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Henry McMaster
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STATE INSTRUCTION NUMBER 21-03

To: Local Workforce Area Signatory Officials
Local Workforce Area Board Chairs
Local Workforce Area Administrators
DEW Area Directors
DEW Regional Managers
TAA Workforce Consultants

Subject: TAA and WIOA Dislocated Worker Program Co-enrollment Policy

Issuance Date: July 29, 2021

Effective Date: Immediately

Purpose: To provide guidance on co-enrolling participants in the Trade Adjustment Assistance (TAA or Trade) and Workforce Innovation and Opportunity Act (WIOA) Dislocated Worker (DW) programs.

References:

- Workforce Innovation and Opportunity Act, Public Law 113-128 § 3(15)
- 20 CFR Part 618
- Training and Employment Guidance Letter 4-20
- State Instructions 18-01, 18-08, 20-15

Background: The Department of Labor (DOL) issued a new final rule implementing the Trade Act, effective September 21, 2020. DOL has aligned the Final Rule with WIOA requirements, promoting integrated service delivery for the TAA program within the nation's public workforce system. With the Final Rule, DOL mandates co-enrollment between the TAA program and the WIOA DW program. While the TAA program will pay for all training and related costs, and the majority of employment and case management services for eligible participants, trade affected workers can also benefit from WIOA's supportive services and post-employment follow-up services, which cannot be funded through the TAA program.

A hallmark of WIOA is its emphasis on Integrated Service Delivery across multiple core and partner programs to better serve workforce customers. An integrated workforce system connects workers with the full range of services available in their communities by interweaving partner program resources on behalf of shared customers. Program staff are encouraged, and

in some cases required, to co-enroll participants in partner programs to increase participant access to services and thereby increase their likelihood of successfully securing and advancing in employment with family-sustaining wages.

Policy: To promote integrated service delivery, TAA program participants who are eligible must be co-enrolled in the WIOA Title I DW program. Most adversely affected workers meet the eligibility criteria of a DW defined at WIOA § 3(15). Participants in the DW program who are eligible for the TAA program, and not currently enrolled in that program, must be co-enrolled in the TAA program.

Local areas should determine if a potential trade-affected worker is eligible for the DW program immediately following the announcement of a layoff to begin with the provision of WIOA services as soon as possible. Individuals eligible for the WIOA DW program should be enrolled prior to the certification of any pending or potential TAA petitions. This is critical due to the time lapse that could occur while awaiting TAA petition determinations and will help to close any gap in services to better assist affected workers.

Staff must also make co-enrollment available to trade-affected workers who are eligible for the Wagner-Peyser program, the Jobs for Veterans State Grants (JVSG) program, and all other one-stop partner programs to ensure that all necessary and appropriate services, including supportive services, are available to the worker.

To ensure all eligible participants are being co-enrolled in accordance with this policy, supervisory staff should monitor the Co-Enrollment Summary report under Detailed Reports in SCWOS.

Funding

The Trade Act, as amended, allows states to pay for a training program approved under the Act with TAA funds or from other sources, but does not allow duplication of payment of training costs. Under certain circumstances, a state can use funding from more than one program to fund training; however, TAA funds can only reimburse training costs incurred after a trade-affected worker was certified and determined individually eligible for TAA, and that training must be TAA-approved. Additionally, the TAA program must be the primary source of assistance to trade-affected workers. To the extent trade-affected workers enrolled in the TAA program require assistance or services not authorized under the TAA program, or for which TAA program funds are unavailable or insufficient, assistance must be provided through other federal programs, such as the WIOA DW program, if the worker is eligible for the services under the partner program and where funds are available.

Individual Employment Plans and Assessments

Initial assessments must be provided to all trade-affected workers after determining the trade-affected workers are individually eligible for the TAA program as part of the intake process, unless an initial assessment has already been conducted by a partner program. Case managers must use the results of a worker's initial assessment as part of developing an Individual Employment Plan (IEP). The initial assessment must include an evaluation of a trade-affected worker's skill levels (including literacy, numeracy, and English language proficiency), aptitudes, abilities (including skills gaps), and supportive service needs. Case managers must make trade-affected workers aware of, such as by explaining, the advantages of receiving an initial assessment and affirm that a worker may refuse an assessment, such as in cases where the worker already has an offer for a suitable job. The initial assessment must be scheduled timely in order to give trade-affected workers enough time and information to consider, request, and enroll in training or obtain a waiver of the training requirements for Trade Readjustment Allowances (TRA) before expiration of the 26-week deadline for enrollment in training.

Assessments provided by TAA, WIOA, and other partner programs may be used and may increase efficiency, ensure that workers quickly receive appropriate reemployment services, and quickly identify those workers requiring a more comprehensive and specialized assessment of their skills. If an initial assessment completed by a partner program does not include the information required by the co-enrolling program, case managers for the co-enrolling program must supplement the initial assessment in conjunction with the worker to ensure all necessary information is obtained.

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

IEPs must be developed and managed in accordance with State Instruction 18-01. The primary purpose of an IEP is to outline the provision of services necessary for the participant to achieve his or her employment goals, regardless of program affiliation. An IEP is a living document that will be continually revised and used by staff from multiple programs, as appropriate. TAA and WIOA case managers must ensure that IEPs are kept up-to-date for all co-enrolled participants to avoid duplicative services and to clearly state current goals and objectives for each participant to ensure that participants are receiving all needed and appropriate services. This includes closing out old objectives, goals, and IEPs, as appropriate. When appropriate, case

managers should use information gathered from the assessments given by partner programs to develop a clear picture of the participant's goals and needs.

Referrals

To initiate the co-enrollment process, a referral should be made to introduce an eligible participant to the other program or provider of service. WIOA strongly encourages the use of an integrated system of case management, using technology to achieve alignment in service delivery that meets customers' needs, including referrals. Additionally, electronic referrals via SCWOS can be more easily tracked, including outcomes. In accordance with State Instruction 20-14: Required Use of SCWOS for Referrals, all customer referrals must be conducted through SCWOS.

Step-by-step instructions regarding Staff Referrals to Providers in SCWOS are located under Staff Online Resources in SCWOS.

Additionally, program staff, in conjunction with the participant, must complete the following forms and upload the forms into SCWOS and if applicable, file the form in the participant's folder:

- **WIOA Acknowledgement of Referral to TAA**—to be signed by WIOA program staff and the participant
- **TAA Acknowledgement of Referral to WIOA**—to be signed by TAA program staff and the participant

By signing these forms, program staff acknowledges that the participant is being referred to the partner program and that **program staff have fully explained the benefits of co-enrollment**. Current forms can be found in SCWOS under Staff Online Resources.

Participant Right of Refusal

WIOA program staff and TAA program staff must co-enroll trade affected workers who are eligible for both the TAA program and WIOA's DW program, unless the worker chooses to decline co-enrollment in both programs. A worker will not be denied worker benefits or services under the TAA program or WIOA program solely for declining co-enrollment in the partner program.

If a participant declines to co-enroll in a partner program, case managers must document the participant's refusal by:

- Entering a case note in SCWOS outlining that the individual is declining to enroll in the partner program and why; and
- Complete and attach the **Program Enrollment Refusal Form** (located in SCWOS under Staff Online Resources) to the case note.

Action: Ensure that all staff receive and understand this policy.

Inquiries: Questions may be directed to PolnPro@dew.sc.gov.

A handwritten signature in blue ink that reads "Kevin Cummings". The signature is written in a cursive style with a horizontal line underneath the name.

Kevin Cummings, Assistant Executive Director
Technical Services, Policies, and Reporting

Program Enrollment Refusal Form

Individual's Full Name: TYPE NAME

SSN: XXX-XX-

I have discussed the benefits and services provided under the TYPE PROGRAM NAME Program with the individual referenced above.

Program Staff Signature

Date

Program Staff Printed Name

I have been given an overview of the services and benefits provided under the Program listed above. All of my questions were answered satisfactorily. I understand that by signing this form I am refusing the right to enroll in the program, at this time.

Individual Signature

Date

Individual Printed Name



Trade Adjustment Assistance (TAA) Acknowledgement of Referral to the Workforce Innovation and Opportunity Act (WIOA)

(A) GENERAL INFORMATION

Full Name: _____
SSN: XXX-XX-_____
Local Office: _____

Petition #: _____
Employer Name: _____
Date: _____

(B) ELIGIBILITY INFORMATION

1. *Is the applicant fully dislocated from the affected employer?* Yes No

Reason for separation?

Lack of Work Voluntary Quit Other: _____
 Fired

2. *Is the applicant registered with the selective service (Males Only)?*

Yes No Not Applicable

Verification:

Selective Service Website Self-Attestation Other: _____

By signing below, I affirm that the above information is correct to the best of my knowledge. I understand that I am being referred to the Workforce Innovation and Opportunity Act (WIOA). I understand that the WIOA program can offer benefits and services that the TAA program cannot. I understand that the benefits and services offered through WIOA are not guaranteed.

I am interested in being referred to the WIOA program. I understand that choosing not to be referred to WIOA will not affect my eligibility for the TAA program.

Yes No

Applicant Signature

Date

Staff Signature

Date



Workforce Innovation and Opportunity Act (WIOA) Acknowledgement of Referral to Trade Adjustment Assistance (TAA)

Participant's Full Name: _____

SSN: XXX-XX-_____

By signing below, I affirm that I understand that I am being referred to Trade Adjustment Assistance (TAA). I understand that the TAA program may offer benefits and services that the WIOA program cannot. I understand that the benefits and services offered through TAA are not guaranteed.

I am interested in being referred to the TAA program. I understand that choosing not to be referred to TAA will not affect my eligibility for the WIOA program.

Yes

No

Applicant Signature

Date

Staff Signature

Date