unit.
* Another state approves the training program for a Trade-certified worker from another state (prior to the individual beginning training) and it is routed through the unit.

**The TWC TAA unit may be contacted at:**

* **Via email at** [**taa@twc.state.tx.us**](mailto:taa@twc.state.tx.us)
* **Via phone at (512)936-0331**

**Maintaining Contact:**

A vital part of case management is to maintain contact with the customer to monitor progress, provide guidance, and encourage successful completion of goals as quickly as possible within reason. Maintaining communication and establishing rapport are the foundations to effective case management characteristics. The following is an excerpt from Beverly Ford’s “Making Case Management Work: This will develop an environment where a productive working relationship can begin. The Personal Service Representative has the primary responsibility for establishing rapport. How you relate to the customer will impact how he perceives you and the program. As the Personal Service Representative you can affect what happens once you begin to interact with them.” It is usually easier to maintain contact with a customer when a positive rapport is built. These customers will probably call you, which reduce the effort to contact them. There will always be customers that prefer not to cooperate, but if most of the caseload is a challenge to reach, case management skills should be reviewed.

Some customers have a remarkable support system; some have a good support system but lack accurate information; and unfortunately some have minimal, zero, or negative support systems for accomplishing goals. The contact with staff may be the sole support for some customers aiming into new territories. Regular positive contact may make the difference for a successful outcome. Personal Service Representative s should use a variety of tools to maintain contact with customers, for example, they could include but are not limited to: phone calls, email, letters, postcards, home or school visits, website searches, or communication with other community agencies etc.

All contacts made with customers should be documented in counselor notes to “tell the complete story” of what is happening with this customer. Any co-worker, manager, or monitor should be able to read contact notes and follow the activities that “tell the story” of the services provided to the customer.

**Exiting Decisions:**

Although the decision to close a program (detail) is sometimes defined by the program (see procedures and work instructions for Funding Stream Closure and Potential Exit), the participation period for a customer is not entirely restricted. Since the customer is not actually exited for common measures until his/her participation period has a gap of qualified services for at least 90 days, center staff can influence the exiting of a customer.

Upon completion of training, the Workforce Center staff should make contact with the Trade-certified worker to obtain a copy of the degree/credential. TWIST Counselor Notes should document exit reasons and indicate any other information regarding potential employment or referral to WIA program. Staff should refer to the TWIST Procedures for data entry requirements to close services and exit Program Details.

Whether an exit is extended due to the customer’s continued participation in WIT, being outreached by other programs, or staff assessing the need for additional services, it is the responsibility of the Personal Service Representative to know the status of customers on his/her caseload to ensure case management throughout the entire participation period. The best tool to monitor the countdown of the 90-day gap clock is the Web Report titled “CM Exiter Alert Report”. Other helpful tools include maintaining a caseload log or posting customer exits in Outlook Calendar.