



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

Date of Original Policy: 1/15/2021

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### 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 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, trade-affected workers, including Adversely Affected Incumbent Workers (see definition below), must be co-enrolled into the WIOA DW unless the participant declines. 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 trade-affected workers, during the common intake process is 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.

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

## PROCEDURES

Case Managers must do the following:

- A. TAA Case Managers and WIOA DW Case Managers 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. DW case manager 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. 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

## WEBSITE:

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

## INQUIRIES:

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