

Mass Workforce Issuance

100 DCS 13.106

Policy Information

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

cc: WIOA State Partners

From: Alice Sweeney, Director
Department of Career Services

Date: January 19, 2017

Subject: **Completion Trade Readjustment Allowances and Established Benchmarks**

Purpose: To notify Local Workforce Development Boards, One-Stop Career Center Operators and other local workforce partners of the implementation of Completion Trade Readjustment Allowances (TRA) and performance benchmarks under the Trade Adjustment Assistance (TAA) Programs resulting from the Trade Adjustment Assistance Extension Act of 2011 and the Trade Adjustment Assistance Reauthorization Act of 2015 under the Workforce Innovation and Opportunity Act (WIOA).

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 first amended by the TAA Reform Act of 2002; then by the Trade and Globalization Adjustment Assistance Act of 2009 and further amended 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.

Policy:

The Trade Adjustment Assistance Extension Act of 2011 (TAAEA) established a new category of Trade Readjustment Assistance (TRA), referred to as “Completion TRA”. Completion TRA applies to those participants under TAAEA 2011 and the TAARA 2015.

Completion TRA will provide *up to* 13 extra weeks of income support, within a 20 week time period, after all other Unemployment (including any State or Federal Extensions) and TRA monies have been exhausted, if the TAA participant is still in certain approved TAA training at that time. In order for TAA participants to be eligible for, and collect Completion TRA, they must meet all 5 criteria listed below:

1. The requested weeks are necessary for the worker to complete a training program that leads to completion of a degree or industry-recognized credential (as defined in [TEGL No. 15-10](#)).
2. The worker is participating in training in each such week.
3. The worker has substantially met the performance benchmarks established in the approved training plan (See below for more detailed information).
4. The worker is expected to continue to make progress toward the completion of the approved training.
5. The worker will be able to complete the training during the period authorized for receipt of Completion TRA.

These five requirements are applied at the time that the state (the Department of Unemployment Assistance (DUA)) approves payment for a week of Completion TRA. If during any week, all of the above requirements are not met, the participant will not be eligible for Completion TRA that week.

If a participant ceases to meet any of these five criteria during the period they are eligible to collect Completion TRA, they can no longer be paid these monies moving forward.

Benchmarks

In order for Completion TRA to be collected, performance benchmarks must be established at the beginning of all training programs longer than 3 months and sufficiently met throughout the training program. In order to determine that the worker has “substantially met the performance benchmarks established in the approved training plan”, all career centers must collect an evaluation from the approved training provider/vendor as to the progress of the TAA participant every 60 days as part of regularly scheduled Career Planning. The two benchmarks listed below are what will be evaluated at these 60 day intervals commencing 60 days after the start date of training:

1. Participant is maintaining satisfactory academic standing (i.e. not on probation or determined to be “at risk” by the instructor or training institution); and

2. Participant is on schedule to complete training within the timeframe identified in the approved training plan.

TAA participants will be held responsible for obtaining documentation showing their progress from their training provider every 60 days and presenting it to their career counselor at the One-Stop Career Center. DCS, via MOSES, has provided the TAA participant with a standard form to use. If a participant is not in good academic standing, a hard copy of the form must be sent to the Trade Unit immediately.

Goal attainment will be documented tracked via the Goals Tab in MOSES (Attachment C).

If a TAA participant fails to meet a benchmark, a warning will be issued. This warning may be a simple reminder/conversation with the client reminding them that continuation in the training program and receipt of TRA is dependent on making satisfactory progress and maintaining full time attendance. This discussion with the client must be documented in MOSES in NOTES. The level of warning is dependent on the issue.

If a second benchmark is failed, a modification to the training plan must be done or Completion TRA eligibility will no longer exist for this participant. The specifics of each modification must be documented in MOSES in NOTES. Sufficient references (i.e. the conversation and results of a discussion about the submitted modification, etc.) must be documented in MOSES in NOTES.

In both of these circumstances the point is to ensure the client is aware of the warning or need for modification and is in agreement with the plan of action/outcome.

Customers who do not provide benchmark reports within 10 days of the due date must be reported to DCS as not attaining their benchmarks. This information in turn will be reported to the DUA TRA Unit and benefits may be suspended until a benchmark report is provided and is acceptable to be reported as attained.

Justifiable Cause relative to Completion TRA Eligibility

As noted above, while there are 13 weeks of Completion TRA payable to eligible TAA participants, these 13 weeks can be collected within a 20 week time frame as long as the approved training will be **completed** within the 20 weeks. This 20 week time frame will begin with the first week in which a TAA participant files a claim for Completion TRA and not automatically at the end of Additional TRA.

If a participant has exhausted all other UI and TRA benefits, but will not be able to complete approved training within the allowable 20 consecutive calendar week period, the customer must wait until they are within the final 20 weeks of training

to apply for Completion TRA, otherwise, none of the 13 weeks of Completion TRA are able to be paid.

As under the 2011 Act, Section 233(f) of the 2015 Act gives the Department of Career Services (DCS) the discretion to establish the eligibility period within which the 13 weeks of Completion TRA are payable and training must be completed in order to meet the Completion TRA eligibility requirements.

DCS and DUA partner in administering the Trade Program and Completion TRA will be available to apply for and start claiming (in UI Online via DUA) upon reaching the final 20 weeks of training.

Completion TRA eligibility should be carefully considered in coordination with Career Planning while the participant's training plan is being developed. If a training plan is modified after commencing receipt of Completion TRA and the modification, for example, extends the training beyond the "already" established 20 week period, the participant will no longer be eligible for any Completion TRA.

If "justifiable cause" exists, the Secretary may extend that 20 week period. "Justifiable cause," as used in Section 233(f), means circumstances beyond the worker's control. Examples of justifiable cause for extending the Completion TRA eligibility period include situations where the provider changes the requirements of a training program while the program is in progress, where a course or courses are cancelled, and where required courses are not offered in accordance with the originally anticipated schedule and the Career Counselor is unable to identify an alternative that will allow for completion of the training program within the 20-week period. However, an extension **will not** increase the maximum number of payable Completion TRA weeks above 13.

Career Counselors may not amend the training participant's training plan to provide for a later 20-week eligibility period for Completion TRA if:

1. training is interrupted after the individual has filed a claim for Completion TRA; and
2. that interruption leads to a training completion date that occurs after the 20-week eligibility period in the approved training plan.

The 20-week eligibility period to receive up to 13 weeks of Completion TRA allows for the flexibility of a *break in training of up to 7 weeks*, but no more. In this scenario, since the amended training completion date is after the 20-week eligibility period in the approved training plan, the individual **will no longer** be eligible for Completion TRA.

In the same scenario, if a worker has not yet filed a claim for Completion TRA, the eligibility period for Completion TRA has not begun. In that case, the Career Counselor may amend the participant's training plan to provide for a later training

completion date and correspondingly later 20-week eligibility period for Completion TRA.

Action

Required: Please assure that all appropriate staff is knowledgeable of the content of this Policy Issuance and that they carry out related TAA activity in a compliant manner.

Effective: Immediately

References:

- [Trade Adjustment Assistance Act of 1974, as amended](#)
- [Trade Reform Act of 2002](#)
- [The Trade and Globalization Adjustment Assistance Act of 2009](#)
- [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, issued October 10, 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, issued on May 15, 2009 and subsequent changes
- [TEGL 10-11](#), Operating Instructions for Implementing the Trade Adjustment Assistance Extension Act of 2011 (TAAEA)
- [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: Please email all questions to PolicyQA@MassMail.State.MA.US. Also, indicate Issuance number and description.

Attachments:

- A. Evaluation and Documentation of Established Benchmarks
- B. Completion TRA Progress Form
- C. Directions for Documenting Benchmarks Being Met via MOSES