



TRADE ASSISTANCE ACT AND DISLOCATED WORKER CO-ENROLLMENT POLICY #: 3036 Rev 1

Date of Original Policy: 1/15/2021

Revision Date: 12/8/2021

PURPOSE

To promote the integration and coordination of services between Trade Adjustment Assistance (TAA) and Workforce Innovation and Opportunity Act (WIOA) Title I-B Dislocated Worker (DW). In addition, communicate the requirement to co-enroll TAA participants into the DW program if they are eligible, unless they decline.

BACKGROUND

WIOA emphasizes integrating services to better serve workforce customers. The U.S. Department of Labor (DOL) published the TAA Program Reversion Provisions of the Trade Adjustment Assistance Reauthorization Act of 2015 (TAARA 2015) that apply to program benefits applicable to workers covered by petitions filed on or after July 1, 2021.

The U.S. Department of Labor (DOL) published the updated and consolidated TAA Final Rule on August 21, 2020. 20 CFR 618.325 requires co-enrollment of all TAA participants into the WIOA Title I-B Dislocated Worker (DW) program, subject to eligibility, unless they decline. Such co-enrollment advances a One Workforce System approach that integrates multiple programs to holistically meet the needs of workers and businesses.

Though there is no equivalent WIOA Final Rule or WIOA-operating guidance, DOL commented on page 51913 of the TAA Final Rule that States, under their Governor-Secretary Agreements, are required to implement the Final Rule. The Agreements bind state governments to the terms and conditions of the Agreement and implementation of the TAA program, including the co-enrollment requirement, and the ability to enforce the co-enrollment requirement at the state and local levels.

POLICY

For the Southwest area, TAA participants must be co-enrolled in the WIOA Title I-B DW program if they are determined eligible, unless the participant declines. For TAA participants being served under the TAARA of 2015, co-enrollment would include Adversely Affected Incumbent Workers (AAIW) (see definition below). However, AAIW do not qualify under TAA Reversion 2021.

This integrated approach makes available to the participant additional resources that will help eliminate barriers to employment. If appropriate, enrollment into other system programs or partners should also be considered.

It is recommended that TAA participants, during the intake process are co-enrolled at that time prior to the TAA petition being certified. If the TAA petition results in negative determination, or denial, the individual can still receive services through WIOA DW or another enrolled program. If co-enrolled, coordination of services must be documented

in ETO case notes to ensure duplicate service delivery does not occur. Case notes must also document the funding source paying for training or supportive services provided, if co-enrolled.

The referral process by which WorkSource staff must follow, will be written by WorkSource Leadership in consultation with the LWDB staff. The process at a minimum must include: 1) type of referral that is acceptable (this will define “referral”, i.e. email, phone call, text, in person meeting, etc.), 2) process by which follow up with participant will occur, 3) naming the responsible party at each step of the process, 4) declaring appropriate documentation for each step; 5) OSO will provide quarterly reporting to LWDB on evaluation of process and co-enrollment outcomes. The WorkSource process must be in place no later than 30 days after the effective date of this policy.

Provider staff (TAA and Title I) must review and follow [TEGL 4-20](#) and [TEGL 24-20](#).

PROCEDURES

WorkSource staff must do the following:

- A. TAA Case Managers and WIOA DW Talent Development Specialists (TDS) will become familiar with eligibility requirements for both programs.
- B. Referrals will be submitted by TAA to DW within 10 working days of the enrollment into TAA. If the trade-affected worker declines the referral or the enrollment into multiple programs, a case note must be added noting referral was attempted and declined or not eligible.
- C. Once referral is made, the DW TDS must follow up and determine eligibility and enroll within 10 working days of the referral. Again, documenting in case notes the attempts, determination, and enrollment. If trade-affected worker declines enrollment and/or services with Dislocated Worker, the DW TDS must notify TAA case manager of declination and document in case notes. In addition, making sure TAA case manager is aware of co-enrollment and begin to coordinate service delivery.
- D. TAA case manager as part of the enrollment process, documents the initial, comprehensive, and specialized assessments in ETO. DW may use these same assessments for DW enrollment if done within the timeframe specified above.

DEFINITIONS:

Adversely Affected Incumbent Workers (AAIW) –

A worker who:

- 1) Is a member of a worker group certified as eligible to apply for the TAA program under subpart B of the TAA Final Rule; and
- 2) Has not been totally or partially separated from adversely affected employment; and
- 3) DOL determines, on an individual basis, is threatened with total or partial separation.

REFERENCES/RESOURCES:

- [20 CFR 618.325](#), Integrated service strategies and Workforce Innovation and Opportunity Act co-enrollment, Trade Adjustment Assistance Final Rule, Federal Register, Volume 85, No. 163, August 21, 2020, page 51987.

- [Training and Employment Guidance Letter \(TEGL\) 04-20](#), Guidance on Integrating Services for Trade-Affected Workers under the TAA Program with the WIOA Title I DW Program, October 29, 2020
- [5617](#) TAA & DW Co-enrollment, Employment Security Department Policy
- [Training and Employment Guidance Letter \(TEGL\) 24-20](#), Operating Instructions for Implementing the Reversion Provisions of the Amendments to the Trade Act of 1974 Enacted by the Trade Adjustment Assistance Reauthorization Act of 2015.

SUPERSEDES:

- 3036 Trade Act and Dislocated Worker Coenrollment effective January 15, 2021

WEBSITE:

<http://workforcesw.org/providers#OperationsPolicies>

INQUIRIES:

Please contact Amy Gimlin agimlin@workforcesw.org (360) 567-1059 for questions.