

MASSACHUSETTS

# Workforce Investment Act

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**WIA Communication No. 05-84**

☒ **Policy**   ☐ **Information**

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**To:** Chief Elected Officials  
Workforce Investment Board Chairs  
Workforce Investment Board Directors  
Title I Administrators  
Career Center Directors  
Title I Fiscal Officers  
DCS Regional Directors for Workforce Integration  
DCS Associate Directors  
DCS Field Managers

**From:** Susan V. Lawler, Director  
Division of Career Services

**Date:** November 22, 2005

**Subject:** Trade Programs Breaks in Training

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**Purpose:** To provide guidance to Workforce Investment Boards, One-Stop Career Center Operators and local workforce investment partners regarding TRA eligibility requirements for Trade eligible customers attending approved training when a break in the training occurs. This communication replaces WIA Communication.00-04 Trade Programs Breaks in Training (issued: October 21, 1999).

**Background:** 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. 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”**

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

Generally, the regulations covering a customer’s eligibility to continue to receive TRA payments (either basic or additional) 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).

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.”

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

“(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 not longer than 14 days, and the following conditions are met:

- (i) The individual was participating in the training approved under §617.22(a) immediately before the beginning of the break; and
- (ii) 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
- (iii) 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.

(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 weeks of 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.

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 investment staff must apply the revised time frame of “30 days” as specified in Special Rule §116(b) of the Trade Reform Act of 2002 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 communication as an Attachment.

**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 investment 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 for any Trade customer determined eligible under a Trade Certification Petition Number that begin with a “5”, or higher number.

All local workforce investment entities including One –Stop Career Center Operators must ensure that services provided to Trade eligible customers are in compliance with this policy specifically and with the Trade Adjustment Assistance Act, as Amended; the Trade Reform Act of 2002 and all related Regulations promulgated at 20 CFR Part 617, generally.

**Action**

**Required:** Please distribute copies of this policy communication to all appropriate staff in your organization, and take necessary action to ensure compliance with the policy in servicing the needs of Trade eligible customers.

**Effective:** Effective immediately.

**References:** Trade Act of 1974, as amended; Trade Reform Act of 2002; 20 CFR Part 617.

**Inquiries:** Questions related to this policy should be directed to [PolicyQA@detma.org](mailto:PolicyQA@detma.org). Please reference the correct WIA Communication issuance number with the inquiry.

**Filing:** Please file this in your notebook of previously issued WIA Communication Series Issuances as 05-84.