

Mass Workforce Issuance

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Policy Information

To: Chief Elected Officials
Workforce Development Board Chairs
Workforce Development Board Directors
Title I Administrators
Career Center Directors
Title I Fiscal Officers
DCS Operations Managers

cc: WIOA State Partners

From: Alice Sweeney, Director
Department of Career Services

Date: December 15, 2016

Subject: Trade Programs Breaks in Training Rules

Purpose: To provide policy guidance to Local Workforce Development Boards, One-Stop Career Center Operators and workforce partners with respect to breaks in Trade Adjustment Assistance (TAA) approved training for participants.

Background: The Trade Adjustment Assistance Program for workers was first established by the Trade Act of 1974 and has been amended numerous times. It was amended in 2002 by the TAA Reform Act of 2002; 2009, by the Trade Globalization Adjustment Assistance Act of 2009 and in 2011, by the Trade Adjustment Assistance Extension Act of 2011. On January 1, 2014 the Sunset Provisions of the Trade Adjustment Assistance Extension Act of 2011 program became effective and are referred to as "Reversion 2014". The Trade Adjustment Assistance Reauthorization Act of 2015 (TAARA 2015) was signed into law by President Barack Obama on June 29, 2015. TAARA 2015 repeals the sunset provision of the Trade Adjustment Assistance Extension Act of 2011 (TAAEA), under which the Reversion 2014 Program was in effect since January 1, 2014.

The Trade Reform Act of 2002 revised the Trade program eligibility requirements relating to trade eligible customers who are attending approved training when a break in the training occurs. This rule continues for those customers under the Trade Globalization Adjustment Assistance Act of 2009, the Trade Adjustment Assistance Extension Act of 2011 and the Trade Adjustment Assistance Reauthorization Act of 2015 (TAARA 2015).

Section 116 (b) of the Trade Reform Act of 2002 states: “Section 233(f) of the Trade Act of 1974 (19 U.S.C. 2293(f)) is amended in the matter preceding paragraph (1) by striking ‘14 days’ and inserting ‘30 days’”.

The change, however, is not applicable to all Trade eligible customers.

The “30 day” time frame applies *only* to trade customers deemed eligible under a Trade Petition Certification with a Petition Number beginning with the number “5 or higher.”

For Trade eligible customers whose Petition number begins with a “4” or lower number, *the 14 day break rule remains in effect.*

The regulations or operating instructions covering a customer’s eligibility to continue to receive TRA payments (either Basic, Additional, Remedial or Completion) while attending an approved training program when a scheduled break in the approved program occurs are promulgated at 20 CFR 617 (f)(3)(ii) and 20 CFR 617.15 (d)(1-6).

While Remedial and Completion TRA are not named in the Regulations (written prior to the Trade Reform Act of 2002), the following rules have been noted in their respective Operating Instructions for which the Program follows.

20 CFR 617 (f)(3) (ii) states: “When an approved training program involves more than one course and involves breaks in training (within or between courses, or within or between terms, quarters, semesters and academic years), all such breaks in training are subject to the “14-day* break in training” provision in 617.15(d), for purposes of receiving TRA payments. An individual's approved training program may be amended by the State agency to add a course designed to satisfy unforeseen needs of the individual, such as remedial education or specific occupational skills, as long as the length of the amended training program does not exceed the 104-week training limitation in paragraph (f)(2) of this section.”

*“30 day” for the Trade Reform Act of 2002, the Trade Globalization Adjustment Assistance Act of 2009, the Trade Adjustment Assistance Extension Act of 2011 and the Trade Adjustment Assistance Reauthorization Act of 2015 (TAARA 2015).

20 CFR 617.15 (d)(1-6):

(1) an individual who is otherwise eligible for basic and additional weeks of TRA during scheduled breaks in training, but only if a scheduled break is no longer than 14 days, and the following conditions are met:

The individual was participating in the training approved under §617.22(a) immediately before the beginning of the break; and the break is provided for in the published schedule or the previously published schedule of training issued by the training provider or is indicated in the training program approved for the worker; and further the individual resumes participation in the training immediately after the break ends.

(2) A scheduled break in training shall include all periods within or between courses, terms, quarters, semesters and academic years of the approved training program.

(3) No Basic or Additional TRA** will be paid to an individual for any week which begins and ends within a scheduled break that is 15 days or more.

**add: or Remedial or Completion TRA

(4) The days within a break in a training program that shall be counted in determining the number of days of the break for purposes of paragraph (d) of this section shall include all calendar days beginning with the first day of the break, as provided for in the schedule of the training provider, except that any Saturday, Sunday or official State or National holiday occurring during the Scheduled break in training, on which training would not normally be scheduled in the training program if there were no break in training, shall not be counted in determining the number of days of the break for purposes of paragraph (d) of this section.

(5) When the worker is drawing Basic TRA, the maximum amount of TRA payable is not affected by the weeks the worker does not receive TRA while in a break period, but the weeks will count against the 104-week eligibility period.

(6) When the worker is drawing Additional TRA to complete training, and weeks for which TRA is not paid will count against the continuous 26-week eligibility period and the number of weeks payable.***

***This changed under the Trade Globalization Adjustment Assistance Act of 2009, the Trade Adjustment Assistance Extension Act of 2011 and the Trade Adjustment Assistance Reauthorization Act of 2015 (TAARA 2015). The rules are as follows:

2009 law: A worker may receive up to 78 weeks of TRA within a 91 week period

2011 Law: A worker may receive up to 65 weeks of TRA within a 78 week period

2015 Law: A worker may receive up to 65 weeks of TRA within a 78 week period

Remedial TRA: for those under the 2009 rules, the law allows 26 weeks of TRA to be collected within a 26 week period.

Completion TRA: for those under the 2011 and 2015 rules, the law allows 13 weeks of TRA to be collected within the last 20 weeks of training.

These changes allow a customer to have a break in training without losing weeks of benefits unless they exceed the respective 91, 78, 26 and 20 week periods outlined above.

While all other eligibility parameters described in 20 CFR 617 (f)(3)(ii) and 20 CFR 617.15 (d)(1-6) remain applicable for all Trade eligible customers, local workforce staff must apply the revised time frame of “30 days” as specified in Special Rule §116(b) of the Trade Reform Act of 2002 and all Acts thereafter, for any Trade customer determined eligible under a Trade Certification Petition Number that begin with a “5”, or higher number.

To assist local staff in implementing the “Break in Training” policy as it applies to both occupational and remedial training the staff guide, *Developing a Training Plan* is included with this policy as Attachment A.

Policy: While all other eligibility parameters described in 20 CFR 617 (f)(3)(ii) and 20 CFR 617.15 (d)(1-6) remain applicable for all Trade eligible customers, local workforce entities and staff must apply the revised time frame of “30 days” as specified in Special Rule §116(b) of the Trade Reform Act of 2002, the Trade Globalization Adjustment Assistance Act of 2009, the Trade Adjustment Assistance Extension Act of 2011 and the Trade Adjustment Assistance Reauthorization Act of 2015 for any Trade customer determined eligible under a Trade Certification Petition Number that begin with a “5”, or higher number.

All local workforce entities including One-Stop Career Center Operators must ensure that services provided to Trade eligible customers are in compliance with this policy.

Action

Required: Please distribute copies of this policy to all appropriate staff, and take necessary action to ensure compliance in serving the needs of Trade eligible customers.

Effective: Effective immediately

Attachment: A. Developing a Training Plan

References: Trade Adjustment Assistance Act of 1974, as amended
The Trade Reform Act of 2002
The Trade and Globalization Adjustment Assistance Act of 2009
Trade Adjustment Assistance (TAA) Extension Act of 2011
The Trade Adjustment Assistance Reauthorization Act of 2015
Trade Regulations, 20 CFR Part 617
[TEGL 11-02, Operating Instructions for Implementing the Amendments to the Trade Act of 1974 Enacted by the Trade Act of 2002, and subsequent changes](#)
[TEGL 22-08, Operating Instructions For Implementing the Amendments to the Trade Act of 1974 Enacted by the Trade and Globalization Adjustment Assistance Act of 2009](#)
[TEGL 10-11, Operating Instructions for Implementing the Amendments to the Trade Act of 1974 Enacted by the Trade Adjustment Assistance Extension Act of 2011 \(TAAEA\), and subsequent changes](#)
[TEGL 05-15, Operating Instructions for Implementing the Amendments to the Trade Act of 1974 Enacted by the Trade Adjustment Assistance Reauthorization Act of 2015 \(TAARA 2015\)](#)

Inquiries: Questions related to this policy should be directed to PolicyQA@MassMail.State.MA.US. Please reference the issuance number and description with the inquiry.