

SOP 20-04
Revision 1
Trade Adjustment Assistance (TAA) Co-enrollment in the
Workforce Innovation and Opportunity Act (WIOA)
Dislocated Worker (DW) Program
Standard Operating Procedures
Grow Southwest Indiana Region 11
Approval Date: 12/04/2020
WDB Revision Date: 5/20/2022

Purpose

To provide guidance on the TAA's program new regulatory requirements for WIOA DW co-enrollment.

Change 1 Summary

Key policy changes include the following:

- Clarification regarding co-enrollment timelines
- Addition of a federal reporting section

Recission

- DWD Policy 2020-06 Trade Adjustment Assistance (TAA) Co-Enrollment in the Workforce Innovation and Opportunity Act (WIOA) Dislocated Worker (DW) Program
- SOP 20-04 Trade Adjustment Assistance (TAA) Co-enrollment in the Workforce Innovation and Opportunity Act (WIOA) Dislocated Worker Program

References

- Trade Adjustment Assistance for Workers, 85 Fed. Reg. 51,896 (August 21, 2020).
- 20 CFR 618 Trade Adjustment Assistance
- TEGL 1-19 Trade Assistance Data Integrity (TAADI)

Action

DWD Policy 2020-06 Change 1 Trade Adjustment Assistance (TAA) Co-enrollment in the Workforce Innovation and Opportunity Act (WIOA) Dislocated Worker (DW) Program will be implemented as SOP 20-04 Revision 1 Trade Adjustment Assistance (TAA) Co-enrollment in the Workforce Innovation and Opportunity Act (WIOA) Dislocated Worker (DW) Program in Region 11.

Background

On August 21, 2020, The Employment and Training Administration of the U. S. Department of Labor (USDOL) published the final rule for the Trade Adjustment Assistance for Workers in the Federal Register at 20 CFR 618 (the TAA Final Rule). The TAA Final Rule amends 20 CFR parts 617 (Trade Adjustment Assistance for Workers under the Trade Act of 1974) and 618 (Trade Adjustment Assistance for Workers under the Trade Act of 1974, as Amended) and CFR 90 (Certification of Eligibility to Apply for Worker Adjustment Assistance) to expand protection and support for U. S. workers adversely impacted by foreign trade. In addition to various changes in the TAA program, the TAA Final Rule codifies integrated service strategies and WIOA DW Program co-enrollment. The final rule is effective September 21, 2020.

Content

Improved Outcomes

As stated in the Federal Register, the co-enrollment of TAA program participants in the WIOA Dislocated Worker program drastically improves the quality of service to trade-affected workers and improves participant outcomes. Data between FY 2009-2017 shows that TAA participants who were co-enrolled in the DW program have superior post-program employment results, by a consistent margin, to TAA participants who were not co-enrolled in a WIA/WIOA DW program. No adverse impacts on outcomes were identified in data under the DW program as a result of co-enrolling the TAA participants.

Authority

Under the TAA Governor-Secretary Agreement, states are bound to implement the TAA Final Rule. The Agreement binds the entire executive branch of the state governments to the terms and conditions of the Agreement and to the implementation of the TAA program which includes the implementation of the co-enrollment requirement. The Governor, through the Governor's Workforce Cabinet, has the authority to enforce the co-enrollment requirement at the state and local area levels.

Co-Enrollment

All TAA participants that are also WIOA DW eligible will be co-enrolled in the WIOA DW program. WIOA DW services will be made available to trade-affected workers prior to the time of layoff or at the same time the worker is participating in the TAA program. In most cases, case managers will begin the process of intake and initial assessment for dislocated workers services prior to a TAA certification. This practice will ensure Indiana will meet the co-enrollment requirement in 20 CFR 618.325(a)(1). If a TAA petition subsequently results in a negative determination, or denial, the participant would not be eligible for the TAA program but would continue to be eligible under the WIOA DW program.

The TAA program is required to pay for all training and related costs and the majority of employment services. Trade affected workers often benefit from WIOA's supportive services and post-employment follow up services that are not fundable under TAA services. The implementation of a co-enrollment requirement does not change this; WIOA funding will be

used to provide services only when TAA funding may not be used for that service (i.e., supportive services, pre-vocational services, additional employment and case management services, and post-employment follow-up services.)

Services from other appropriate programs will be made available to the trade-affected worker. Programs, such as but not limited to, Wagner-Peyser, Vocational Rehabilitation services, veterans' programs, and other one-stop partner programs, will be provided as appropriate.

TAA Data Integrity (TAADI) and Program Performance Reporting

Under TEFL 1-19, the TAACE became a permanent component of reporting compliance for the TAA program. TAADI performance targets are established on an annual basis by USDOL. Each state is required to meet or exceed all TAADI targets.

To meet the co-enrollment target, TAA participants with a first benefit or service within the most recent four (4) quarters will also be co-enrolled in WIOA DW within the same four (4) quarters.

Participant Notification Requirement

Case managers will make trade-affected workers aware that they are being enrolled in WIOA programs. Evidence of the notification and when it was provided will be maintained in the participant file.

Participant Right to Decline

A trade-affected worker may decline co-enrollment which will have no effect on eligibility for benefits and services under the TAA program. Evidence of the declination and when it occurred will be maintained in the participant's file. Region 11 will utilize the correct TAA form; the form will be uploaded into the participant's file.

Potential Barriers to Co-enrollment

A few barriers exist to co-enrollment including:

- Adversely Affected Incumbent Workers (AAIW) are ***generally*** not eligible for the WIOA DW program; however, in certain circumstances, such as the general announcement of a closure, they ***may*** meet those eligibility requirements and must be co-enrolled.
- Some partially separated workers' wages and time on the job will have decreased, but they have remained employed and do not meet any other eligibility requirements of the WIOA DW program.
- WIOA requires that certain males be registered under Selective Service provisions. There is no Selective Service requirement for the TAA program. A trade affected worker cannot be refused benefits and services through the TAA program due to the lack of registering with the Selective Service. If a trade affected worker knowingly and willingly fails to register with the Selective Service, the co-enrollment requirement does not apply to that individual.

WIOA co-enrollment is not meant to create barriers to accessing TAA-funding training. TAA participants that are co-enrolled with WIOA are required to meet the TAA training requirements found in 20 CFR 618.600 – 618.665. WIOA training requirements outside of the scope of the

TAA program are not applicable and should not otherwise prohibit or delay access to TAA-funding training.

Action

Grow Southwest Indiana Workforce will implement appropriate procedures to operationalize the co-enrollment requirement for all WIOA DW eligible TAA program participants. The contents of this policy will be subject to routine DWD monitoring.

Effective Date

Immediately

Ending Date

Upon rescission

Additional Information

Questions regarding the content of this publication may be directed to DWD policy: policy@dwd.in.gov