

EMPLOYMENT AND TRAINING ADMINISTRATION ADVISORY SYSTEM U.S. DEPARTMENT OF LABOR Washington, D.C. 20210	CLASSIFICATION Office of Trade Adjustment Assistance
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TO: STATE WORKFORCE AGENCIES
STATE WORKFORCE LIAISONS
AFFILIATE AMERICAN JOB CENTER MANAGERS
COMPREHENSIVE AMERICAN JOB CENTER MANAGERS
STATE WORKFORCE ADMINISTRATORS
STATE AND LOCAL WORKFORCE BOARD CHAIRS AND DIRECTORS
STATE LABOR COMMISSIONERS
STATE UI DIRECTORS
RAPID RESPONSE COORDINATORS
TRADE ADJUSTMENT ASSISTANCE LEADS

FROM: JOHN PALLASCH /s/
Assistant Secretary

SUBJECT: Guidance on Integrating Services for Trade-Affected Workers under the Trade Adjustment Assistance Program (TAA Program) with the Workforce Innovation and Opportunity Act (WIOA) Title I Dislocated Worker (DW) Program

1. **Purpose.** To promote the integration and coordination of services provided under the TAA Program in alignment with services provided under the WIOA DW program in support of a One Workforce System.
2. **Action Requested.** State Workforce Agencies (SWAs or states) are asked to distribute this information to the appropriate state and local staff, update policies and procedures to align with the requirements described in this guidance, and ensure states adhere to a seamless service delivery model for dislocated workers including those who may be trade-affected.
3. **Summary and Background.**
 - a. Summary – WIOA emphasizes integrating services to better serve workforce customers. The TAA Final Rule furthers this effort by providing staffing flexibilities and requiring the co-enrollment of trade-affected workers with the WIOA DW program. Such co-enrollment advances a One Workforce System approach that integrates multiple programs to holistically meet the needs of workers and businesses at any point in the economic cycle. The TAA Program, which includes the TAA for Workers and the Reemployment TAA (RTAA) programs, provides assistance to workers who have been

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adversely affected by foreign trade.¹ The TAA Program's mission is to get trade-affected workers back to suitable employment as quickly as possible and at a reasonable cost.

- b. Background – The Employment and Training Administration (ETA) published a Final Rule implementing the Trade Adjustment Assistance Reauthorization Act of 2015 on August 21, 2020, (85 FR 51896). The TAA Final Rule is codified at 20 CFR Part 618 and became effective on September 21, 2020. Section 618.325 mandates co-enrollment between the TAA Program and WIOA DW program and strongly encourages co-enrollment in other programs to ensure coordinated services for trade-affected workers.

Similar to the TAA Program, the WIOA DW program is designed to help dislocated workers overcome barriers to employment and return to work as quickly as possible. When individuals become dislocated workers due to job loss, mass layoffs, global trade dynamics, or transitions in economic sectors, the WIOA DW program provides services to assist them in re-entering the workforce. Services for dislocated workers include career, training, and supportive services to help them re-enter the workforce and are provided through the American Job Center (AJC) network.

Identifying barriers to reemployment and providing services to assist with getting trade-affected workers back to work is critical. Subpart C of the TAA Final Rule describes the employment and case management services that states must make available to trade-affected workers, either directly through the TAA Program or through arrangements with partner programs. To ensure states have the flexibility to make these services available, 20 CFR 618.890 removed the requirement that states must utilize state merit staff to provide TAA-funded employment and case management services.

WIOA serves as a key driver in the transformation of how workforce development programs working together can provide the best possible integrated service delivery. As states and local areas undergo the various stages to re-open their economies and deliver workforce services that will fuel recovery and effectively address acute unemployment challenges, the public workforce system has an opportunity to further advance the vision of a *One Workforce System* – an aligned, flexible, and simplified state and local-driven system of workforce development programs that bring all partners together with a shared goal of enhancing service delivery for American workers and jobseekers.

ETA issued guidance on March 20, 2020, to inform the state and local workforce development system of the policies and priorities that govern the award and use of National Dislocated Worker Grant (DWG) funds, pursuant to WIOA, Title I, Section 170 (see Training and Employment Guidance Letter (TEGL) No. 12-19).² DWGs are time-limited funding assistance in response to major economic dislocations or other events that cause significant impact on states and local areas that exceed the capacity of existing

¹ Also includes the Alternative TAA (ATAA) program, when in effect.

² wdr.doleta.gov/directives/corr_doc.cfm?DOCN=9054

formula funds and other relevant resources to address. ETA considers DWGs to be supplemental resources that provide flexibility to states and communities in responding to and recovering from unexpected events that cause large-scale job loss that exceed the capacity of the state or local area to address with WIOA DW program resources. TEGL No. 12-19 encourages DWG co-enrollment with the TAA Program and no longer requires a separate DWG application to cover trade-affected workers. Instead, trade-affected workers may be served under Employment Recovery DWGs as applicable.

ETA strongly encourages co-enrollment with appropriate programs for eligible individuals, including those who are trade-affected. Employment Recovery DWGs may provide DWG participants who are trade-affected with allowable services not otherwise provided by the TAA Program. Generally, the TAA Program provides employment and case management services, training, income support, and job search and relocation allowances for eligible adversely affected workers and employment and case management services and training for eligible adversely affected incumbent workers.

4. **Co-enrollment Requirements in the TAA Final Rule.** Co-enrollment of trade-affected workers in the WIOA DW program is a proven successful service delivery model yielding better outcome result for participants.³ Section 618.325 of the TAA Final Rule requires co-enrollment between the TAA Program and WIOA DW program if a trade-affected worker is eligible for the WIOA DW program. Additionally, section 121 of WIOA designates the TAA Program as a required one-stop partner and 20 CFR 618.305 directs states to ensure the TAA Program complies with WIOA's one-stop partnership requirements, which include, among other requirements, paying infrastructure costs where the TAA Program is being carried out. Cross-training of case managers and other staff is important for successful integration and to ensure knowledge and understanding of all partner program requirements. Also of note are requirements in 20 CFR 618.860(i) for states to dedicate an appropriate portion of administrative and employment and case management funding under TAA for management information systems development, upgrades, and ongoing maintenance. The Department encourages states to consider adopting integrated case management systems. TAA funds can be used to pay for a proportional share of integrated systems.

In addition to the required co-enrollment with the WIOA DW program, based on the needs of the trade-affected worker, co-enrollment can be further enhanced and expanded to include a broad range of services available through other workforce programs in order to produce successful outcomes. 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. Partnerships can be facilitated at the state and local board level, as their leadership is critical to the success of co-enrollment.

To improve program coordination and co-enrollment, ETA has issued several resources on the TAA website including two fact sheets discussing perceived barriers titled Perceived

³ www.doleta.gov/tradeact/taa-data/participant-reporting/docs/Co-Enrollment_FAQ-1.pdf

Barriers of Cost & Performance and Perceived Barriers of Differing Eligibility & Benefit Service Provision that include examples of barriers that may arise and their potential solutions. They are located at www.dol.gov/agencies/eta/tradeact/practitioners/benefits.

- a. **One Workforce System:** The One Workforce System embraces a culture of a united workforce, so that any customer that walks into any AJC can be served by any staff. This allows all the resources and tools associated with all those programs to be instantly responsive to dislocated workers and dislocation surges. With the staffing flexibilities provided in 20 CFR 618.690, ETA envisions states posting jobs (or soliciting contracts) for staff to be cross trained in ES, WIOA, and the TAA programs. States and local workforce development boards may issue contracts for combined services. Each local area is encouraged to have cross-trained staff providing TAA, ES, and/or WIOA employment and case management services. There is no longer a need for there to be local staff providing WIOA, state staff providing ES, and separate state staff providing TAA.

This model gives states maximum flexibility to plan for changes in workload and shift as workload changes. For example, if a state or local area suffers a major dislocation, they have the utmost ability to react and address worker needs and 100 cross-trained staff are far more nimble and effective than 33 TAA staff, 33 ES staff, and 34 WIOA staff.

- b. **Early Intervention:** The timely provision of career services to trade-affected workers is an important step toward improving the employment outcomes for such workers. While the TAA Program has specific criteria that must be met if trade-affected workers are to take full advantage of the benefits and services of the program, these criteria do not prevent provision of immediate assistance from the WIOA DW or other programs to individuals, or *potential* trade-affected workers, who are members of a group of workers who are the subject of a petition filed for TAA, but are pending a petition determination. One of the features of an integrated system is a comprehensive approach to addressing the needs of trade-affected or potential trade-affected workers immediately from when they receive notice of a layoff through successful reemployment. By leveraging the programs discussed below, trade-affected and potential trade-affected workers can receive the services they need upon notice of a layoff, before or at the point a TAA petition is filed for the group of workers, and while a petition is under investigation:

Required Partnerships

WIOA Rapid Response — provides early intervention services, where applicable. Early intervention services that will be beneficial to trade-affected and potential trade-affected workers may include orientation; information on unemployment benefits; assistance in filing a petition for TAA or information about TAA benefits and services; worker surveys; initial assessment of skill levels, aptitudes, and abilities; the provision of labor market information; job search assistance; soft-skills instruction; and financial management workshops, among others. See the WIOA Final Rule at 20 CFR Part 682,

Subpart C of the TAA Final Rule, and TEGL No. 19-16, Section 18 for more information on Rapid Response.⁴

WIOA DW Program — provides employment and training services to eligible workers who have lost, or are close to losing, their job, regardless of whether that job loss is related to trade. The TAA Final Rule at 20 CFR 618.325(a)(1) requires states to co-enroll trade-affected workers with the WIOA DW program, if the worker is eligible.⁵ WIOA requires partnerships between programs, specifically that TAA Program benefits and services be available in the AJCs alongside WIOA DW services and other WIOA partner programs. ETA recommends states determine if a potential trade-affected worker is eligible for the WIOA DW program immediately following the announcement of a layoff to begin the provision of WIOA services as soon as possible. This is particularly critical due to the time lapse that could occur while awaiting TAA petition determinations.

Immediately beginning the process of intake and initial assessment improves participation rates and allows both trade-affected and potential trade-affected workers more time to consider all of the options available to them.⁶ By enrolling potential trade-affected workers in WIOA DW prior to a TAA petition being certified, states can ensure they meet the co-enrollment requirement in 20 CFR 618.325(a)(1). If a TAA petition results in a negative determination, or denial, the individual previously thought to be a potential trade-affected worker would not be eligible for the TAA Program but would continue on as a dislocated worker in the WIOA DW program.

Table 1: Timing of Services for WIOA Rapid Response (RR) and DW

WIOA RR and DW services to trade-affected workers can be provided:	WIOA RR and DW services to <i>potential</i> trade-affected workers can be provided:
• prior to the time of layoff	• prior to the time of layoff
• at the same time the worker is participating in the TAA Program	• after a TAA petition is filed and before a determination is rendered

Additional Opportunities to Align Workforce Programs

ES program — provides universal access to all job seekers, and serves as a key entry point into the AJC network. In many situations, unemployed job seekers receive ES services and, as appropriate, are referred to other WIOA partner programs based on their

⁴ wdr.doleta.gov/directives/corr_doc.cfm?docn=3851

⁵ A trade-affected worker has the option of declining co-enrollment with the WIOA DW program. However, states cannot deny such workers benefits or services under the TAA Program solely because such worker declined to be co-enrolled.

⁶ www.doleta.gov/tradeact/taa-data/participant-reporting/docs/Co-Enrollment_FAQ-2.pdf

service needs. By partnering with the ES program, both the WIOA DW and TAA programs can provide enhanced services to trade-affected workers. For more information on the ES program, please visit www.dol.gov/agencies/eta/american-job-centers/wagner-peyser.

Employment Recovery DWG Projects — authorized under section 170 of WIOA, expand WIOA DW funding to states and other eligible applicants to respond to large, unexpected layoff events causing significant job losses. DWGs can provide much needed assistance to trade-affected and potential trade-affected workers when WIOA funds are not sufficient to meet the needs of local areas when large or unexpected layoffs occur.

DWG project funds are available to assist trade-affected and potential trade-affected workers so that the duration of unemployment is minimized and workers receive the skills training needed for available jobs. If co-enrolled with a DWG, trade-affected workers can be served using a combination of TAA Program and DWG funds, but potential trade-affected workers can only be served using DWG and WIOA DW funds, as they are not yet eligible for the TAA Program.

TAA Program, WIOA DW, and DWG co-enrollment may provide trade-affected workers with career and supportive services that are not available through the TAA Program. And DWG co-enrollment can be used to provide potential trade-affected workers with career, training, and supportive services when state WIOA DW funds are not sufficient to provide such services. Eligible trade-affected workers may receive DWG-funded training only if the available training is not covered by the TAA Program, as is covered in more detail in 4.b. *Coordination of Funding Sources*, below. DWG and TAA funds must be managed in a coordinated manner to best meet the needs of the trade-affected workers while abiding by all applicable statutes, regulations, and federal policies. The DWG project guidance, TEGL No. 12-19, provides more details on the circumstances for provision of training.⁷

Table 2: Available Services through Employment Recovery DWG Projects

Services to trade-affected workers can include:	Services to <i>potential</i> trade-affected workers can include:
• only career and supportive services that are not available through the TAA Program	• career and supportive services
• training only when not covered by the TAA Program	• training

- c. **Transition to TAA Program Funding:** As trade-affected workers begin to formulate reemployment plans and require additional services, state and local staff responsible for Rapid Response, AJC, and other partner programs should continue to coordinate program resources to address the needs of such workers while maximizing the limited resources

⁷ wdr.doleta.gov/directives/corr_doc.cfm?DOCN=9054

available within the system. The TAA Final Rule's staffing flexibility at 20 CFR 618.890 may make this coordination easier, as now there may be local staff teams funded with WIOA DW and TAA who can serve both programs' participants.

Coordination of Funding Sources — ETA expects states to set policies and manage processes to coordinate all relevant employment and training programs' services to all workers, including trade-affected and potential trade-affected workers, through the AJC network, including the WIOA DW, DWG, and TAA programs, in order to best meet the needs of the workers. States and local areas can braid funding to facilitate different programs providing services to the same individual and some states and local areas have already done this. States and local areas need to be aware of relevant statutes and regulations when braiding funding as the funds, although they are used together, are still subject to all of the requirements and restrictions of the original funding source.

The Trade Act, as amended, allows states to pay for a training program approved under the Act with TAA funds or from other sources, but does not allow duplication of payment of training costs. (See 20 CFR 618.625.) Under certain circumstances, a state can use funding from more than one program to fund training; however, TAA funds can only reimburse training costs incurred after a trade-affected worker was certified and determined individually eligible for TAA, and that training must be TAA-approved. Additionally, 20 CFR 618.625(c) requires that the TAA Program be the primary source of assistance to trade-affected workers. To the extent trade-affected workers enrolled in the TAA Program require assistance or services not authorized under the TAA Program, or for which TAA Program funds are unavailable or insufficient (including for required employment and case management services), states must provide such assistance through other federal programs, including the programs in the AJC network.

- d. **Intake, Initial and Comprehensive Assessments, and IEPs:** Subpart C of the TAA Final Rule codifies provisions for intake (20 CFR 618.310(b)(1)); initial assessments (20 CFR 618.335); comprehensive and specialized assessments (20 CFR 618.345); and Individual Employment Plans (IEPs) (20 CFR 618.350). Sec. 235 of the Trade Act, as amended, also requires states to provide, if appropriate, specific employment and case management services to trade-affected workers. Therefore, states must determine a worker's skills, employment barriers and service needs through assessments and identify appropriate employment goals.

States must provide all trade-affected workers an initial assessment after determining they are individually eligible for the TAA Program as part of the intake process. Intake includes these assessments but also the collection of demographic information for reporting purposes. The TAA Final Rule, at 20 CFR 618.350, requires case managers to use the results of a worker's initial assessment as part of developing an IEP. Using the initial assessment to create the IEP requires the state to review the worker's skills, aptitudes, abilities, and supportive service needs. Through the IEP, the state will document a strategy to provide the worker with the services needed to obtain employment and calibrate the worker's skills to available employment and workforce reentry. States must inform trade-affected workers of the availability of an IEP to

identify employment goals and objectives, and appropriate training and services needed to achieve those goals and objectives.

The initial assessment must include an evaluation of a trade-affected worker's skill levels (including literacy, numeracy, and English language proficiency), aptitudes, abilities (including skills gaps), and supportive service needs. States must make trade-affected workers aware of, such as by explaining, the advantages of receiving an initial assessment to trade-affected workers and also confirm that a worker may refuse an assessment, such as in cases where the worker already has an offer for a suitable job. The initial assessment must be scheduled timely in order to give trade-affected workers enough time and information to consider, request, and enroll in training or obtain a waiver of the training requirement for Trade Readjustment Allowances (TRA) before expiration of the 26-week deadlines for enrollment in training.

States must make available a comprehensive and specialized assessment to all trade-affected workers. It must take into account the trade-affected worker's goals and interests as they relate to employment opportunities and it must expand upon the initial assessment regarding the trade-affected worker's interests, skills, aptitudes, and abilities. This may include the use of diagnostic testing tools and instruments and in-depth interviewing and evaluation to identify barriers to employment and appropriate employment goals. Assessments are created in cooperation with the trade-affected worker and are an interactive process that requires more than a review of information available about the trade-affected worker, their education, and previous employment.

Non-duplication of Assessments — was ensured by aligning the TAA Final Rule with WIOA as closely as possible. The use of WIOA and other partner programs' assessments can increase efficiency, ensure that workers quickly receive appropriate reemployment services, and quickly identify those workers requiring a more comprehensive and specialized assessment of their skills. If an initial assessment completed in another program does not include the information required for the TAA Program, the state must supplement the initial assessment in conjunction with the worker.

Assessment Resources — See Attachment I for resources on assessments.

- e. **Co-enrollment and Reporting:** Co-enrollment between the TAA Program and the WIOA DW program drives the opportunity for collaborative partnership of funds, human resources, and system development to maximize the utility of benefits for participants that should be the hallmark of federally-funded programs. For more information on co-enrollment and reporting, please see TEGl No. 14-18⁸ and the TAA and WIOA DW FAQ, located on the TAA website.⁹

⁸ wdr.doleta.gov/directives/corr_doc.cfm?docn=7611

⁹ www.doleta.gov/tradeact/taa-data/participant-reporting/docs/Co-Enrollment_FAQ-3.pdf

5. **Inquiries.** Please direct inquiries to the appropriate Regional Office.

6. **References.**

- Workforce Innovation and Opportunity Act (WIOA) (Pub. L. 113-128) (July 22, 2014);
- Chapter 2 of Title II of the Trade Act of 1974, as amended (Pub. L. 93-618) (Trade Act) (codified at 19 U.S.C. §§ 2271 et seq.);
- WIOA Final Rule, 20 CFR Parts 680 and 687, 81 FR 56071 (August 19, 2016);
- TAA Final Rule, 20 CFR Part 618, 85 FR 51896 (August 21, 2020);
- TEGL No. 19-16, *Guidance on Services provided through the Adult and Dislocated Worker Programs under the Workforce Innovation and Opportunity Act (WIOA) and the Wagner-Peyser Act Employment Service (ES), as amended by title III of WIOA, and for Implementation of the WIOA Final Rules* (March 1, 2017);
- TEGL No. 12-19, *National Dislocated Worker Grant Program Guidance* (March 18, 2020);
- TEGL No. 14-18, *Aligning Performance Accountability Reporting, Definitions, and Policies Across Workforce Employment and Training Programs Administered by the U.S. Department of Labor (DOL)* (March 25, 2019); and
- Training and Employment Notice (TEN) No. 21-07 *Effective Use of Assessment in the Public Workforce Investment System and Transmittal of Testing and Assessment: A Guide to Good Practices for Workforce Investment Professionals* (December 13, 2007).

7. **Attachments.** Attachment I – Assessment Resources