

**Texas Workforce Commission**

**Trade Adjustment Assistance Guide**

**April 2016**

## Table of Contents

A-100: Trade Adjustment Assistance Program .....	6
A-101: Trade Adjustment Assistance Program Benefits .....	7
A-102: Trade Service Strategy.....	7
A-103: General Board Responsibilities .....	8
A-104: Reporting .....	8
A-104.a: Reporting Characteristics for Trade-Affected Workers.....	8
A-104.b: Reporting Tenure.....	8
A-104.c: Reporting Remedial and/or Prerequisite Training Included in Trade Adjustment Assistance–Approved Training.....	9
A-104.d: Reporting Integrated Remedial Training.....	9
A-104.e: Reporting Part-Time Training .....	9
A-104.f: Reporting Distance Learning .....	10
A-104.g: Reporting TWIST Fund Codes.....	10
A-105: Merit Staffing Requirements .....	10
Part B-100: Trade Petitions.....	12
B-101: Trade Petition Process .....	12
Part B-200: Rapid Response Services.....	14
B-201: Rapid Response Services .....	14
B-201.a: Rapid Response Coordinator’s Role .....	14
B-201.b: Triggers for Rapid Response .....	15
B-201.c: Rapid Response Workshops and Seminars.....	15
B-201.d: Rapid Response Trade Assistance Adjustment Employee Orientation .....	16
B-201.e: Rapid Response Registration .....	16
B-202: Petition Inquiry .....	16
B-203: Dislocated Worker Service Delivery .....	17
B-300: Workforce Innovation and Opportunity Act.....	18
B-301: Workforce Innovation and Opportunity Act Services .....	18
B-301.a: Basic Career Services.....	18
B-301.b: Individualized Career Services .....	19
B-301.c: Follow-up Services .....	20
B-302: Training Services .....	20
B-400: Trade Adjustment Assistance Enrollment .....	22
B-401: Application Date .....	22

B-402: Career Planning/Case Management.....	22
B-402.a: Intake Overview .....	23
B-402.b: Explanation of Services Form.....	24
B-402.C: Initial Assessment .....	24
B-403: Affected Workers from Other States .....	25
B-404: Waiver of the Training Requirement .....	25
B-404.a: Reasons for Training Waiver .....	26
B-404.b: Waiver Review .....	27
B-405: Limited English Proficiency .....	27
B-406: Suitable Employment.....	28
B-407: Labor Market Information .....	29
B-407.a: TRACER.....	29
B-407.b: SOCRATES .....	29
B-408: Moving to Basic Individualized Services .....	30
C-100: Eligibility Determination .....	31
C-101: Certified Petition.....	31
C-102: TWIST Petition Information.....	31
C-200: Reemployment Services .....	32
C-201: Coenrollment .....	32
C-202: Reemployment and Training Plan .....	33
C-203: Comprehensive Assessment .....	33
C-300: Training.....	35
C-301: Training Criteria .....	35
C-302: Adversely Affected Incumbent Workers .....	37
C-303: Reasonable Cost of Training Standard .....	37
C-304: Statewide Commuting Area.....	38
C-305: Transportation and Subsistence Costs for Training.....	38
C-306: Support Services .....	39
C-307: Appropriate for Training?.....	40
C-400: Types of Training.....	41
C-401: Remedial Training .....	41
C-402: Prerequisite Education .....	42
C-403: Distance Learning .....	42
C-404: Direct Assessment Training.....	42

C-405: Short-term Prevocational Skills Training .....	43
C-406: Vocational or Occupational Skills Training .....	43
C-407: Dual-Language Training.....	43
C-408: On-the-Job Training.....	43
C-409: Customized Training.....	43
C-500 Tracking Participant Progress .....	45
C-501: Follow-up Services During and After Training.....	45
C-502: Participation .....	45
C-503: Full-Time and Part-Time Student Status .....	46
C-504: Benchmarking.....	47
C-505: Establishment of Benchmarks .....	47
C-505.a: Benchmark Review .....	48
C-505.b: Benchmark Documentation in TWIST .....	48
C-506: Training Amendment.....	49
C-507: Support Services .....	49
C-508: Job Development .....	49
C-509: Job Readiness.....	50
C-510: Performance Information.....	50
D-100: Job Search and Relocation Allowances.....	51
D-101: Job Search Allowances .....	51
D-102: Relocation Allowances .....	52
D-102.a: Relocation Allowances—Eligibility Criteria.....	52
D-103: Trade Readjustment Allowances .....	52
D-104: Reemployment Trade Adjustment Assistance.....	53
D-105: Health Coverage Tax Credit.....	53
D-106: Appeals and Complaints.....	53
E-100: Trade Adjustment Assistance for Farmers.....	55
E-101: Trade Adjustment Assistance for Farmers—Eligibility.....	55
Terms and Definitions.....	56
List of Revisions and Rescissions.....	60

---

# Trade Adjustment Assistance Guide

---

## Overview of Guide

### Purpose

---

The purpose of this guide is to provide the following:

- Information about the Texas Workforce Commission's (TWC) Trade Adjustment Assistance (TAA) program and TAA policies and procedures
- Guidance and instruction for Workforce Development Boards (Boards) and their contractors on the provision of TAA workforce services process

### Objectives

---

The objectives of this guide are to assist users to:

- establish the standards and procedures for delivery of TAA services; and
- ensure consistency in the provision of TAA services.

### List of Revisions

---

The List of Revisions includes a comprehensive list of changes made to this guide, including the revision date, the section revised, and a brief explanation of the specific revision.

---

## Trade Adjustment Assistance Guide

### Part A – Introduction

---

#### A-100: Trade Adjustment Assistance Program

Trade Adjustment Assistance (TAA) is a federally funded program established by the Trade Act of 1974 (Trade Act) to assist workers adversely affected by foreign trade who have lost their jobs because of a decline in production, sales, or outsourcing of jobs to foreign countries. The Trade Act has been amended multiple times.

Differences in each of the amended versions of the Trade Act affect eligibility, benefits, services, and deadline dates. A trade-affected worker receives services and benefits based on the governing regulations in effect at the time the certified petition is filed:

<b>Legislation</b>	<b>Petition Numbers</b>	<b>Petition Filing Date</b>
Trade Act of 1974 and North American Free Trade Agreement–Transitional Adjustment Assistance	Below 50,000	On or before November 3, 2002
Trade Adjustment Assistance Reform Act of 2002	50,000 to 69,999	November 4, 2002, through May 18, 2009
Trade and Globalization Adjustment Assistance Act of 2009 (2009 Amendments)	70,000 to 79,999	May 19, 2009, through February 14, 2011
2009 Amendments Sunset Provisions (customer choice between 2002 and 2011 Acts)	80,000 to 80,999	February 15, 2011, through October 21, 2011
Trade Adjustment Assistance Extension Act of 2011 (TAAEA)	81,000 to 84,999	October 22, 2011, through December 31, 2013
The Trade Adjustment Assistance Reauthorization Act of 2015 (TAARA 2015)-TAAEA Sunset: Reversion 2014 (customers transitioned to TAARA 2015 on September 28, 2015)	85,000 and 89,999	January 1, 2014, through September 27, 2015
Trade Adjustment Assistance Reauthorization Act of 2015 (TAARA 2015)	90,000 and higher	On or after June 29, 2015

Trade-affected workers can be covered and apply for benefits and services under petitions certified by the provisions of the 1974, 2002, 2009, 2011, or 2015 Trade Acts. Some benefits and services have specific time-sensitive deadlines that must be met for eligibility.

The primary purpose of the TAA program is to move Trade-certified workers into suitable employment—new jobs that meet an 80 percent wage replacement goal—and to do so as quickly and effectively as possible. Changes to the federal Trade Act of 1974, as amended (Trade Act), require intervention strategies that offer the opportunity for rapid, suitable, and long-term employment for Trade-certified workers and align the length of training with the availability of unemployment insurance (UI) and Trade Readjustment Allowances (TRA) income support.

Full integration of employment and training services is accomplished by encouraging Trade-certified workers to access all appropriate services through Workforce Solutions Offices—including labor market information, training referrals, career planning, and follow-up services—to help them reenter the workforce.

The [TAA Side-by-Side](#) outlines the key differences.

---

### **A-101: Trade Adjustment Assistance Program Benefits**

Workforce Solutions Office staff may use the following to develop reemployment strategies for eligible Trade-certified workers:

- **Alternative Trade Adjustment Assistance/Reemployment Trade Adjustment Assistance**—A wage supplement program for older adversely affected workers who find employment paying less than their trade-affected employment.
- **Health Coverage Tax Credit**—Provides assistance with the payment of premiums for eligible health coverage programs.
- **Job Search Allowance**—Covers expenses incurred in seeking employment outside the normal commuting area.
- **Relocation Allowance**—Provides reimbursement to an individual for approved expenses when relocation is required.
- **Trade Readjustment Allowances**—Provide cash payments after UI benefits are exhausted while a claimant is in a Trade-approved, full-time training program, or on a waiver of the training requirement for basic TRA.
- **Training, including on-the-job training (OJT) and customized training**—For reemployment in another job or career when suitable employment is not available. If possible, such training must assist workers in achieving a wage of 80 percent of their previous wage.

---

### **A-102: Trade Service Strategy**

The strategic planning process for each Local Workforce Development Board (Board) must include the development of local policies for a trade service strategy that coordinates various service approaches to accomplish all of the following:

- Assist Trade-certified workers to obtain suitable employment as quickly as possible.
- Promote the use of Workforce Innovation and Opportunity Act (WIOA) career services to support rapid reattachment to the workforce, where an 80 percent wage replacement goal is achievable.

- Refer participants to prevocational and vocational training if suitable employment is not available to the participant.
- Develop OJT and customized training opportunities with employers offering jobs in occupations that meet the 80 percent wage replacement goal for Trade-certified participants, including opportunities for participants to supplement OJT with remedial education as necessary before and during OJT.
- Provide training that offers dual-language training programs as necessary to assist limited English proficiency (LEP) participants in achieving job readiness in a high-demand or targeted occupation with long-term employment opportunities.
- Assist in job retention and career advancement.

### **A-103: General Board Responsibilities**

---

Boards must amend and modify their strategic plans to incorporate and coordinate the design, policy development, and management of the integration of Trade-funded activities and other funded support services, as well as address plans for meeting the training needs of LEP participants. Boards must work with training providers to ensure that dual-language training is available and included on the Statewide List of Eligible Training Providers.

Boards also must make a strong effort to develop OJT opportunities with employers.

### **A-104: Reporting**

---

Boards must ensure that participants are fully informed of the options for training in high-demand or targeted occupations and that Workforce Solutions Office staff documents all of a participant's services in The Workforce Information System of Texas (TWIST), in the Reemployment and Training Plan (REP), and on a hard copy of the signed Explanation of Services form. Workforce Solutions Office staff retains such documentation in the participant's files. Documentation must be available in case of an appeal.

#### **A-104.a: Reporting Characteristics for Trade-Affected Workers**

---

Boards must ensure that Workforce Solutions Offices staff completes the following, under the TWIST *Intake Common Specialized Services* and *TAA Program Detail*, on the same day as the TWIST *Application Date* field:

- *Identity* tab
- *Characteristics* tab
- *Education* tab
- *Military* tab
- *Disability/Medical* tab

*Note:* The application date is the date an individual first requests TAA services.

#### **A-104.b: Reporting Tenure**

---

Boards must ensure that Workforce Solutions Office staff:

- calculates tenure based on the number of months a trade-affected worker was employed with the trade-affected employer; and
- enters the tenure into the TWIST *TAA Program Summary* tab.

#### **A-104.c: Reporting Remedial and/or Prerequisite Training Included in Trade Adjustment Assistance—Approved Training**

---

The U.S. Department of Labor (DOL) allows weekly support payments—Additional Trade Readjustment Allowances (Additional TRA)—to be paid to trade-affected workers who are eligible for benefits and are participating in full-time TAA-approved training that includes remedial and/or prerequisite training.

Boards must ensure that Workforce Solutions Office staff enters the total number of weeks of a trade-affected worker’s TAA-approved remedial and/or prerequisite training into the TWIST *TAA Program Detail Summary* tab so that state office staff can calculate Additional TRA amounts.

Boards must ensure the following:

- If the planned number of remedial and/or prerequisite weeks is amended on the TAA Reemployment and Training Plan (REP), the number is also changed in TWIST
- Case managers document in TWIST *Counselor Notes* the actual number of weeks and corresponding dates a trade-affected worker is enrolled in remedial and/or prerequisite training

Boards must ensure that Workforce Solutions Office staff uses TWIST service code *190–Prerequisite Training* if coursework is required by the training provider prior to a trade-affected worker’s acceptance into a training program, and that staff includes prerequisite training as part of the total training program hours and documents it on the TAA REP.

#### **A-104.d: Reporting Integrated Remedial Training**

---

Integrated remedial training is training in which the provider teaches both remediation courses and occupational vocational training concurrently. When a TAA-approved training program includes integrated remedial training, Boards must ensure that Workforce Solutions Office staff selects new sub-fund code *50–Integrated Remedial* in the *Occupational/Vocational* service fund code line in TWIST *Service Tracking*.

*Note:* Boards must be aware that more than one sub-fund code can be entered into TWIST; however, each sub-fund code requires its own fund code line.

#### **A-104.e: Reporting Part-Time Training**

---

Boards must be aware that DOL allows part-time TAA-approved training for participants certified under Trade petition numbers 70,000 and above.

*Note:* Boards must be aware that trade-affected workers are eligible for TRA only if they are enrolled in full-time TAA-approved training.

When a trade-affected worker is enrolled in part-time training, Boards must ensure that Workforce Solutions Office staff selects sub-fund code *49–Part-Time Training* in the *Occupational/Vocational Training* service fund code line in TWIST *Service Tracking*.

#### **A-104.f: Reporting Distance Learning**

---

Boards must ensure that, if the TAA-approved training is entirely distance learning training, i.e., online training, Workforce Solutions Office staff selects sub-fund code 48–*Distance Learning* in the *Occupational/Vocational* service fund code line in TWIST *Service Tracking*.

#### **A-104.g: Reporting TWIST Fund Codes**

---

Boards must ensure that Workforce Solutions Office staff uses TAA fund code 121–*Trade Adjustment Assistance* if TAA funds are used for any of the TAA-approved training.

Boards must ensure that Workforce Solutions Office staff uses TWIST fund code 136–*TAA/Other* if TAA-approved training is funded completely by other government or private sources (e.g., WIOA, Choices, Supplemental Nutrition Assistance Program, Pell Grants, Texas Department of Assistive and Rehabilitative Services, U.S. Department of Veterans Affairs, or scholarships).

Boards must be aware that the “planned cost of training” is an estimated cost of the entire training program. The estimated cost is used to determine the average cost of TAA-approved training programs; the average cost is used to determine the annual reasonable cost standard.

Boards must be aware that the estimated cost of training is not the annual obligated amount associated with contracted distribution of TAA funds to Boards.

Boards must ensure that Workforce Solutions Office staff does the following:

- enters the estimated cost into TWIST *Service Tracking* in the *Planned Training* field; and
- ensures the estimated cost entered into TWIST is the same amount recorded in the TAA REP.

#### **A-105: Merit Staffing Requirements**

---

Boards must ensure that only state merit staff provides the following TAA services:

- Approval of proposed TAA-supported training, including any amendments to the REP
- Approval, review, or revocation of a waiver of the training requirement

Boards must ensure that if the denial of a training request, waiver request, or revocation of an existing waiver of the training requirement could lead to loss of TAA benefits or services, a recommendation for denial is forwarded to TWC TAA Technical Assistance to issue such actions as formal, appealable decisions. Boards must be aware that revocation of a waiver for the purposes of beginning training does not meet these criteria, and can be issued by Workforce Solutions Office state merit staff.

Boards must ensure that when state merit staff approves TAA-supported training, or approve, review, or revoke a waiver of the training requirement, the state merit staff enters corresponding entries into TWIST, as follows:

- REP and REP amendment approval: Enter TWIST service code *68–Employability Development Plan* using TAA fund code *121–Trade Adjustment Assistance Act*
- Waivers of the training requirement: Under the *TAA Program Detail Waiver* tab, enter Start Date, End Date, Approving State, Waiver Status, Effective Date, and Reason
- Document services for all corresponding entries in *TWIST Counselor Notes*, including all of the following:
  - *Training Plan Approval and Amendment*: training occupation, training institution, degree or credential, dates of planned participation, and total costs
  - *Waiver Issuance*: support for qualifying criteria as stipulated in WD Letter 22-15, entitled “Waiver of the Training Requirements under the Trade Adjustment Assistance Act—*Update*”
  - *Waiver Review*: whether waiver criteria continue to apply, and if not, the remedial actions taken

Boards may designate TAA-funded state merit staff and other state merit staff, including those primarily funded by Wagner-Peyser, to provide TAA services.

Boards must ensure that non–TAA-funded state merit staff providing TAA services reports that time in CHAPS, TWC’s time tracking system, using funding code *016889913040–TAA career planning*.

Boards must be aware that forwarding a REP to TWC’s TAA Technical Assistance and receiving a reasonable cost of training standard determination does not constitute REP approval. Boards must ensure that approval is performed by state merit staff at the Board or Workforce Solutions Office level.

*Note:* U.S. Department of Labor Training and Employment Guidance Letter 15-12, issued March 7, 2013, and entitled “Delivery of Benefits and Services to Trade Adjustment Assistance (TAA) Program Recipients through the American Job Center Network Delivery System” clarifies the merit-staffing requirements reflected in 20 Code of Federal Regulations §618.890. The guidance states that only state merit staff can approve or deny TAA benefits or services.

---

## Trade Adjustment Assistance Guide

### Part B – Pre–Trade Certification

---

#### Part B-100: Trade Petitions

Potential trade-affected workers and companies may submit petition applications for benefits and services under Trade Adjustment Assistance (TAA). The U.S. Department of Labor (DOL) Office of Trade Adjustment Assistance (OTAA) conducts investigations and makes determinations based on federal TAA guidelines.

##### **B-101: Trade Petition Process**

---

Local Workforce Development Boards (Boards) must be aware of the following:

The first step in the Trade Adjustment Assistance (TAA) petition process is to determine whether to file a petition. The following questions are designed to help in making the decision:

- Did the company shift production or services to a foreign country?
- Did foreign imports or supply of services cause a decline in sales or production for the company?
- Was the company a downstream producer or service supplier of a Trade-certified company?
- Was the company identified by the International Trade Commission (ITC) as having “injury” or “market disturbance” in the *Federal Register*?

A petition must be filed with the U.S. Department of Labor (DOL), Office of Trade Adjustment Assistance (OTAA). If the petition is certified, trade-affected workers will be eligible to individually apply for TAA. Petition form and filing instructions are available on [DOL’s website](https://www.etareports.doleta.gov/petition/index.cfm?reset=true). <https://www.etareports.doleta.gov/petition/index.cfm?reset=true>

A petition may be filed by any of the following:

- Group of at least three coworkers from the same firm at the same job location
- Union official
- Company official
- State or local agency representative at the Workforce Solutions Offices

Petitioners must complete the petition form by answering all questions before submitting it to DOL. A completed petition describes a group of workers working at a specific location for a specific company producing a specific product or group of products. If the group of workers described in the petition is certified, the certification will cover all workers in the group whether or not their names were on the petition.

TAA petitions can be filed at any time after worker separations or a threat of separations begins, but must be filed within one year of the earliest date on which workers lost jobs with the employer or had hours/wages reduced.

Petitions filed by a group of adversely affected workers must be signed by at least three coworkers. Petitions filed by any other authorized representative require only one signature. Once signed, petitions must be filed with the [OTAA online](#) and with the state TAA coordinator.

Eligible worker groups include those producing articles or supplying services considered adversely affected based on any of the following:

- Increase in imports of articles or services
- Shift in production or services to a foreign country
- Increased imports of finished articles for which the worker's firm creates component parts or supplies services
- Companies that are downstream producers or service suppliers to a TAA-certified firm or worker group
- Firms specifically identified by the International Trade Commission as having "injury" or "market disruption" in the determination

## **Part B-200: Rapid Response Services**

### **B-201: Rapid Response Services**

---

Local Workforce Development Boards (Boards) must ensure that Rapid Response services are provided.

For employers facing major layoffs, Rapid Response is an on-site, early intervention program that provides transition and reemployment services to affected workers. The goal of Rapid Response services is to help affected workers find new employment before they become eligible to receive unemployment insurance (UI) benefits. The best employment transition is one that results in unemployment lasting no more than a few days.

Rapid Response is administered at the state level but operated at the Board level. Each Board has a Rapid Response Coordinator who can provide more information about Rapid Response services.

Boards must make Rapid Response services available to employers in the following circumstances:

- Mass layoffs and plant closings involving 50 or more workers
- If a Trade Adjustment Assistance (TAA) petition has been filed

In the event that a layoff involves fewer than 50 employees, Boards may offer Rapid Response services at their discretion.

Rapid Response services include the following:

- Job search assistance
- Labor market information
- Group stress management seminars
- Group financial management seminars
- Information about mass filing of UI claims
- Group orientation to Workforce Solutions Office services
- Seminars on change management

For larger numbers of affected workers, on-site services may be made available. If the number of affected workers is small, employers can direct workers to a Workforce Solutions Office where they can receive Rapid Response services.

#### **B-201.a: Rapid Response Coordinator's Role**

---

Boards must ensure that within 48 hours of receiving notification of an imminent layoff, and before the layoff has occurred, the local Rapid Response Coordinator initiates and schedules Rapid Response services by contacting the employer. The Rapid Response Coordinator schedules an on-site management meeting that includes representatives of the employer and the workers. If a union represents the workers, a union representative must also be included in the meeting.

Boards must ensure that, as part of the on-site management meeting, staff collects the following information:

- Timeline for layoff
- Number of employees affected
- Types of positions affected
- Work shifts involved
- Space for on-site seminars and workshops
- Company severance package
- Security provisions
- Contracted services
- Information that assists in determining if filing a TAA petition is appropriate

Boards also must ensure that, as part of the on-site management meeting, staff shares the following information:

- Overview of all Workforce Solutions Office services
- TAA petition process
- TAA program benefits for eligible employees
- Rapid Response team access to employer facilities
- Employee orientation opportunities, scheduled around shifts
- Available crisis counseling for employees
- Contact information for the Rapid Response Coordinator

Boards must be aware that early intervention is key in coordinating services with management and the workers subject to layoff.

Boards must ensure the following:

- If the layoff has already occurred, the Rapid Response Coordinator requests a mailing list of affected workers from the employer in order to conduct outreach.
- The Rapid Response Coordinator completes a Layoff Notification and notifies Layoff Notification Central at [layoff.notificationcentral@twc.state.tx.us](mailto:layoff.notificationcentral@twc.state.tx.us).

---

### **B-201.b: Triggers for Rapid Response**

Boards must ensure that Rapid Response services are initiated when any of the following are received:

- Filed TAA petition
- Worker Adjustment and Retraining Notification (WARN) notice
- Public announcement of a layoff or closure

---

### **B-201.c: Rapid Response Workshops and Seminars**

Boards must ensure that Rapid Response services at the worksite include workshops and seminars for employees on the following topics:

- Financial management and budgeting, including financial literacy
- Labor market information, including a list of area high-demand occupations with wage information
- Stress management

- Résumé writing
- Interviewing skills
- Job search

#### **B-201.d: Rapid Response Trade Assistance Adjustment Employee Orientation**

---

Boards must ensure that the employee orientation for potential Trade-certified workers includes the following:

- Completion of Rapid Response registration and survey
- Orientation to the TAA program, including an explanation of the TAA benefits notification process and instructions on what to do if the petition is approved
- Registration for work on WorkInTexas.com, TWC's job-matching and service-tracking system
- Distribution of TAA program brochures and related materials
- Time frames for approval of TAA petitions, UI claims, and applications for Trade Readjustment Allowances (TRA), which may require enrollment in training
- Information on the Health Coverage Tax Credit (HCTC) and Alternative/Reemployment Trade Adjustment Assistance (A/RTAA)

#### **B-201.e: Rapid Response Registration**

---

Boards must ensure that at completion of the employee orientation, staff enters the Trade-affected worker's Rapid Response registration information into The Workforce Information System of Texas (TWIST). This facilitates the following:

- The first service is automatically recorded in TWIST's *Service Tracking* based on the Rapid Response registration, simplifying the data entry process.
- Creation of a TWIST *Intake – Common* record to which Workforce Solutions Office staff can add intake information at the *Specialized Services Intake Level* as it is received, which expedites the worker's eligibility for Workforce Innovation and Opportunity Act (WIOA) dislocated worker services and coenrollment with the TAA program.

Boards must process TWIST *Service Tracking* requirements for Rapid Response registration. At a minimum, Boards must ensure that the following data is collected and entered into TWIST:

- Information on the TWIST Rapid Response Registration form
- Information on the TWIST Rapid Response Survey form concerning each affected worker's employment, knowledge, skills, and abilities

#### **B-202: Petition Inquiry**

---

Texas Workforce Commission staff enters TAA petition information into TWIST, which generates a *TAA Program Detail* record in TWIST. Board and Workforce Solutions staff can perform TAA petition inquiries from TWIST *Group Actions* through search by petition number or company name.

## **B-203: Dislocated Worker Service Delivery**

---

Boards must be aware that all Trade-certified workers are also eligible for WIOA dislocated worker services and the Trade Act requires Boards to provide Rapid Response services and career services available under WIOA and other federal programs to dislocated workers filing a Trade petition.

Boards may use WIOA dislocated worker funds to support the design and delivery of services to dislocated workers, including those who are Trade-certified. The TAA program is a complement to WIOA dislocated worker services, not a replacement.

Boards must be aware of the following:

- Dislocated worker services begin when either of the following takes place:
  - Trade petition filed
  - Layoff notice received
- TWC's Rapid Reemployment Services identify UI claimants who are likely to exhaust benefits.
- WIOA funding allocated to the Boards for dislocated worker services includes funding for:
  - Rapid Response services orientation, workshops, etc.
  - Outreach, reemployment assistance, assessment, and career planning, including the development of individual Reemployment and Training Plans (REPs)
  - Referrals to training and support services
  - Follow-up services for both Trade-certified and non-Trade-certified dislocated workers

Boards must ensure that delivery of these services flows seamlessly from initiation of Rapid Response services to reemployment, with an integrated array of services that provides eligible customers the benefit of activities most suited to their needs.

## **B-300: Workforce Innovation and Opportunity Act**

### **B-301: Workforce Innovation and Opportunity Act Services**

---

The Workforce Innovation and Opportunity Act (WIOA) authorizes “career services” for adults and dislocated workers, rather than “core” and “intensive” services, as authorized by the Workforce Investment Act. The three categories of career services are basic career services, individualized career services, and follow-up services, which can be provided in any order, as needed. Career services under this approach provide local areas and service providers with flexibility to target services to the needs of the customer.

#### **B-301.a: Basic Career Services**

---

Boards must ensure that Workforce Solutions Office staff makes basic career services available to all customers, and that services include the following:

- Determinations of whether the individual is eligible to receive assistance from the adult, dislocated worker, or youth programs
- Outreach, intake (including identification through the state’s Worker Profiling and Reemployment Services system of unemployment insurance (UI) claimants likely to exhaust benefits), and orientation to information and other services available through Workforce Solutions Offices
- Initial assessment of skill levels, including literacy, numeracy, and English language proficiency, as well as aptitudes, abilities (including skills gaps), and support service needs
- Labor exchange services, including job search and placement assistance, and, when indicated, career counseling that includes the following:
  - Provision of information on high-demand industry sectors and occupations (as defined in WIOA §3(23))
  - Provision of information on nontraditional employment (as defined in WIOA §3(37))
- Provision of referrals to and coordination of activities with other programs and services, including those within the Workforce Solutions Office system and, when appropriate, other workforce development programs
- Provision of workforce and labor market employment statistics information, including the provision of accurate information relating to local, regional, and national labor market areas, including the following:
  - Job vacancy listings in labor market areas
  - Information on job skills necessary to obtain listed jobs
  - Information relating to local high-demand occupations and the earnings, skill requirements, and opportunities for advancement in those jobs

- Provision of program performance and cost information for eligible providers of training services by program and type of provider
  - Provision of local workforce development area (workforce area) performance accountability measures information, as well as any additional performance information relating to the workforce area's workforce system
  - Provision of information on the availability of support services and assistance, as well as appropriate referrals to services and assistance for the following:
    - Child care
    - Child support
    - Medical or child health assistance available through the state Medicaid program and Children's Health Insurance Program
    - Benefits under the Supplemental Nutrition Assistance Program
    - Assistance through the earned income tax credit
    - Housing counseling and assistance services sponsored through the U.S. Department of Housing and Urban Development
    - Temporary Assistance for Needy Families (TANF) and support services and transportation provided through TANF
  - Assistance in establishing eligibility for financial aid assistance for training and education programs not provided under WIOA
  - Provision of information and assistance on filing UI claims, including meaningful assistance to individuals seeking assistance in filing a claim in any of the following methods:
    - On-site using staff properly trained in filing UI claims
    - By phone or via other technology, with assistance provided by trained staff and within a reasonable time
- Note:* The costs associated with providing meaningful assistance with UI claims may be paid for by the state's UI program, the WIOA adult or dislocated worker programs, Wagner-Peyser Employment Service, or some combination of these funding sources.

### **B-301.b: Individualized Career Services**

---

Boards must ensure the following:

- Individualized career services are available in all Workforce Solutions Offices.
- When Workforce Solutions Office staff determines that individualized career services are appropriate for an individual to obtain or retain employment, these services are made available to the individual.

Boards must be aware that Workforce Solutions Office staff may use recent previous assessments by partner programs to determine if individualized career services are appropriate.

Boards must ensure that individualized career services include the following:  
Comprehensive and specialized assessments of the skill levels and service needs of adults and dislocated workers, which may include the following:

- Diagnostic testing and use of other assessment tools
- In-depth interviewing and evaluation to identify employment barriers and appropriate employment goals
- Development of an employment plan to identify employment goals, appropriate achievement objectives, and an appropriate combination of services for the participant to achieve his or her employment goals, including the list of, and information about, eligible training providers
- Group and/or individual counseling and mentoring
- Career planning
- Short-term prevocational services, including development of learning skills, communication skills, interviewing skills, punctuality, personal maintenance skills, and professional conduct to prepare individuals for unsubsidized employment or training; in some instances, pre-apprenticeship programs may be considered short-term prevocational services
- Internships and work experiences linked to careers
- Workforce preparation activities that help an individual acquire a combination of basic academic skills, critical thinking skills, digital literacy skills, and self-management skills, including competencies in using resources, using information, working with others, understanding systems, and obtaining skills necessary for successful transition into and completion of postsecondary education, training, or employment
- Financial literacy services
- Out-of-area job search assistance and relocation assistance
- English language acquisition and integrated education and training programs

### **B-301.c: Follow-up Services**

---

Boards must ensure that Workforce Solutions Office staff provides follow-up career services as appropriate to participants in unsubsidized employment for up to 12 months after the first day of employment.

Counseling about the workplace is one example of an appropriate follow-up career service.

Boards must be aware that follow-up career services do not extend the date of exit in performance reporting.

### **B-302: Training Services**

---

Training services can be critical to the employment success of many adults and dislocated workers.

Boards must be aware that there is no sequence requirement for career services and training. Workforce Solutions Office staff may determine training is appropriate regardless of whether an individual has received basic or individualized career services first. Under WIOA, training

services may be provided if Workforce Solutions Office staff determines, after an interview, evaluation or assessment, and career planning, that the individual meets the following conditions:

- Unlikely or unable to obtain or retain employment that leads to economic self-sufficiency or wages comparable to or higher than wages from previous employment through career services alone
- In need of training services to obtain or retain employment that leads to economic self-sufficiency or wages comparable to, or higher than, wages from previous employment
- Possesses the skills and qualifications to successfully participate in the selected program of training services

Boards must ensure the following:

- Training services, when determined appropriate, are provided through either an Individual Training Account (ITA) or a training contract.
- The selection of training services is conducted in a manner that maximizes customer choice informed by the performance of relevant training providers, and coordinated to the extent possible with other sources of assistance (see WIOA §134(c)(3)).

*Note:* When possible, training services should be linked to high-demand employment opportunities in the workforce area or planning region, or in a geographic area in which the adult or dislocated worker is willing to commute or relocate.

The Trade Act of 1974, as amended, establishes certain time frames for decisions concerning suitable employment and referrals to training, establishing deadlines that affect a participant's eligibility for Trade Readjustment Allowances. Boards must ensure that case managers maintain awareness of these deadlines.

*Note:* For details regarding documentation requirements, refer to the [WIOA Eligibility Documentation Log](#) at TWC's [WIOA guidance page](#).

## **B-400: Trade Adjustment Assistance Enrollment**

### **B-401: Application Date**

---

Boards must ensure that the date on which a Trade-certified worker first receives an explanation of TAA benefits and services at a Workforce Solutions Office is the date entered into TWIST TAA *Application Date* field. (Previously, the date entered into the *Application Date* field in the TWIST TAA *Program Summary* tab was the date an individual received the first reportable TAA service.) The *Application Date* is now a reportable item, and Boards must ensure correct documentation in the TAA *Application Date* field in TWIST.

### **B-402: Career Planning/Case Management**

---

Boards must ensure that Workforce Solutions Office staff makes early intervention services a priority for TAA program participants.

Early intervention services include the following:

- Orientation
- Initial assessment of skills, language, education, aptitudes, and abilities
- Provision of labor market information, job search assistance, and financial management workshops

The Trade Adjustment Assistance Reauthorization Act of 2015 (TAARA 2015) restores the employment and career planning services previously available under the 2009 and 2011 Trade Acts.

Boards must be aware that Texas Workforce Solutions Office staff funded by TAA administrative funds or other programs for which a Trade-certified worker is eligible can provide career planning.

Boards must ensure the following:

- Employment and career planning services are available to trade-affected workers and trade-affected incumbent workers
- Training request approvals are not delayed while determining eligibility for WIOA services
- Skills assessments evaluate whether a Trade-certified participant meets TAA training criteria or matches specific employment opportunities within the community
- Case managers provide Trade-certified participants the information and support necessary to help them achieve sustainable reemployment
- Career planning services are available to Trade-certified participants over the course of their participation in TAA
- If there are no immediate employment opportunities, an REP is used to identify any skills gaps or job requirements, including remedial and prerequisite training that the Trade-certified participant requires to be job ready for a specific occupation

Boards must ensure that career planning services include the following:

- Comprehensive assessment of skill levels and service needs through diagnostic testing, use of assessment tools, and in-depth interviewing and evaluation to identify employment barriers and appropriate employment goals
- Development of an individual REP to identify employment goals and objectives, and the appropriate training to achieve those goals and objectives
- Provision of information on available training in the local workforce development area (workforce area), determination of suitable training, and how to apply for such training
- Provision of information to adversely affected workers on applying for financial aid at institutions of higher education, and on asking for administrators' discretion to use current year income data to determine the need for federal financial assistance under the Trade Act, Title IV
- Referral to short-term prevocational services, including development of learning, communications, and interviewing skills to prepare for employment or training
- Referral to job search and placement counseling
- Provision of labor market information, including job vacancies and projections, required job skills for occupations, local high-demand occupations, and earnings potential
- Referral to the WIOA dislocated worker program for support services, including child care, dependent care, transportation, and housing assistance, if necessary to enable participation in training

#### **B-402.a: Intake Overview**

---

Boards must be aware that the initial intake process collects information about the participant to determine the most effective approach to assist with reentry into the workforce. The more thorough the information collected at the beginning of the process, the better the foundation for coordination of services. Initial intake is an early opportunity to ensure that the participant is made fully aware of the following:

- The wages associated with available occupations in the commuting area
- Whether available occupations will meet the goal of 80 percent wage retention of the participant's previous wage
- What training is required to enable the worker to enter and successfully complete the training for appropriate occupations

Boards must ensure that Workforce Solutions Office staff includes the following in a participant's initial intake:

- Share information on the local labor market, available jobs, wage information, and programs and services
- Complete appropriate forms
- Make an initial decision about whether the participant possesses sufficient job skills to find suitable employment, and, if participant does not possess sufficient suitable job skills, explain the available training options. *Note:* If a participant possesses sufficient job skills to test the job market, training may still be considered at a later date

Boards must ensure that Workforce Solutions Office staff initiates the following activities to help trade-affected customers:

- Complete the Explanation of Services form, which outlines potential program services and benefits, documents that the customer has reviewed the Board's high-demand occupations and been informed of the 80 percent wage retention goal on completion of training.
- Discuss and/or complete the Waiver of Training form, which protects potential future TAA benefits associated with TRA and the Health Coverage Tax Credit (HCTC).
- Perform an assessment of knowledge, skills, and abilities.
- Provide labor market information on previous, current, and future occupations. This includes information on the following:
  - Job vacancies
  - Skills required for employment
  - Expected occupational earnings related to the local commuting area or area of relocation
  - Education and prospective training providers
- Ensure that the customer completed an application for TRA (form BS-100) by calling the TWC Tele-Center at (800) 939-6631 or (512) 463-2999 (option 1, option 2, and option 3).

#### **B-402.b: Explanation of Services Form**

---

The Explanation of Services form identifies the potential TAA program services and benefits and acts as the bona fide application for training.

Boards must ensure that Workforce Solutions Office staff does the following:

- Has the dislocated worker sign the form
- Retains it permanently in a local file

#### **B-402.C: Initial Assessment**

---

The preliminary assessment of knowledge, skills, and abilities helps identify dislocated workers (including TAA-certified workers) who possess marketable skills needed by local employers. It can also identify dislocated workers (including TAA-certified workers) who need additional services.

Boards must ensure that the initial assessment includes the following:

- Testing of skill levels such as math, reading, and writing to determine grade-level equivalencies
- Evaluating aptitudes and abilities
- Identifying transferable skills such as computer literacy, problem solving, time management, and organization
- Assessing English language proficiency
- Identifying knowledge of foreign languages that may help an employer
- Assessing support service needs, such as child care or transportation
- Evaluating the need for referral to community resources

*Note:* Every Board must have access to assessment tools designed for limited English proficiency (LEP) individuals.

### **B-403: Affected Workers from Other States**

---

Trade-affected workers from other states will continue to relocate to Texas. Boards must be aware that TAA is a federal program and trade-affected workers have the right to seek TAA services in any state they choose.

Boards must ensure the following:

- Staff contacts TWC's TAA Technical Assistance at [TAA@twc.state.tx.us](mailto:TAA@twc.state.tx.us) immediately when an individual's TAA program eligibility needs to be determined.
- If a waiver of the training requirement is granted, staff sends a copy of the waiver to TWC's TAA Technical Assistance at [TAA@twc.state.tx.us](mailto:TAA@twc.state.tx.us).

A training program for a Trade-certified worker from another state receives approval from the other state—routed through TWC's TAA Technical Assistance—before the individual begins training.

### **B-404: Waiver of the Training Requirement**

---

To be eligible to receive TRA payments, a TAA-certified worker must be enrolled in TAA-approved training or have a waiver of the training requirement by the waiver/in-training deadline date. A waiver can be issued for the basic TRA period only.

Boards must be aware that TAARA 2015 reinstates the waiver/in-training deadline date to the 26/26 rule. Boards must ensure that an adversely affected worker covered under TAARA 2015 is enrolled in TAA-approved training no later than the worker's waiver/in-training deadline date, which is the later of the following:

- 26 weeks from the date of separation
- 26 weeks from the date of petition certification
- 60 days from date of notification

Boards must ensure that merit staff is aware of the customer waiver/in-training deadline date and processes data entry of waivers in a timely manner, so that within 48 hours of the date a waiver is requested staff has done one of the following:

- approved and entered it into The Workforce Information System of Texas (TWIST)
- recommended it for denial to the state office, TAA Technical Assistance, at [TAA@twc.state.tx.us](mailto:TAA@twc.state.tx.us)

Waivers must be tailored to a customer's specific circumstances within the applicable waiver criteria. Waivers cannot be uniformly issued for a 26-week period; however, a waiver may be issued initially for a maximum 26-week period if the circumstances dictate. Waivers may be extended for longer than 26 weeks, but this requires state office approval.

Boards must ensure that Workforce Solutions Office staff does the following:

- Reviews each waiver at least every 30 days to ensure that the reason for approving the waiver remains valid
- Documents the review in TWIST *Counselor Notes*

- If there is no longer a valid reason, takes the appropriate steps as set forth in B-404.b: Waiver Review

Boards must ensure that if a participant fails to satisfy the 30-day review, and efforts to contact the participant are unsuccessful, staff documents the lack of contact.

#### **B-404.a: Reasons for Training Waiver**

Boards must ensure that Workforce Solutions Office staff performs the following actions before issuing a waiver of training:

- Assesses the trade-affected worker's skills and circumstances
- Assesses the labor markets where the worker is willing to work
- Completes the first two sections of the worker's [TAA REP](#), available on the Intranet

Boards must be aware that only the following three reasons are acceptable reasons to grant a waiver of the training requirement under TAARA 2015:

- **Training Not Available**—Approved TAA training is not reasonably available to the worker, no training that is suitable for the worker is available at reasonable cost, or no training funds are available in the state. Boards must ensure that this waiver is rarely used, as there are training facilities and programs available to trade-affected workers throughout the state, and training funds are currently available. An example of when a Training Not Available waiver would be approved is a situation in which a REP had been fully formulated but denied, and there was not a reasonable ability to reformulate an approvable plan before the waiver/in-training deadline date. Boards must ensure that the circumstances that lead to granting a Training Not Available waiver are detailed in *TWIST Counselor Notes*.
- **Health**—The worker is unable to participate in training for health reasons. This waiver does not exempt the participant from availability for work, active work search, or refusal to accept work requirements of the federal or state UI laws. Boards must ensure that *TWIST Counselor Notes* reflect that a Health waiver has been issued and that this entry retains the customer's privacy (i.e., the health specifics are not provided).
- **Enrollment Unavailable**—The first available enrollment date for the approved training of the worker is beyond his or her waiver/in-training deadline date, but before the end of his or her Basic TRA eligibility period. To grant an Enrollment Unavailable waiver, Boards must ensure that the training occupation, institutions, and start date are identified and documented in *TWIST Counselor Notes*.

In some circumstances, a worker who has identified a training occupation can have options to enroll at more than one institution to pursue the desired training program. Boards must be aware that the worker is not required to choose the specific training institution at the time of waiver issuance. Rather, the worker is required to choose a training occupation and identify a training institution(s) where an enrollment date can be

reasonably projected to occur before the end of the worker's Basic TRA eligibility period.

Boards must ensure that state merit staff is aware of the customer waiver/in-training deadline date and processes data entry of waivers in a timely manner. Waivers must be approved and entered into TWIST or recommended for denial to the state office within 48 hours of the date requested.

#### **B-404.b: Waiver Review**

---

Boards must ensure that Workforce Solutions Office staff apprises customers of their responsibility to comply with the requirement that they contact their case manager every 30 days to review the status of a waiver.

Boards must ensure that, after issuance, case managers document customer compliance with the 30-day waiver-review requirement. The review, which must be accomplished by state merit staff, ensures that the criteria used to grant the waiver still apply and the waiver period is appropriate. Waiver reviews will likely yield one of the following results and require the specified actions:

- *Waiver reason continues to apply*—A notation must be made in TWIST *Counselor Notes* supporting the review.
- *Waiver reason no longer applies and enrollment is possible and scheduled*—Since this revocation will not result in the denial of TAA or TRA benefits, the waiver can be revoked by state merit staff without the issuance of a formal decision through TWC's TAA office. To ensure the customer's continued TRA eligibility, the customer must be enrolled in training on the calendar day following the waiver revocation by making an entry into TWIST's *TAA Program Detail, Enrolled in Training Date* field.
- *Waiver reason no longer applies and enrollment is not possible*—These circumstances will possibly lead to a denial of TRA benefits; therefore, a formal determination is required. In these instances, a customer is immediately placed into TRA non-pay status and must be enrolled in TAA-approved training within 30 days, or the customer will permanently lose TRA eligibility.
- *Waiver Review: Failure to Comply*—Failure to comply with a waiver review is a TRA eligibility issue and will affect the customer's TRA support. Staff must enter this failure to comply into TWIST's *Counselor Notes*. However, failure to comply with a 30-day review is adjudicated through the unemployment insurance/TRA system, and does not represent a basis for revocation of a waiver.

#### **B-405: Limited English Proficiency**

---

Boards must be aware of the following characteristics of individuals with limited English proficiency (LEP):

- Does not speak English as primary language

- Has limited ability to read, speak, write, or understand English
- Native language is not English
- Lives in a family or community environment in which a language other than English is dominant

Boards must ensure that Workforce Solutions Office staff takes reasonable steps to ensure that LEP customers have access to translators and language-appropriate material describing programs, services, and information.

Boards also must ensure that Workforce Solutions Office staff provides LEP workers with career planning services throughout TAA participation, with particular emphasis on provision of services at the training selection stage, in order to ensure that LEP participants meet their TAA training goals. Case managers must consider the following when assisting LEP workers in selecting training programs:

- Thorough exploration of the entire range of possible high-demand or targeted occupations is essential, with particular attention paid to the transferable skills and long-term employment goals of the worker.
- On-the-job training (OJT) can be supplemented with remedial education to enable LEP workers to participate in OJT as the preferred form of training.
- Dual-language training programs have proved more effective than other forms of classroom training for LEP workers; therefore, encourage participants to derive as much of their classroom training as possible through Board-approved, dual-language training opportunities.
- Enrolling LEP workers in any form of stand-alone remedial education (including English as a Second Language, GED, Adult Education and Literacy, and basic computer skills courses) is not allowed, unless either of the following applies:
  - Assessment indicates that the worker only needs remedial education, and no vocational skills, to become job ready in an appropriate high-demand or target occupation.
  - The stand-alone remedial education is of limited duration and approved in conjunction with dual-language or standard vocational training, and the case manager reasonably expects the worker to complete both the remedial and vocational parts and be job ready within the time allowed under TAA.

#### **B-406: Suitable Employment**

---

Boards must be aware that, based on assessment results, Workforce Solutions Office staff can conclude that a Trade-certified worker has the skills for “suitable employment.”

During the initial assessment of participants, the term “suitable employment” is related to the decision to approve training. If no suitable employment is identified and training is required, the goal of such training is to ensure that, where possible, the occupation for which the participant is being trained meets the goal of 80 percent wage replacement of the participant’s previous wage. Under the Trade Act, suitable employment means employment that meets both of the following criteria:

- Work of an equal or higher skill level
- Pay of at least 80 percent of the average weekly wage of the trade-affected job

Boards must ensure that Workforce Solutions Office staff documents whether or not suitable employment is identified for the trade-affected worker in TWIST *Counselor Notes*. If suitable employment is not available, the worker continues with TAA services.

Boards must be aware that a participant can decide to enroll in training that does not meet the 80 percent wage replacement goal. Boards must ensure that if a participant decides to enroll in such training, Workforce Solutions Office staff documents the participant's decision in TWIST *Counselor Notes* and that the REP reflects the expected occupational wage.

### **B-407: Labor Market Information**

---

Boards must ensure that Workforce Solutions Office staff is versed in the use of Texas Rapid Access to Career and Economic Resources (TRACER) and Systems for Application, Verification, Eligibility, Referral and Reporting (SOCRATES) to analyze local labor markets to do the following:

- Determine employer needs
- Determine emerging, targeted, and high-demand occupations
- Identify employment opportunities that will allow participants to meet the goal of 80 percent wage replacement of the wages of their trade-affected employment
- Identify employer-based training opportunities, such as OJT or customized training

Labor market information analysis and the job seeker's job search experience are important factors in the development of the REP.

*Note:* Staff may use other available labor market information tools from the U.S. Department of Labor or tools unique to the workforce area.

#### **B-407.a: TRACER**

---

TRACER provides the following five basic Internet programs containing useful data and statistics:

- Covered Employment and Wages Program—collects information from many Texas employers
- Current Employment Statistics Program—produces current employment and wage data
- Local Area Unemployment Statistics Program—generates total employment, unemployment, and unemployment rates
- Occupational Employment Statistics Program—develops occupational profiles by industry
- Mass Layoff Statistics Program—gathers information from employers that recently had large layoffs

Access [TRACER](#) on the Internet.

#### **B-407.b: SOCRATES**

---

SOCRATES is a tool to assist Workforce Solutions Office staff in performing regional labor market analysis. Staff may use it to generate lists of targeted industries and targeted occupations. SOCRATES is also excellent for researching regional labor markets in

Texas and identifying occupational training possibilities. Using information gathered from SOCRATES helps focus a dislocated worker's job search.

Access [SOCRATES](#) on the Internet.

#### **B-408: Moving to Basic Individualized Services**

---

Boards must ensure that after initial assessment, background information, labor market information, and identification of whether suitable employment is available, Workforce Solutions Office staff moves on to one of the following steps for the TAA customer:

- Job search
- Referral to training in an occupation that will allow the participant to meet the goal of earning 80 percent of his or her previous wage, to the maximum extent possible

However, Boards must ensure that the participant is not denied training only because the 80 percent wage retention goal cannot be met.

---

## Trade Adjustment Assistance Guide

### Part C – Post-Trade Certification

---

#### C-100: Eligibility Determination

##### C-101: Certified Petition

---

When the U.S. Department of Labor (DOL) completes its investigation of a petition, it certifies or denies the petition and e-mails the determination to the Texas Workforce Commission (TWC). When TWC receives a certified petition, staff performs the following actions:

- Notifies the appropriate Local Workforce Development Board (Board)
- Updates the Trade Adjustment Assistance (TAA) petition status in The Workforce Information System of Texas (TWIST)
- Requests a list of all workers under this petition from the employer, and enters the list into TWIST
- Sends a letter of potential eligibility to each worker, with instructions to contact a Workforce Solutions Office

Boards must be aware that receipt of a letter does not mean a worker is Trade certified.

##### C-102: TWIST Petition Information

---

Boards must be aware of the following:

- TWC requests certain information from an employer filing a Trade petition and makes an eligibility determination based on the responses.
- TWC staff enters the employer's responses into TWIST.  
Workforce Solutions Office staff can determine whether a dislocated worker is Trade-certified in TWIST, at the *Customer Information>Program Detail>TAA>Eligibility* tab—if the status is “yes” for all criteria for a dislocated worker to be Trade-certified and eligible to receive Trade benefits, the dislocated worker is Trade-certified.
- If the dislocated worker disagrees with the eligibility determination, the worker may file an appeal.

## C-200: Reemployment Services

### C-201: Coenrollment

---

Boards must ensure that, at the time Workforce Innovation and Opportunity Act (WIOA) career services begin or a waiver of the training requirement is entered into TWIST, Workforce Solutions Office staff enrolls all Trade-certified workers in WIOA dislocated worker services.

Coenrollment in both WIOA and Trade Adjustment Assistance (TAA) programs allows the Trade-certified worker to fully benefit from WIOA-funded career planning and support services. If a Trade-certified worker is trained with TAA program funds and placed in employment using WIOA resources, the dislocated worker program receives credit for the successful outcome.

Boards must be aware of the following:

- Trade-certified workers are dislocated workers.
- All dislocated workers receive career services, including Rapid Response services and initial assessments.
- The overall goal is to provide early intervention services that lead to rapid reemployment where the participant can expect an 80 percent wage replacement based on the prior employment.
- All dislocated workers covered under a filed petition must receive Rapid Response services and Employment Service (ES) as part of career services, including a referral, when appropriate, to vocational skills or dual-language training when no suitable employment is available.

Boards must be aware that WIOA- and TAA-funded coenrollment services include the following:

- WIOA-funded:
  - Rapid Response and Career Services Assessment – Initial and comprehensive career counseling, including a review of high-demand occupations that address the goal of 80 percent wage retention
  - Case management
  - Support services
  - Job development and placement
  - Follow-up
- TAA-funded:
  - Training (vocational/occupational or dual-language)
  - On-the-job training (OJT) or customized training
  - Trade Readjustment Allowances (TRA)
  - Health Coverage Tax Credit (HCTC)
  - Reemployment Trade Adjustment Assistance (RTAA)

Boards must ensure that if a rapid reemployment is not possible, Workforce Solutions Office staff continues with a comprehensive assessment, develops a Reemployment and Training Plan (REP), and refers the dislocated worker to training or OJT, if appropriate.

## **C-202: Reemployment and Training Plan**

---

The Reemployment and Training Plan (REP) allows Workforce Solutions Office staff to work in partnership with a Trade-certified worker to identify a high-demand occupation that can meet the 80 percent wage replacement goal.

Boards must ensure that REPs meet the following standards:

- Complete and thorough
- Outline a reasonable path to reemployment
- Include labor market information on targeted and high-demand occupations, wage information by occupation, and length of training
- Identify specific occupations for the Trade-certified worker that will meet an 80 percent wage replacement goal
- Identify barriers for the selected occupation, and clearly establish how training will remove those barriers
- Ensure that, if the participant selects an occupation that will not meet the 80 percent wage replacement goal, both TWIST *Counselor Notes* and REP reflect the participant's decision

Boards must also ensure the following:

- Participants are given the widest range of choices in high-demand occupations that will meet the 80 percent wage replacement goal, so that participants can make an informed decision.
- In selecting an occupation, the focus is on local employers' job requirements.
- Training elements in the REP are connected to the specific, selected occupation.

## **C-203: Comprehensive Assessment**

---

Comprehensive, specialized assessments are necessary to determine the range of realistic, high-demand occupations for each participant who needs TAA training. The purpose of the comprehensive assessment is to ensure the following for the participant:

- Informed choice
- Possession of the skills and qualifications to participate successfully in selected training services
- Understanding of the training needs and the time commitment involved in the decision
- Coordination with the assessment specialist at early stage of the process
- Detailed testing that assesses more comprehensively than Rapid Response or core services, which may include the following:
  - A battery of tests to identify basic and transferable skills
  - Interest inventories
  - Employer-suggested assessment instruments

Boards must ensure that Workforce Solutions Office staff considers employer-based training, including customized training or OJT, as options. Employer-based training promotes employment placement, retention, higher earnings, and credential attainment. Job developers or the Board's Business Services Unit (BSU) can provide information regarding employer requirements.

Boards must ensure that Workforce Solutions Office staff conducts in-depth interviews and evaluations during comprehensive assessments. This provides an opportunity for customer input and career counselor feedback, which helps determine what training programs may be successful and builds the dislocated worker's commitment and desire to follow the REP.

Boards must ensure that Workforce Solutions Office staff uses assessment tools appropriate for limited English proficiency (LEP) customers as well as other dislocated workers. Assessment tools include the following:

- Test of Adult Basic Education (TABE)
- Comprehensive Adult Student Assessment System (CASAS)
- Career Occupational Preference System (COPS)
- Other skill assessment tools and interest inventories

## C-300: Training

### C-301: Training Criteria

---

Local Workforce Development Boards (Boards) must be aware of the following:

- The goal of Trade Adjustment Assistance (TAA) is to ensure that Trade-certified workers become reemployed as soon as possible. However, if no employment opportunities meet the 80 percent wage replacement goal, training may be required.
- There is no cap on the cost of TAA-funded training for either an individual or for a particular occupation. The term “reasonable cost,” as used in the criteria for selecting approvable vocational skills or dual-language training, means reasonable as compared with the cost of similar training in the local workforce development area (workforce area). It also means that the cost of training is the same as the cost for nonsubsidized students. Training is similar for cost-comparison purposes to the extent that it prepares the participant for a similar occupation with similar wage and employment prospects, does so in similar time, and is similar in quality. Reasonable cost comparisons must be made over the entire course of training.

For example, it would not be an appropriate assessment of reasonable cost to compare the costs of an English as a Second Language (ESL) program versus a dual-language training program. It would be appropriate to compare the cost of a dual-language program to the total cost of a program comprising stand-alone ESL followed by stand-alone vocational training, but only if the two programs were similar in quality and in the time required to complete.

- It is assumed that dual-language training will cost more than standard vocational skills training. Boards are encouraged to expand the opportunities for dual-language training in their workforce areas by encouraging training providers to develop integrated curriculum and by taking appropriate actions to put the training on the Statewide List of Eligible Training Providers.
- Failure to meet the reasonable cost standard cannot be the only basis for the denial of training, and exceeding it is not in itself evidence that the cost of training is unreasonable. Although the Workforce Innovation and Opportunity Act (WIOA) allows a participant to pay for part of the cost of training, Trade regulation does not. To be approved under the TAA program, the entire required cost of a course of training must be subsidized.

Boards must ensure the following:

- Workforce Solutions Office staff assists participants in selecting approvable training that meets all of the TAA approval criteria and the three additional considerations. When training plans do not meet the approval criteria, Workforce Solutions Office staff must recommend denial to TWC’s TAA Technical Assistance.
- An REP has been fully developed before a training referral is approved, with a hard copy signed by the customer kept in the customer’s files.

Boards must be aware that the TAA allows adversely affected workers the following options:

- Request and receive approval for TAA training not limited to WIOA and the Board's Targeted Occupations List.
- Participation in TAA training up to the maximum allowable weeks under a certified petition.
- Participation in part-time training under petition 70,000 and above, as long as the training meets all TAA approval criteria. (Boards must be aware that adversely affected workers will not receive TRA while participating in part-time training.)

Boards must ensure that before Workforce Solutions Office staff approves any type of training, the following six criteria have been met and documentation made to that effect:

1. No suitable employment is available.
2. The participant will potentially benefit from the training based on a comprehensive assessment of the participant's knowledge, skills, and abilities.
3. A reasonable expectation of employment following completion of the training exists based on Labor Market Information (LMI), or a bona fide job offer.
4. Training is reasonably available to the participant from a private or public school regulated by a state agency or an accredited board. First consideration is given to training providers within the commuting area.
5. The participant is qualified to undertake and complete the training based on a comprehensive assessment of his or her knowledge, skills, abilities, and interest. The participant must have financial resources to complete training if TRA is not available.
6. Training is available for the selected occupation at the lowest and most reasonable cost based on a review of similar training in the workforce area.

*Note:* TAA continues to require Alien Verification in reference to approval of training for "reasonable expectation of employment." Boards must be aware that an individual must have satisfactory immigration status for the duration of the training and be available for work for at least one day after the completion of training.

Boards must ensure that case managers adhere to the following:

- First consideration must be given to appropriate training available within the local commuting area.
- When considering a training program outside the local commuting area, the cost of necessary travel and subsistence must be considered as part of the cost of training when calculating the lowest-cost training available.

Boards must ensure the following:

- Individual Trade-certified participants are allowed only one training program each under any one Trade certification.
- The training program must include all training required to afford the individual complete job readiness in a specific occupation. (One training program may require more than one training component—e.g., English as a Second Language (ESL), Adult Education and Literacy (AEL), or GED classes—and may require training at more than one institution. If it is determined after a training program begins that the training will not afford the Trade-certified participant complete job readiness, the program can be amended.)

- A training program that will last longer than the Trade-certified participant's remaining TRA eligibility period can be approved only if the individual demonstrates a financial ability to complete the training after TRA eligibility is exhausted.
- Before approving a training program under TAA, the TAA REP must be completed and the REP must ensure that the Trade-certified participant will be entirely job ready at the completion of any approved training program.

### **C-302: Adversely Affected Incumbent Workers**

---

Adversely affected incumbent workers are individuals in a group of Trade-certified workers covered by a certification petition with a number greater than 70,000, who have not been totally or partially separated from adversely affected employment, but who are identified by the employer as threatened with total or partial separation.

Boards must ensure the following:

- Requests for TAA training from adversely affected incumbent workers are considered for approval.
- Such requests meet all TAA training approval criteria before being approved.
- If the threat of layoff is removed, the training program is terminated.

Boards also must be aware that under the Trade Act, incumbent workers qualify for most TAA training benefits. However, incumbent workers cannot participate in OJT or customized training unless the training is for a position other than the worker's current position in the adversely affected employment.

### **C-303: Reasonable Cost of Training Standard**

---

Before approval under TAA, training must meet all TAA training approval criteria, including that the cost of training be reasonable. Under the Trade and Globalization Adjustment Assistance Act of 2009, DOL directed states to establish a statewide reasonable cost of training standard.

Boards must be aware of the following:

The Texas reasonable cost of training standard is \$17,000.

- The standard is calculated as twice the average statewide cost of TAA training, based on training that was approved during the previous federal fiscal year
- The reasonable cost of training standard covers the following:
  - All training required to make the TAA participant job ready in a specific occupation
  - Any required travel and subsistence

In determining the reasonable cost of training, Boards may consider the use of other public or private funds to lower the TAA program cost, including the following:

- Scholarships
- Employer financing
- Other non-personal funds that the Trade-certified participant does not have to repay

However, Boards must be aware that Trade-certified workers cannot be required to use other public or private funds to lower the cost of training as a condition of training approval. If a

Trade-certified worker volunteers to use other grant funds to supplement TAA training funds when the cost of training is otherwise not reasonable (and all other training approval criteria are met), the training program will be approved. Approval must go to the lowest-cost training option available for the occupation.

The cost of a TAA-approved training program must include the following:

- Tuition
- Books
- Tools required to be purchased by all students taking the training
- Academic fees
- Travel and subsistence expenses when the training location is outside the local commuting area
- Any certification test or license required for the employment

Boards must be aware that the reasonable cost standard is not a cost cap. TAA training must meet the lowest-cost training approval criteria. If the estimated cost of the lowest-cost training exceeds the reasonable cost standard, Boards must submit a justification for the higher cost to TWC's TAA Technical Assistance by one of the following methods:

- Fax to (512) 936-0331
- E-mail to [taa@twc.state.tx.us](mailto:taa@twc.state.tx.us)

Boards also must be aware that a TAA training request will not be approved until the justification has been approved.

Boards must ensure there is a system in place to pay TAA-approved training providers—whether or not the providers are on the Statewide List of Eligible Training Providers.

### **C-304: Statewide Commuting Area**

---

Boards must be aware that the “local commuting area” is defined as 50 miles.

Boards must ensure that Workforce Solutions Office staff uses the following metrics:

- The shortest one-way distance from residence to place of training to determine whether the travel distance is within the local commuting area
- The local commuting area when determining whether travel and/or subsistence costs are to be included in the cost of TAA training

If the distance from residence to training site exceeds 50 miles one-way, Boards must ensure that travel and/or subsistence costs are included in the cost of TAA training and that cost is based on the entire travel distance, not just the distance over 50 miles.

### **C-305: Transportation and Subsistence Costs for Training**

---

Each Board must establish what the normal commuting distance is when defining local commuting areas. Boards will be notified if the state adopts a statewide measure of normal commuting distance.

Boards must ensure the following:

- When the shortest distance from a Trade-certified participant's residence to the site of training is greater than the Board-defined normal commuting distance, transportation and subsistence costs are provided as part of the overall TAA cost of approved training.
- Transportation and subsistence costs are the lesser of the following:
  - Actual cost
  - Fifty percent of the federal per diem rate for the area in which training takes place
- The actual mileage from a Trade-certified participant's residence to the training facility is verified.
- Transportation allowances provided for daily commuting do not exceed the amount payable using the alternative subsistence calculation in the [Trade Adjustment Assistance Reemployment and Training Plan](#) on TWC's Intranet.
- If a Trade-certified participant is staying at a training facility outside the local commuting area, only one round-trip payment is provided.
- Federal per diem rates are verified using the [U.S. General Services Administration Website](#). If transportation and subsistence allowances are included in the TAA training program the following must apply:
  - An application for subsistence is completed and retained in the applicant's file
  - Boards make payments at the end of a training week, with the exception of the beginning of training
  - Trade-certified participants submit attendance before receiving transportation and subsistence assistance
  - Payments are not be made for any unexcused absences
  - Boards must assist Trade-certified participants with the initial payment when it is necessary in order for the participant to begin training.
- If training outside of the normal commuting area makes the cost of training unreasonable, a request for denial of training is submitted to TWC's TAA Technical Assistance at TAA@twc.state.tx.us.

### **C-306: Support Services**

---

Support services help Trade-certified workers enrolled in training accomplish the following:

- Remain in the program
- Focus on the coursework
- Stay on task
- Complete components successfully and in accordance with their REPs

Boards must ensure the following:

- TAA participants who need support services to complete their educational or training activities are co-enrolled in WIOA dislocated worker services.
- TWIST service code *4-TWC Programs Supported by WIOA* is used only for TAA participants who are enrolled in TAA-funded educational or training activities not approved by WIOA and are unable to complete their training without the provision of WIOA worker-funded support services.
- The need for support services is fully assessed and the determination of their need included in the REP.

Boards must be aware that support services can include payment or reimbursement for the following:

- Child care services governed by TWC's Chapter 809, Child Care Services rules
- Transportation services for participating workers

Boards must be aware that work, training, or education-related items that are not related directly to training and are not authorized under the Trade Act, but can be funded under other programs, including, but not limited to, WIOA, when the customer is eligible under those programs.

### **C-307: Appropriate for Training?**

---

Boards must ensure that if the completed REP indicates that the participant needs training to return to employment, Workforce Solutions Office staff and the participant determine the appropriate training.

Staff may use the assessment results, evaluation information, and interview outcomes to answer the following questions:

- Is suitable employment unavailable for the participant without training?
- Will the participant benefit from appropriate training, and will the training ensure that the participant is completely "job ready" at the end of the training?
- Does a reasonable expectation of employment exist following the training, and has the participant been fully informed of the expected entry level occupational wage?
- Is training available at a reasonable cost? (Reminder: Trade-certified participants must not pay costs for any required training.)
- Does the participant have qualifications, capabilities, financial resources, and the background to undertake and complete the training successfully?
- Is the training available from a private or public school regulated by a state agency or an accredited board?

Additional training approval considerations include the following:

- Training must be full time for the participant to receive TRA
- ESL, AEL, or GED programs must be before or with vocational training
- Full time is as defined by the training provider or by a full-time determination from the TAA state office

Training must be conducted within the United States.

The proposed training program must provide all the skills and requirements upon completion that are needed for the worker to be job ready. For example, if the occupation for which the proposed training is preparing the worker requires a license, then the training program must include obtaining the license.

## C-400: Types of Training

### C-401: Remedial Training

---

Remedial training can include the following:

- AEL
- ESL
- GED preparation

Boards must ensure the following:

- TAA training programs include all training necessary for a trade-affected worker to be completely job ready for a specific occupation.
- All TAA-approved training leads to a selected occupational goal and can be completed within the required TAA time frames.

Boards must be aware that TAA-approved training can include AEL, ESL, and GED classes if the trade-affected worker requires this training before and/or concurrently with occupational vocational training. Boards must ensure that all necessary training, including remedial and vocational, is reflected in an individual's REP.

Boards must be aware that remedial training can only be completed without a corresponding training service if a trade-affected worker has all the required skill sets for the selected occupation except a component of remedial training. When that is the case, Boards must ensure the following:

- Documentation exists showing the trade-affected worker has all other required skills.
- The documentation is entered into TWIST *Counselor Notes*.
- The trade-affected worker will be completely job ready for the selected occupation after completion of the remedial training as a component service of the REP.

For remedial training, Boards must ensure that Workforce Solutions Office staff does the following:

- Enters the total weeks of remedial education into the TWIST *TAA Program Detail, Program Summary* tab, *Remedial Weeks in Training* field
- Uses corresponding TWIST service code *54-GED*, *44-ESL*, or *2-ABE* for Adult Education and Literacy training, or TWIST sub-fund code *50-Integrated Remedial* using fund code *121-Trade Adjustment Act* or fund code *136-TAA/Other*
- Enters "Remedial Education" into TWIST *Counselor Notes* with the time frame, course name, and total number of weeks of remedial training
- Uses TWIST sub-fund code *50-Integrated Remedial* when remedial education coursework is offered at the training institution concurrently with occupational training

If remedial training is provided at no cost, or funded by private sources or governmental funds other than TAA funds, Boards must ensure that fund code *136-TAA/Other* is entered into TWIST.

As part of DOL's TAA reporting requirements, Boards must ensure that Workforce Solutions Office staff enters the Occupational Information Network (O\*NET) code that appropriately reflects the approved TAA training into TWIST *TAA Program Detail* and *Service Tracking* fields.

### **C-402: Prerequisite Education**

---

DOL defines "prerequisites" as "coursework that a training institution requires for entry into the approved training program." Boards must ensure that Workforce Solutions Office staff includes prerequisite education in the REP and applies the definition, as follows:

- Under TAA, a course is a prerequisite if it is required before a student can be accepted into a program. For example, if a nursing department requires a specific biology course prior to admitting a student into the program, the biology course is classified as a prerequisite.
- Under TAA, a course is a "sequential course" if it is a specific course that is listed as a prerequisite for another course. For example, if a training institution lists Accounting 101 as a prerequisite to Accounting 102, the courses are classified as sequential courses, not prerequisites.

Boards must ensure that Workforce Solutions Office staff does the following:

- Enters the total weeks of prerequisite education into the TWIST *Program Detail, Program Summary* tab, *Remedial Weeks in Training* field.
- Uses training service code *190–Prerequisite Training* for periods of time when prerequisite coursework is being accomplished.
- Enters "Prerequisite Education" into TWIST *Counselor Notes* with time frame, course name, and total number of weeks of prerequisite training.

### **C-403: Distance Learning**

---

For self-paced distance learning, Boards must ensure the following:

- The Board and Workforce Solutions Office staff work with distance learning providers to understand a specific program's participation requirements and benchmarks.
- Distance learning providers inform the Board of student progress, which is critical in establishing benchmarks and timelines to gauge satisfactory academic progress.

Boards must ensure that Workforce Solutions Office staff uses TWIST sub-fund code *48–Distance Learning* when distance learning is used exclusively for an entire course of study. Boards must ensure that a final degree or certificate earned through a distance learning program is equivalent to the same degree or certificate earned through a campus-based program or at an institutional training location.

### **C-404: Direct Assessment Training**

---

Boards must be aware of the following:

- Direct assessment programs are instructional programs that use direct assessment rather than credit hours or clock hours to measure student learning. Many information technology certification programs use this method.
- If direct assessment training is self-paced, Boards must understand a specific program's participation requirements to ensure that training benchmarks and time frames are properly established.

- Direct assessment training can be conducted through distance learning or through a campus-based program.
- Assessments can take the form of tests, embedded assignments, course activities, or competence interviews.
- Assessments must be passed successfully prior to progressing to the next training module.

---

**C-405: Short-term Prevocational Skills Training**

---

Short-term prevocational skills training prepares individuals for suitable employment or appropriate training referrals. It is generally less than six months in duration.

Boards must ensure that prevocational skills training is tied to specific targeted or high-demand occupational training. For example, a short-term computer literacy class can be a necessary short-term prevocational skills training for various occupations.

---

**C-406: Vocational or Occupational Skills Training**

---

Vocational or occupational skills training is for skilled workers such as plumbers, electricians, auto mechanics, air conditioning and heating repair persons, bookkeepers, and office assistants.

Boards must ensure that Workforce Solutions Office staff uses the Board's list of targeted or high-demand occupations when helping skilled workers with their REPs.

---

**C-407: Dual-Language Training**

---

Dual-language training, also known as contextual learning or integrated vocational skills training, provides necessary vocational skills and remedial education together in a single integrated curriculum. This training blends English as a Second Language classes and other training with vocational skills training, as appropriate, to limited English proficiency individuals.

---

**C-408: On-the-Job Training**

---

OJT is conducted by an employer and results in full-time employment on completion of training. OJT provides the knowledge and skills essential for job performance in a specific occupation. The duration of the training is based on the time required for the individual to become proficient in the occupation.

Boards must ensure that employers commit to hiring an individual who successfully completes OJT.

Under OJT, the Board may reimburse employers a percentage of the trainee's wage rate based on the Board's sliding fee scale.

---

**C-409: Customized Training**

---

Customized training is designed to meet the special requirements of an employer or group of employers. As with OJT, the employer must commit to hiring an individual who successfully completes the training. Customized training for Trade-certified participants must meet the same criteria used for WIOA.

Boards must ensure that customized training is developed with a specific employer and that the employer plays a major role in the development of the training or curriculum so that the training addresses specific employer-identified skills.

## C-500 Tracking Participant Progress

### C-501: Follow-up Services During and After Training

---

Boards must ensure that after a Trade Adjustment Assistance (TAA) program participant begins training activities, Workforce Solutions Office staff follows up with the participant on a regular basis. A good time to assess progress is when the participant comes to the Workforce Solutions Office to sign for support service items (e.g., bus tokens and gas vouchers).

Workforce Solutions Office staff may use the following criteria to evaluate a participant's progress in training:

- Is the participant progressing in his or her class work?
- How are the participant's grades?
- Does the participant need other support services?
- What else can Workforce Solutions Office staff do to assist the participant?

### C-502: Participation

---

Boards must be aware that if a training participant is not meeting all of a training institution's requirements, the participant is considered to have ceased participation, which can affect the participant's TRA for that period.

Boards must ensure that for each occurrence of failure to meet all of a training institution's requirements Workforce Solutions Office staff does the following:

- Enters the failure into the participant's *TWIST Counselor Notes*
- Issues a benchmark warning to the participant

Boards must be aware of the following:

- Under TAA, any degree, certificate, or course completion necessary to make the worker fully job ready must be attainable within the following maximum duration allowed under the Trade law in effect at the time of the participant's certification:
  - Trade Act of 1974, including the North American Free Trade Agreement and TAA, petitions below 50,000: 104 weeks maximum
  - Trade Act of 2002, petitions between 50,000 and 69,999: 130 weeks maximum
  - Trade Act of 2009, petitions between 70,000 and 79,999: 156 weeks maximum
  - Trade Act of 2011, petitions between 85,000 and 89,999: 130 weeks maximum
  - Trade Act of 2015, petitions above 90,000: 130 weeks maximum
- Remedial or prerequisite education in a TAA participant's REP counts toward the maximum duration of TAA training, which cannot be extended to include it and thus is not affected, but it can affect the duration of TRA. Boards must ensure that Workforce Solutions Office staff directs specific inquiries regarding TRA to TAA Technical Assistance at (512) 463-2999 (select option 1, followed by option 2, then option 3).
- If it is determined at any point that a participant cannot fully achieve the entire REP within the stipulated maximum time frame, the REP no longer meets TAA approval requirements. Boards must ensure Workforce Solutions Office staff modifies the REP to an alternate, achievable occupational goal or recommends the REP for termination at the end of the current academic term.

### **C-503: Full-Time and Part-Time Student Status**

---

Boards must be aware that full- or part-time student enrollment status can affect TAA training approval and that under TAA regulations, the following applies:

- Part-time enrollment status is not permissible for petitions below 70,000.
- Petitions of 70,000 and above can be enrolled in part-time training, but do not receive TRA.

Under TAA regulations, full- or part-time status is based on the training provider's standards. "The hours in a day and days in a week of attendance in training shall be full-time in accordance with established hours and days of training of the training provider." (20 Code of Federal Regulations §617.22(f)(4))

Boards must be aware that the training provider determines full- or part-time status based on the following:

- Universities, colleges, and community colleges typically participate in the financial assistance programs established under Title IV of the Higher Education Act. If a TAA customer is participating in Title IV–eligible training, the training provider's determination of full- or part-time enrollment status is made according to the institution's Title IV standards.
- Generally, full-time status under Title IV requires one of the following:
  - 12 semester hours or 12 quarter hours per undergraduate academic term
  - Nine credit hours per academic term for graduate students in an educational program using a semester, trimester, or quarter system
- Full- or part-time determinations made by non–Title IV training providers are accepted under TAA/TRA.

Boards must ensure that when a Title IV institution provides a full-time determination at less than 12 credit hours for undergraduate work, or less than nine credit hours for graduate work, the finding is sent to TWC's TAA coordinator at [taa@twc.state.tx.us](mailto:taa@twc.state.tx.us) for a final determination.

If a non–Title IV training provider does not issue a determination, Boards must ensure that Workforce Solutions Office staff does the following:

- Documents the information in TWIST *Counselor Notes*
- Forwards the finding to TWC's TAA coordinator at [taa@twc.state.tx.us](mailto:taa@twc.state.tx.us) for a final determination when a preliminary determination of full-time status is reached

Boards must be aware of the following:

- Full- and part-time enrollment determinations are made on a semester-by-semester basis and not on the basis of an entire academic year.
- Full- and part-time enrollment determinations are based on instructor- and course-led participation and do not consider homework, test preparation, or study time.
- Training institutions sometimes use nonstandard enrollment terms and time frames within a semester—e.g., Wintermester, Maymester, Minimester, Summer I, and Summer II. Nonstandard terms are associated with specific semesters by the school. Boards must ensure that Workforce Solutions Office staff considers all terms within a semester to determine if enrollment meets full-time status.

Boards must ensure that Workforce Solutions Office staff sends supporting documentation and a recommendation of full- or part-time status for TWC's final determination to TWC's TAA coordinator at [taa@twc.state.tx.us](mailto:taa@twc.state.tx.us) in the following cases:

- If a training provider has administrative policies limiting training participation—e.g., admission to training under probationary status or remedial status—and a customer participates at the established maximum level, the training can be classified as full time. This does not include circumstances in which a participant is placed on probationary status for academic performance during TAA-supported training.
- If a participant is in the last term of training required to complete his or her REP, but lacks sufficient required coursework to be considered full time, the participant can be classified as full time for the final term.

TWC uses TWIST data to determine TRA eligibility. Boards must ensure that Workforce Solutions Office staff enters TAA training data on full- or part-time status into TWIST, as follows:

- Use TWIST fund code 121–Trade Adjustment Act or 136–TAA/Other.
- For part-time enrollment, also use TWIST sub-fund code 49–Part-Time Training for the appropriate training period of part-time enrollment status.
- At the beginning of each semester or module of training, document in TWIST Counselor Notes with the title “Full-time Status” or “Part-time Status,” the current course load, along with beginning and ending dates of the semester or module.

*Note:* Customers switched from part-time status to full-time status are not considered full time until the start of the next academic term.

Boards must ensure that Workforce Solutions Office staff reviews full-time status at each career planning opportunity to ensure that the participant has not dropped or failed to register for coursework, and enters any changes in full- or part-time status, including the date of the change, into TWIST *Counselor Notes*.

### **C-504: Benchmarking**

---

Boards must be fully aware that benchmarks assist in early intervention and are used in providing the trade-affected worker Completion TRA. To be eligible for Completion TRA a worker must meet the following benchmarks:

- Complete a training program that leads to completion of a degree or industry-recognized credential
- Participate in training during each week for which Completion TRA is filed (breaks in training are not allowed during receipt of Completion TRA)
- Have substantially met the performance benchmarks established in the Reemployment and Training Plan (REP)
- Continue to make progress toward completion of the approved training
- Complete the training during the period authorized for receipt of Completion TRA

### **C-505: Establishment of Benchmarks**

---

Boards must do the following:

- Establish benchmarks for an adversely affected worker at the time the worker requests Trade Adjustment Assistance (TAA) training approval to ensure the worker's progress toward completing the training program in the allowable time frame
- Clearly define and monitor the benchmarks to ensure the adversely affected worker advances while in TAA-approved training and completes the training within the established, allowable time frame
- Ensure that benchmarks are flexible and practical—e.g., while failing or dropping a single course would likely represent a benchmark failure, it is not necessarily cause to terminate a REP
- Ensure that all benchmarks are listed on the REP

### **C-505.a: Benchmark Review**

---

Boards must ensure that the following requirements are met:

- Determine if the participant has substantially met the performance benchmarks established in the REP by evaluating satisfactory progress against the following two criteria at least once every 60 days, beginning at the start of the REP:
- Is the participant maintaining satisfactory academic standing (e.g., not on probation or determined to be at risk by the instructor or training institution)?
- Is the participant on track to completing the training within the time frame specified in the REP?
- Document benchmark attainment at least every 60 days and obtain documentation from training providers in one or more of the following methods: transcripts, letters, e-mails, documented telephone or personal contacts with the training provider attesting to progress and academic standing in the program. (Boards may create locally developed forms to track progress and academic benchmark attainment.)
- Get benchmark attainment documentation from the training provider at the end of each semester or training module in the form of assessment test results (Adult Education and Literacy/English as a Second Language/GED), grades, or transcripts. A training provider's attestation for the interim benchmark review periods is still required, if necessary to keep within the maximum 60-day review intervals.
- Ensure that Workforce Solutions Office staff, after a second unsatisfactory benchmark review, modifies the REP for the following:
- Determine whether the training still meets the approval criteria
- Ensure continued Completion TRA eligibility
- If the training no longer meets the approval criteria or the participant continues to fail to make satisfactory progress, recommend termination of the training program by submitting a request and all backup documentation to [TAA@twc.state.tx.us](mailto:TAA@twc.state.tx.us)

### **C-505.b: Benchmark Documentation in TWIST**

---

For purposes of maintaining quality case management and the accurate payment of Completion TRA, Boards must ensure that upon benchmark review, Workforce Solutions Office staff determines and documents in TWIST *Counselor Notes* whether the adversely affected worker is meeting both of the following requirements:

- Making satisfactory progress
- Maintaining satisfactory academic standing

If the adversely affected worker is not meeting these benchmarks, Boards must ensure that Workforce Solutions Office staff does the following:

- Provides a warning to the worker
- Documents in TWIST *Counselor Notes* the areas in which the worker has failed to achieve benchmarks
- Verifies the accuracy of the planned training completion date entered into TWIST
- Indicates whether the adversely affected worker is enrolled in the sequence of courses or classes as stipulated in the approved REP

If the adversely affected worker has deviated from the planned sequence, Boards must ensure that Workforce Solutions Office staff amends the REP to reflect the new sequence of courses and ensures it meets all approval criteria.

### **C-506: Training Amendment**

---

Boards must ensure the following:

- Changes to an approved training program are only made for justifiable reasons.
- All decisions about changes involve the participant, Workforce Solutions Office staff, and the training provider.
- Any changes to an approved training program are based on a thorough review of the participant's progress in the current occupational training and a reasonable expectation that the training can be completed successfully.
- Any change in the training occupation or in the training provider is made, if possible, within the first three months of training.

Boards must be aware of the following:

- All approved training weeks count toward the applicable Trade Act time limit, even if the program, occupation, or provider is changed.
- If a substantial change to the training program curriculum or cost is necessary, the participant must return to the Workforce Solutions Office to update his or her Reemployment and Training Plan.

### **C-507: Support Services**

---

Boards must be aware that TAA program participants often need support services until they get a job and start receiving paychecks.

Boards must ensure that Workforce Solutions Office staff continues WIOA-funded support services after the participant successfully completes the training, as appropriate and as Board policy allows.

### **C-508: Job Development**

---

Job development coordinates an employer's requirements with the newly obtained skills and credentials of job seekers. OJT is a particularly valuable resource for participants. Employers are more willing to establish an ongoing OJT program if short-term prevocational skills training, remedial education, or intensive dual-language training precedes the OJT.

Boards must ensure that Workforce Solutions Office staff works with BSU staff to identify available positions in the local workforce development area and create good job matches between employers and job seekers.

---

**C-509: Job Readiness**

Boards must ensure that Workforce Solutions Offices provides job readiness workshops that include topics such as interviewing skills, dressing for success, and résumé writing.

---

**C-510: Performance Information**

Boards must ensure that, after a participant finds employment, Workforce Solutions Office staff continues regular contact with the participant to gather additional information, and enters all performance information into TWIST.

---

## **Trade Adjustment Assistance Guide**

### **Part D – Trade Adjustment Assistance Benefits**

---

#### **D-100: Job Search and Relocation Allowances**

The Trade Adjustment Assistance Reauthorization Act of 2015 (TAARA 2015), like Trade Adjustment Assistance Extension Act of 2011, allows states to decide whether to offer workers certified under TAARA 2015 the opportunity to apply for job search and relocation allowances. Boards must be aware of the following:

- **Job Search Allowances:** Expenses are reimbursable at 90 percent of the necessary expenses up to a maximum of \$1,250 for any Trade Adjustment Assistance (TAA) program participant.
- **Relocation Allowances:** Expenses incurred in transporting the participant, the participant's family, and the participant's household are reimbursable at 90 percent of the reasonable and necessary costs; plus a lump sum payment of three times the participant's average weekly wage, up to a maximum payment of \$1,250 is available.

TAA funding for out-of-area job search and relocation remains at the state level but is available to Trade-certified workers based on the Local Workforce Development Board's (Board) assessment and referral and the availability of such funds from the U.S. Department of Labor.

#### **D-101: Job Search Allowances**

Job search allowances help participants who have active Employment Service work applications on file with job search expenses, such as reimbursements for transportation to job interviews outside the normal commuting area.

Boards must be aware that job search allowances reimburse up to 90 percent of the allowable cost for job searches outside the normal commuting area, up to a cumulative maximum of \$1,250, and may be approved if a participant meets the following criteria:

- Suitable employment is not available within the normal commuting area.
- Participant is willing to relocate and has a bona fide job interview.
- Participant applies within 365 days of the petition certification or most recent separation, or within 182 days after the last day of TAA-approved training.
- There is a reasonable expectation the participant will obtain suitable full-time employment of long-term duration in the area where the job search is conducted (part-time employment is not allowed).
- Participant makes a written request and sends it to the Texas Workforce Commission (TWC) TAA Technical Assistance through Workforce Solutions Office staff before beginning each job search trip.
- Participant arranges at least one job interview—before leaving for the job search trip—which TWC can verify after the trip.

## **D-102: Relocation Allowances**

---

Boards may authorize participants for job relocation allowances to help relocate within the United States when local work is not available, and when a participant receives a *bona fide* job offer. Job relocation allowances can be up to 90 percent of the allowable transportation and moving costs for a participant, the participant's family, and the participant's household goods.

### **D-102.a: Relocation Allowances—Eligibility Criteria**

---

Boards must ensure that Workforce Solutions Office staff considers the following criteria for relocation allowance eligibility:

- The participant is Trade-certified.
- The participant has an active Employment Service work application on file.
- Suitable work is not available within the normal commuting area.

Boards must ensure that the following are in place for any relocation allowance:

- Suitable employment with a reasonable expectation of long-term duration—at least 180 days (six months)—or, a *bona fide* offer of such employment, verified by TWC, in the area of intended relocation.
- The participant must submit a formal written request before the beginning of the relocation, and before 425 after petition certification or the date of the most recent total separation, or day 182 after completing TAA-approved training.

Boards must be aware of the following additional criteria applying to relocation allowances:

- Time limits for beginning and completing a relocation move expire 182 days after the date of application for relocation allowance or 182 days after the completion of training, whichever is later.
- If the participant uses a commercial mover, the maximum allowable weight for household goods is 18,000 pounds. "Self moves" are also allowable.
- The maximum insurance charge allowed is \$50.
- Temporary living expenses are not reimbursable.
- Expenses are paid only for the participant and immediate family members residing with the participant.
- Amounts payable by TAA must be reduced by any amount to which the participant is entitled or is reimbursed from any other source.
- With prior written approval from TWC, relocation allowances may be made available and approved to include the following:
  - Storage of furniture for a maximum of 60 days
  - Extension of the relocation move expiration date

## **D-103: Trade Readjustment Allowances**

---

Boards must be aware that eligible participants may receive weekly Trade Readjustment Allowances (TRA) following exhaustion of unemployment insurance benefits. TRA benefits are generally paid only if the participant is enrolled in a Trade Adjustment Assistance (TAA)-approved training program or has a waiver of the training requirement.

#### **D-104: Reemployment Trade Adjustment Assistance**

---

Reemployment Trade Adjustment Assistance (RTAA) is a wage supplement program for older adversely affected workers who find employment paying less than their trade-affected employment. The Trade Adjustment Assistance Reauthorization Act of 2015 (TAARA 2015) reinstates the structure of the 2009 and 2011 Amendments.

Boards must be aware of the following:

- RTAA replaces Alternative Trade Adjustment Assistance (ATAA).
- Trade-certified participants working part time while enrolled in TAA-approved training can receive RTAA.
- Part-time employment that qualifies the adversely affected worker for RTAA must not pay more than \$50,000 annually.
- Trade-certified participants employed by their trade-affected employer cannot receive RTAA.
- The maximum RTAA benefit amount is up to \$10,000, paid over two years.
- Workers applying for RTAA may visit a local Workforce Solutions Office for reporting requirements.

#### **D-105: Health Coverage Tax Credit**

---

The Health Coverage Tax Credit (HCTC) is a federal program that helps pay a percent of health insurance premiums for health coverage under qualified plans. Adversely affected workers may claim it as one of the following:

- A tax credit on a federal tax return filed at the end of the year
- An advance reimbursement option upon paying 35 percent of the premium to HCTC

HCTC pays up to 72.5 percent for individuals participating in the Trade Adjustment Assistance (TAA) program and eligible for TRA and ATAA/RTAA.

The Internal Revenue Service (IRS) administers the HCTC program. [Additional information on HCTC](#) is available on the IRS website.

Boards must be aware that to take advantage of HCTC, a Trade-certified worker or ATAA/RTAA recipient must meet the following conditions:

- Be eligible for TRA or ATAA/RTAA
- Be receiving TRA, A/RTAA, or unemployment insurance benefits, if benefits have not been exhausted
- Participate in a qualified health plan
- Be enrolled in a TAA-approved training program or have a waiver of the training requirement by the required deadline dates

#### **D-106: Appeals and Complaints**

---

Boards must ensure that Workforce Solutions Office staff understands the appeals process as it relates to TAA-funded services and that staff informs participants of their right to appeal.

Boards must establish procedures to ensure that any request for TAA-funded services or benefits that is not approved results in a negative recommendation transmitted to TWC's TAA Technical Assistance.

TAA Technical Assistance makes the final determination on any negative determinations, such as denial of training or waiver, and will notify the participant of the determination and the appeals process and deadlines. Boards must be aware that any failure to provide a requested benefit within a suitable time is a denial of that benefit.

Appeals must be submitted in writing within 14 calendar days of the date of the TWC TAA Technical Assistance determination to:

The Appeals Department  
101 East 15th Street, Room 410  
Austin, Texas 78778-0001  
Fax: (512) 463-2590

Boards also must ensure that participants understand the complaint process under the Workforce Innovation and Opportunity Act, including complaints about training providers.

---

# Trade Adjustment Assistance Guide

## Part E – Additional Trade Program

---

### E-100: Trade Adjustment Assistance for Farmers

#### E-101: Trade Adjustment Assistance for Farmers—Eligibility

---

Local Workforce Development Boards (Boards) must be aware that the Trade Act created a separate program for farmers, which also assists shrimpers and fishermen.

Trade Adjustment Assistance (TAA) eligibility determinations for farmers are the responsibility of the U.S. Department of Agriculture. County farm service agents, working where the farmers reside, perform the actual determinations.

Boards must be aware of the following:

- Farmers certified under the TAA program are eligible for the same basic reemployment services and training that other Trade-certified customers receive.
- Farmers are not, however, eligible for job search or relocation allowances, weekly Trade Readjustment Allowances (TRA), the Health Coverage Tax Credit, or Alternative Trade Adjustment Assistance/Reemployment Trade Adjustment Assistance.
- Because farmers are not eligible for TRA, waivers of the training requirement are not appropriate and there is no “Waiver in Training Deadline Date” or “Training Application Deadline Date.”

TAA-approved training for Trade-certified farmers must adhere to all TAA approval criteria.

---

## Trade Adjustment Assistance Guide

### Part F – Glossary of Terms and Definitions

---

#### Terms and Definitions

AEL	Adult Education and Literacy
Average Weekly Wage	One-thirteenth (1/13) of the total wages paid to a worker in the worker's high quarter. The high quarter for the worker is the quarter in which the total wages paid to the worker were highest among the first four of the last five completed calendar quarters preceding the worker's last qualifying separation.
Basic Career Services	Basic career services must be made available to all individuals seeking services in Workforce Solutions Office and the Texas workforce system.
Board	Local Workforce Development Board
Career Services	The Workforce Innovation and Opportunity Act (WIOA) authorizes "career services" for adults and dislocated workers, rather than "core" and "intensive" services, as authorized under the Workforce Investment Act (WIA). There are three types of career services: basic, individualized, and follow-up. These services can be provided in any order; there is no sequence requirement. Career services under this approach provide local workforce development areas and service providers with flexibility to target services to the needs of the customer.
COBRA	Health Coverage Tax Credit (HCTC)–related: Consolidated Omnibus Budget Reconciliation Act of 1985. COBRA provides the right to temporary continuation of health coverage at group rates for certain former employees, retirees, spouses, former spouses, and dependent children. Eligible individuals must have lost coverage due to a qualifying event and have been enrolled in their employer's health plan while working.
Dislocated Worker	A worker who was permanently laid off or received a notice of termination or layoff from employment, or is employed at a facility at which the employer made a general announcement that the facility will close.
DOL	U.S. Department of Labor
ESL	English as a Second Language
ETPS	Eligible Training Provider System. A Texas Workforce Commission (TWC) review process that requires training providers to register with the state in order to be eligible to provide services funded by WIA/WIOA. Training providers must attain ETPS certification with TWC.

Follow-up Services	Follow-up services must be provided as appropriate to participants who are placed in unsubsidized employment, for up to 12 months after the first day of employment. Counseling about the workplace is an appropriate type of follow-up service. Follow-up services do not extend the date of exit in performance reporting.
GED	General Education Development
Group Plan	HCTC-related: Health coverage sponsored by an employer or employee organization (such as a union) for employees and their eligible dependents
HCTC	Health Coverage Tax Credit
High-Risk Pool	HCTC-related: High-risk pools are subsidized health insurance pools that are organized by some states and offer health insurance to individuals who were denied health insurance because of a medical condition or whose premiums are rated significantly higher than average due to health status or claims experience. High-risk pools can be a form of qualified health coverage for the HCTC if they are deemed state-qualified.
Hourly Wage	All pay normally earned per hour, including bonuses, tips, gratuities, commissions, and overtime pay
Impact Date	The date identified in a Trade Act certification, on which either total or partial separations began or are threatened to begin in a firm or subdivision of a firm
Individualized Career Services	If Workforce Solutions Office staff determines that individualized career services are appropriate for an individual to obtain or retain employment, these services must be made available to the individual.
Job Location	A worker's physical place of work at the time the worker was separated from a trade-affected employer
Layoff	A suspension of, or separation from, employment by a firm for lack of work, initiated by the employer, and expected to be for a definite or indefinite period of no less than seven consecutive days
Long-term Employment	Employment expected to last at least 150 days
National Dislocated Worker Grants	National Dislocated Worker Grants is an additional funding source opportunity available under WIOA.
Number of Hours Worked Per Week	The usual number of hours of work scheduled per week, including overtime, in whole hour increments (no fractions of hours).

PBGC	HCTC-related: Pension Benefit Guaranty Corporation. Entity created on September 2, 1974, when the Employee Retirement Income Security Act (ERISA) of 1974 was enacted. A defined benefit pension plan that does not have enough money to pay benefits may be terminated if the employer responsible for the plan faces severe financial difficulty, such as bankruptcy, and is unable to maintain the plan. The PBGC then pays pension benefits under the terms of the plan, subject to legal limits, to plan participants and beneficiaries.
Petition Status	The status of a Trade petition throughout the DOL investigation process. Petition status is identified by the following terms: <ul style="list-style-type: none"> <li>• Petition filed</li> <li>• Investigation terminated</li> <li>• Certified</li> <li>• Not certified</li> </ul>
REP	Reemployment and Training Plan. An intensive career service in which Workforce Solutions Office staff works with the participant to identify an in-demand occupation that meets the 80 percent wage replacement goal, then develops a plan to address the occupational goal, the appropriate achievement objectives, and the combination of services needed for the participant to obtain his or her long-term occupational goals. The REP names the specific occupation to be obtained as well as a training plan that will make the participant “job ready” at the completion of training.
Rapid Reemployment Services	Previously Worker Profiling and Reemployment Services.
RTAA	Reemployment Trade Adjustment Assistance
SOCRATES	Standardized Occupational Components for Research and Analysis of Trends in Employment System is a tool to assist Boards in performing a regional labor market analysis. It allows Boards that are conducting WIOA planning to generate lists of targeted industries and targeted occupations. It is also excellent for researching regional Texas labor markets and identifying occupational training possibilities or to justify new program submission and approval. The analytical tools and regional narrative reports within SOCRATES follow the planning guidelines issued for targeted industries and occupations approved by TWC.
State Qualified Health Plan	HCTC-related: Health plans that have been qualified by the Texas Department of Insurance (DOI) as meeting the requirements set forth in the Trade Adjustment Reform Act of 2002. A list of these plans will be submitted to the U.S. Treasury Department by DOI.
Suitable Employment	With respect to a Trade-certified worker, work of a substantially equal or higher skill level than the worker’s past employment, with wages of not less than 80 percent of the worker’s average weekly wage. The availability of suitable employment is used to determine whether or not the participant is eligible for TAA-funded training.

Support Services	Services such as transportation, child care, dependent care, and housing that are necessary to enable a participant to participate in activities authorized under WIOA.
TAA	Trade Adjustment Assistance
TRA	Trade Readjustment Allowances. Weekly TRA may be payable to eligible claimants when they exhaust UI benefits. TRA benefits will be paid if a claimant is enrolled in a TAA-approved training program or has a waiver of the training requirement. TRA payment is the basis for HCTC eligibility.
TRACER	Texas Rapid Access to Career and Economic Resources is a dynamic labor market information delivery system in Texas, backed up by the combined experience of 80 economists.
Training Services	Under WIOA and TAA, training services may include occupational skills training, vocational skills training, dual-language training—which provides the necessary vocational skills and remedial education together in an integrated curriculum (also called contextual learning or integrated vocational skills training)—or employer-based training such as on-the-job training (OJT) and customized training.
TWC	Texas Workforce Commission
TWIST	The Workforce Information System of Texas
UI	Unemployment Insurance
Waiver	A determination that training is not currently feasible for a TAA participant. Also known as “Waiver of the Training Requirement,” “Waiver of Training,” or “Training Waiver.”
WARN Notice	Worker Adjustment and Retraining Notification
WIOA	Workforce Innovation and Opportunity Act

---

## Trade Adjustment Assistance Guide

### List of Revisions and Rescissions

---

#### List of Revisions and Rescissions

*Note:* As this guide is new, there are no revisions at this point.

2016	
SECTION	REVISIONS
RESCISSIONS	WD Letters 04-16; 23-15; 22-15; 03-15; 15-14; 38-13; 35-13; 06-12; 18-11; 10-11; 52-09, Chg. 1; 06-10; 58-09; 34-04