

2009/2011/2014/2015/2021 AMENDMENTS

Petitions TA-W-70,000 through TA-W-79,999

Petitions TA-W-81,000 and above

Petitions TA-W-85,000 and above

Petitions TA-W-90,000 and above

Petitions TA-W-98,000 and above

KENTUCKY CAREER CENTER'S

TENCO REGIONAL PLAN INTEGRATED TRADE SERVICES

TABLE OF CONTENTS	
Reversion 2021 Changes	3
TAARA 2015 Changes	4
Reversion 2014 changes	5
TAAEA of 2011 changes	6
Trade Petition	7
Rapid Response	8
Outreach	9
Orientation	9-10
Eligibility- 855; 855A forms	10
Initial Assessment	11
Labor Market Information (LMI)	12
Employment Case Management	12-13-14-15
Assessment & (IEP)	15-16
Completion TRA and Benchmarks 858C Plan	16-17
Waiver	17-18
Referral Process To WIOA	19
WIOA Case Management	19-20
Out of Area Job Search Assistance and/or Relocation Assistance	20-21
Training Request	22-23
Training Assessment	23-24

Six Training Criteria	24-25-26-27
Criteria Review	27
Tutoring Process	28
Pre-Approval/Denial & Notification	29-30
Trade Procedure for Recommendation of Denial of Training	30
Final Approval/Denial	30
Subsistence or Transportation	31
ATAA/RTAA	31-32
Trade ReAdjustment Assistance (TRA)	32-33
HCTC	33
Outcomes	34
Federal Reporting and Performance	34
TAA Data Element Validation	34-35
TEGL 24-20 Attachment C – List of nations for shift in production	35
Procedures from Reversion 2014 Manual: (see pages 154-176 in trade manual) Case Management Comp. Assessments Individual Emp. Plan EKOS Data Entry Benchmarks Training Waiver Training Approval	36
Trade Forms	36
Trade Flow Chart	37

Reversion 2021

1. Petition numbers 98,000 and above; Eligibility coverage Workers whose impacted work is in the service sector no longer will be eligible
2. Workers petitioning on or after 7/1/2021 will not be able to access TAA benefits and services prior to separation; Benefits and services may only be provided for those workers after layoffs occur; Adversely affected workers are not eligible for services
3. Group Eligibility: No path to certification for service sector workers; International Trade Commission based certifications not applicable; Shift-in-production criteria conditional; Secondary certification conditional
4. Shifts in production **to certain foreign countries**; No path to certification for increased imports of finished articles containing components; Secondary impact is conditional – See page 35
5. WIOA **co-enrollment requirement** remains in effect – **this is not optional**; States must make every reasonable effort to secure counseling, testing, and placement services, and supportive services for adversely-affected workers
6. Training: **Work-based learning is the preferred method of training and must be considered before any other training can be approved**
7. Training: OJT limited to 104 weeks; Part-time training is allowable with TRA benefits; Training plans can be amended; Training plans can contain multiple types of training from multiple providers: All training related costs can be covered
8. Training: Maximum weeks of approved training is 130; Breaks in training is 30 days; Remedial training/Prerequisite courses are allowable; Online training is allowable
9. Job Search: 90% of allowable costs; Up to \$1,250 for job search allowances; Can be multiple events
10. Relocation Allowance: Up to \$1,250 lump sum payment; 90% of relocation costs
11. ATAA: Will be part of the petition and investigation process; Cannot be combined with training; Cannot receive ATAA after TRA; Cannot receive TRA after ATAA
12. TRA: No changes to Basic, Additional, or Completion TRA; No change in waivers; Must file a bona fide application for training within 210 days of separation to be eligible for Additional TRA; Must be enrolled in or waived from training by the later of: 8 weeks from certification or 16 weeks from separation
13. TRA Provisions: No earnings disregard; No election provisions; No good cause provisions; No exceptions for military service; No extensions for justifiable cause; No extensions for judicial or administrative appeals-pages 11-12
14. Overpayments: Reverts to may waive instead of shall waive; Reverts to contrary to equity and good conscience instead of financial hardship

TAARA 2015 – CHANGES

1. Petition numbers 90,000 and above; Eligibility coverage for workers in firms that produce articles or supply services; Worker in firms that have shifted production to any foreign country; Workers in firms that produce component parts or supply services; Workers in firms that are downstream producers; and Workers whose firm is identified in specific types of International Trade Commission affirmative “injury” or “market disruption” determinations. – TEGL 5-15 – page 5 – A-15-A-25;
2. TRA – 117 weeks of training plus 13 weeks of completion for a total of 130 weeks of cash payments;
3. TRA Training Deadlines: 26/26 week deadline – TEGL 5-15 – page 5;
4. Waivers: 3 waiver reasons – Health, Enrollment unavailable, Training not available – TEGL 5-15-page 5;
5. Payment of 65 weeks of Additional TRA over a period of 78 weeks – TEGL 5-15 – page 5;
6. Federal Good Cause provision for waiving certain time limits – TEGL 5-15 – page 6;
7. Eligible participants may elect to receive TRA instead of UI – TEGL 5-15- page 6;
8. Elimination of 210 rule – TEGL 5-15- page 6;
9. Special rule for returning members of the Armed Forces and National Guard – TEGL 5-15-page 6 & A-42-43;
10. Special rule for calculating the TRA eligibility period to exclude any period which a judicial or administrative appeal of a denial of certification was pending – TEGL 5-15-page 6;
11. Special rule for extending the TRA eligibility period for justifiable cause – TEGL 5-15-page 6;
12. TAA funded training is allowed for adversely affected incumbent workers – TEGL 5-15-page 6;
13. Part-time training can be approved, but without TRA – TEGL 5-15-page 6;
14. Approval of Registered Apprenticeships and On-the-Job training encouraged – TEGL 5-15-page 6 & Attachment A – pages 54-57.

TAA funded training is available for up to 117 weeks of cash payments to workers enrolled in full-time training.

Up to 130 weeks of cash payments if the worker is allotted 13 weeks of Completion TRA, which are only available if needed for completion of a training program and if training benchmarks are met.

Deadlines: Must be enrolled in training or on a waiver within 26 weeks of the petition certification or 26 weeks of the qualifying separation date.

Allows for an extension of the enrollment deadlines for 45 days where there are extenuating circumstances justifying the extension.

Benchmarks are required to be established for all long-term training plans and training plan amendments.

Short-term training plans do not require benchmarks.

Adversely affected incumbent worker – a worker who is a member of a group of workers certified as eligible to apply for TAA, but who has not been totally or partially separated from adversely affected employment. Reference TEGL 5-15- Attachment A – pages 46-48.

REVERSION 2014 – CHANGES

1. Petition numbers 85,000 and above; The company shifted production to a foreign country; The company outsourced a department to a foreign country; Sales or production declined due to foreign competition; A company lost a large part of its client base due to foreign competition – pages 6-7 of 2014 trade manual;
2. Combines 2002 and 2011 amendments; TEGL 11-02 and changes TEGL 2-03 and change 1; TEGL 10-11 and changes 1& 2 where applies 2011 policies; 20 CFR parts 617 & 618; 29 CFR part 90;
3. TRA – 117 weeks of training plus 13 weeks of completion for a total of 130 weeks of cash payments – pages 54-57 and 100-103 of trade manual;
4. TRA Training Deadlines: 8/16 week deadline – 210 day deadline – pages 79-86 of trade manual;
5. Waivers: 3 waiver reasons – Enrollment not available; Training not available; Health of the worker – pages 87-91 of trade manual;
6. Job Search Allowances: 90% of allowable costs, up to \$1,250 – pages 62-69 of trade manual;
7. Relocation Allowances: 90% of allowable costs, up to \$1,250; Provides an additional lump sum payment of up to \$1,250 – pages 62-69 of trade manual;
8. Training Services: Training may only be approved on a full time basis; No incumbent worker training; No additional training weeks for remedial or prerequisite classes; No apprenticeship provisions; Reverts back to 2002 OJT standards; Training shall not be limited to the ETPL – pages 34-40 of trade manual;
9. ATAA: Requires separate certification of group eligibility; Maximum benefit \$10,000 – pages 70-74 of trade manual;
10. Elimination of HCTC as of 12/31/2013; The COBRA extension has also expired – reference TEN 15-13.

TAA funded training is available for up to 117 weeks of cash payments to workers enrolled in full-time training.

Up to 130 weeks of cash payments if the worker is allotted 13 weeks of Completion TRA, which are only available if needed for completion of a training program and if training benchmarks are met.

Deadlines: Must be enrolled in training or on a waiver within 8 weeks of the petition certification or 16 weeks of the qualifying separation date.

Deadlines: Must make a bona fide request for training within 210 days of the qualifying separation date to receive additional TRA.

Benchmarks are required to be established for all long-term training plans and training plan amendments.

Short-term training plans do not require benchmarks.

TAAEA OF 2011 – CHANGES

1. Service and manufacturing sector workers may be covered;
2. Retroactive Provisions – A choice between 2002 & 2011 benefits petition numbers 80,000 – 80,999 – deadline was March 19, 2012 – Equitable Tolling may apply – additional information on pages 10-12 of TEGL 10-11;
3. Completion TRA and Benchmarks – section 858C;
4. Elimination of remedial TRA – as a “category” of TRA, although remedial & prerequisite training should continue to be part of an approved training plan where appropriate. Remedial & prerequisite training will no longer result in the worker’s eligibility for up to 26 additional weeks of TRA;
5. Elimination of three training waivers – These three are allowable under 2011 – Worker in poor health; Delay in enrollment availability; TAA training funds not available;
6. Job search & relocation allowances – section Job search/Relocation assistance;
7. HCTC tax credit coverage is 72.5%
8. Federal good cause – Allows for a waiver for good cause of deadlines relating to time limitations on filing an application for TRA or enrolling in training. This provision supersedes the state good cause provision applicable to these deadlines under the 2009 amendments;
9. RTAA at TAA 2002 benefit levels.

Please review TEGL 10-11

TAA funded training is available for up to 117 weeks of cash payments to workers enrolled in full-time training.

Up to 130 weeks of cash payments if the worker is allotted 13 weeks of Completion TRA, which are only available if needed for completion of a training program and if training benchmarks are met.

Federal Good Cause information can be found on pages 22-23 of TEGL 10-11. There are nine factors for consideration.

WHAT IS THE TRADE PROGRAM?

Trade Adjustment Assistance (TAA) is a federal program that helps workers who lose their jobs or whose hours of work and wages are reduced as a result of foreign trade. The purpose of the Trade program is to assist clients in re-entering suitable employment as quickly as possible.

TRADE PETITION

1. Employer Trade petition may be filed by several different individuals/groups – including a One-Stop Partner according to Trade regulations;
2. CDO or WIOA staff may assist the employer and/or employees in completing a petition if they chose to submit one;
3. Regional Trade Facilitator will check petition web site on a monthly basis to determine if any trade petitions have been filed or approved in the TENCO service delivery area;
4. If petitions are found approved, Regional Trade Facilitator will disseminate information to Rapid Response Lead, WIOA Director, CDO Regional, One-Stop Managers and other staff as determined.
5. Website location for petition is doleta.gov

Reference 2014 Trade manual pages 6-8

Reference 2015 Act TEGL 5-15 – Attachment A – pages 5-15

PETITION PROCEDURE

Petitions can be filed by:

- The employer
- Three employees
- A union representative
- Central office staff
- Local KCC staff

Three Methods To File A Petition

- Online: www.etaareports.doleta.gov
- By Fax: 1-202-693-3584
- By Mail: Address listed on cover page of the petition application

Review and Determination

- DOL reviews request & renders a decision within 40 days
- Decision is posted on website

RAPID RESPONSE

1. WIOA Rapid Response Lead is responsible for arranging initial RR employer meeting; If the layoff is Trade affected or pending Trade certification, the Regional Trade Facilitator will be included in the initial RR employer meeting.

The employer contact for the company will be provided with the website in order for affected employees to self-register in Focus Career. It will be requested that affected employees are provided with this information and highly encouraged to complete self-registration prior to the Rapid Response event.

2. Follow local area RR plan in coordination of services with all One-Stop partners and community agencies; Partners may include: Health Department, Dept. for vocational Rehabilitation, Office of Employment & training, WIOA, Dept. of Labor, Skills U, Veterans, Regional Trade Facilitator, & Dept. of the Blind.

The state Rapid Response Coordinator will be informed by email of all RR events.

3. The LWIOA Rapid Response Lead will utilize the RR event to collect basic employee information on an KEES Registration form in order to document and enter activities in KEES.

The LWIOA Rapid Response Lead is responsible for ensuring RR data is entered for all businesses participating in a RR event. The LWIOA Rapid Response Lead is also responsible for ensuring RR data and activities are entered in KEES for those individuals without a certified Trade petition within ten (10) days from the date of the RR event.

If an affected employee has not registered in Focus Career prior to the RR event, an KEES registration must take place within 10 days of the event. The password and username entered by LWIOA staff for each non-registered affected employee should be maintained and provided to OET staff to ensure duplication of entries does not occur.

If an affected employee refuses to complete the KEES Registration document, a note will be placed in the RR folder indicating refusal, which prevents an KEES registration from taking place within the 10 day allotted timeframe. A list of individuals who do not have a Focus Career/KEES registration will be provided to local OET staff. Once the affected employee self-registers in Focus Career, a RR activity will be added by OET staff with a case note that the individual had not provided documentation at time of the RR event; therefore, the RR activity had not been entered within 10 days of the event due to that fact.

4. CDO local staff is responsible for entering RR activities/data in KEES for individuals on a trade certified petition.
5. CDO and WIOA can provide information for a full Focus Career and/or KEES registration for incumbent workers.

WIOA Rapid Response Lead will complete top portion of KEES Customer Service Registration Form if the company is not trade certified.

The KEES Customer Service Registration Form is completed at Rapid Response sessions.

Reference 2014 trade manual pages 9-13

OUTREACH

1. Outreach activities begins once petition is filed and/or certification trade eligible customers;
2. CDO Regional Trade Facilitator is responsible for providing outreach activities to the customer;
3. After petition certification, the initial outreach activity will be the development and distribution of the Letter of Potential Services to all impacted workers from the dislocation event. The letter will schedule a trade orientation meeting. The company will be contacted for name and address listing of affected individuals. The letter will be used to schedule the orientation session and request necessary documents to bring such as, two forms of identification, one having a picture and the DD-214, if applicable. There needs to be three attempts at contact which includes letter and two additional contacts;
4. CDO Regional Trade Facilitator will schedule an Orientation session to provide information about available Trade services;
5. CDO Regional Trade Facilitator will enter information about the outreach services provided in each customer's KEES record;
6. All communications related to RR activities should be copied to the Rapid Response Lead.

Helpful Hints:

Liabile State – The state which administers the applicable state UI law. This is usually the state where the company is located, however not always.

Agent State – Takes applications, provides re-employment services, provides information to the liable state for determinations, procures and pays for approved training including subsistence & transportation.

The Liabile/Agent State field now has an additional value of “In State” to identify a participant's record being reported by the state which is the same state the TAA participant lives, receives UI benefits and receives TAA training services.

Reference 2014 trade manual pages 120-123

ORIENTATION

1. The TAA Orientation session is led by the CDO Regional Trade Facilitator.
2. The trade orientation meeting will be held no later than 3 weeks after date of certification notification;
3. Orientation will include information regarding services of the Career Center and partners;
4. CDO will assist with filing the UI Claim;
5. The TAA Customer Handbook should be distributed to affected workers during Orientation. All participants are to sign the acknowledgement page with original in CDO hard copy file. CDO will provide copy of acknowledgement page to WIOA at referral.
6. Request copies of the Handbook by contacting taa.coordinator@ky.gov at least one week prior to the orientation event.
7. CDO will document Orientation activities in each customer's KEES record.
8. CDO/WIOA will jointly conduct the trade orientations.

Helpful Hints:

Process to be completed:

- Registration for work thru www.oet.ky.gov
- Completion of forms 855 & 855A
- Copy of worker's DD214
- Copy of SS card & driver's license
- Completion of Focus Career
- Schedule 1st case management meeting
- A change for 2009 & 2015 is OET must first provide employment & case management services with documentation in KEES prior to referral to WIOA
- OET Case Manager confers with WIOA Case Manager for potential start dates for training
- Reference 2014 trade manual 14-17

ELIGIBILITY

1. CDO will assist the customer in the completion of the following forms: TAA-855 and TAA 855A
REVIEW INSTRUCTIONS FOR COMPLETION OF 855/855A forms.
2. CDO will collect documents such as copies of driver's license, social security cards, and DD-214. If customer becomes co-enrolled, CDO will share copies of these documents with WIOA.
3. For those male customers who are remotely interested in training OET will access the selective services website <http://www.sss.gov> to determine if customer is registered. If customer is registered a copy of the results will be placed in the case file. If the customer is not registered confer immediately with the local WIOA Counselor for guidance.
Note-Not a requirement for males born on or before 12/31/1959.
4. Co-enrollment may be determined at a later date. Anyone who will be receiving TAA training will be co-enrolled and will follow established policies and procedures for WIOA eligibility and enrollment which will include: WIOA 20; Application; TAA 858.

Reversion 2021- TEGL 24-20 – pages 1-4

1. Workers whose impacted work is in the service sector will no longer be eligible
2. Workers will not be able to access TAA benefits and services prior to separation
3. Benefits and services may only be provided for those workers after layoffs occur
4. Adversely affected workers are not eligible for services
5. Certification Criteria: Must become totally or partially separated or be threatened with total or partial separation
6. Certification Criteria: Changes in Applicable Nations – based on the shift in production is limited to specific nations – those nations are part of a free trade agreement with the United States
7. There are two groups of workers that can be certified as eligible: Upstream workers must directly supply the primary firm: Downstream workers must directly perform additional, value added production processes, including final assembly or finishing on the products of the primary firm

Helpful Hints:

Please see available Trade check list for case files.

WIOA funds cannot be expended on customers who are not registered with selective service. Should the customer be past their 26th birthday a lengthy process which could take up to 90 days must be followed to determine their eligibility for training. Therefore, it is vital to begin this process as quickly as possible.

Reference 2014 trade manual pages 18-21 and pages 106-108.

Reference 2015 Act TEGL 5-15- Attachment A – pages 15-27.

INITIAL ASSESSMENT

1. CDO and/or WIOA – Initial assessment of the participant may include a review of existing skills, work history, knowledge, credentials, career interest assessment, a full focus career registration, etc. Participants may be referred to Skills U as part of the assessment process as to utilize TABE, GED and/or Work Keys as an assessment tool.
2. Whomever completes the initial assessment is responsible for entering initial assessment data in KEES including the Comp Assessment tab;
3. If the Participant was previously determined eligible for WIOA services, CDO will update any new KEES data including the Comp Assessment;
4. Based on the results of the initial assessment, CDO or WIOA will provide or make referrals to additional services for which the participant may be eligible.
5. WIOA will provide OET with the following: Occupations in demand/WDB sectors; Semester start/end dates

Note: A formal referral to WIOA is not required for WIOA to provide Basic services.

Helpful Hints:

Assessment Module – Do not make any changes to, or delete, information in the free-text fields entered by another staff. You may update by adding current information. Begin each entry by posting your initials and date of entry.

If the participant is remotely interested in training – refer to Skills U for GED/TABE testing as soon as possible.

OET local trade staff confers with WIOA case manager on possible semester start dates.

Reference 2014 trade manual pages 26-29.

LABOR MARKET INFORMATION (LMI)

1. All participants will be provided TENCO/EKCEP/State labor market information to assist them in beginning their job search. Participants are expected to obtain employment at an 80% replacement rate of prior wages, as designated by the Trade Act.
2. CDO is responsible for providing the LMI data to the participant. WIOA will assist CDO with the compiling of local data as available;
3. LMI data may be derived from an array of sources including, but not limited to, the following:
 - TENCO WDB Sector Strategies which includes approved High Wage occupations
 - Local high growth occupations opportunities
 - Local and national job order listings
 - Local newspapers
 - Identified online resources

EMPLOYMENT CASE MANAGEMENT

Reversion 2021-TEGL 24-20-pages 18-20

1. Scope – no longer applies
2. TAA Program as a one-stop partner – No change
3. Responsibilities for the delivery of employment and case management services – still apply
4. Integrated service strategies and WIOA co-enrollment – No change
5. Assessment of trade-affected workers – No change; States are still required to provide an initial assessment
6. Initial assessment of trade-affected workers – No change; Initial assessment still required
7. Comprehensive and specialized assessment of trade-affected workers – States may not use TaOA funds to provide comprehensive and specialized assessments. ETA strongly recommends coordinating with other State programs and partner programs to provide these assessments
8. Individual employment plans for trade-affected workers – No longer required, but strongly recommended. Can only be funded by other State programs or partner programs
9. Knowledge, skills, and abilities of staff performing assessment – Staff providing initial assessment must have the knowledge, skills, and abilities identified. States may not use TAA funds to provide comprehensive and specialized assessments
10. Employment and case management services for trade-affected worker in training – No longer required, but strongly encouraged

1. The 2015 Act requires that employment and case management services be offered to all adversely affected workers and adversely affected incumbent workers.
2. The required services may be provided by CDO staff OR by WIOA staff. Co-enrollment or multiple-enrollment in WIOA partner programs allows workers covered by TAA petitions to receive supportive services that may assist them in making a quicker transition to new employment.
3. If the participant refuses case management, appropriate refusal form will be signed by participant and placed in CDO hard copy file.
4. CDO will enter a Case Management Activity in KEES for those who receive case management services.
5. Case management services will be provided at least monthly or 90 days;
6. Information must be entered into KEES no later than 10 business days;
7. Trade participants who have not received services for 90 consecutive calendar days, has no approved gaps in service, and is not scheduled for future services to have services closed retroactively to the last day on which the individual received a service funded by the program.
8. CDO and WIOA will enter a case management Activity in KEEs.
9. The purpose of employment and case management services is to provide workers the necessary information and support for them to achieve sustainable reemployment. Therefore, services must be made available to workers over the course of their participation in the TAA Program, in an integrated manner that suits their individual needs at a particular time.
10. Employment Case Management services maybe provided by CDO or WIOA Trade staff and consist of the following:
 - Comprehensive and specialized assessment of skill levels and service needs through diagnostic testing and other assessment tools and in-depth interviewing and evaluation to identify employment barriers and employment goals.
 - Development of an individual employment plan (IEP) to identify employment goals and objectives, and appropriate training to achieve those goals and objectives.
 - Information on training available in local and regional areas, information on individual counseling to determine which training is suitable training and information on how to apply for training.
 - Information on how to apply for financial aid including referring workers to the Higher Education Act.
 - Short-term prevocational services, including development of learning skills, communications skills, interviewing skills, punctuality, personal maintenance skills, and professional conduct to prepare individuals for employment or training.
 - Individual career counseling, including job search and placement counseling, during TAA or Training and after receiving training for job placement.
 - Provision of employment statistics information, including the provision of accurate information relating to local, regional, and state labor market areas.
 - Information relating to the availability of supportive services, including services relating to child care, transportation, dependent care, housing assistance, and need-related payments that are necessary to enable an individual to participate in training.
 - TEGL 5-15 Attachment A - Pages A-61 – A-66

SUITABLE EMPLOYMENT

Suitable employment is defined as long-term employment at an equal or greater skill level that pays at least 80% of the wages the affected worker(s) earned at the Trade affected company.

Helpful Hints:

The case management file must document for each participant that the worker has been notified of his/her enrollment in training deadlines.

- Focus on reemployment;
- Comprehensive assessment of skill levels;
- Financial management workshops;
- Diagnostic testing & use of other assessment tools;
- In depth interview & evaluation to identify employment barriers;
- Development of IEP;
- Individual career counseling, job search & placement counseling;
- Labor Market Information.

Reference 2014 trade manual pages 22-25

2015 Act – The purpose of employment and case management services is to provide workers the necessary information and support for them to achieve sustainable reemployment. Therefore, these services must be made available to workers over the course of their participation in the TAA Program, in an integrated manner that suits their individual needs. TEGL 5-15 – Attachment A – pages 61-64.

Helpful Hints:

Acceptable forms of Case Management:

- Scheduling a one-on-one meeting with the customer
- Set up a space at the training facility where your customers can come and check in between classes

Unacceptable Forms of Case Management:

- Calling and leaving a message for the customer to follow up for case management – If you do not speak with the customer, it is not case management
- Mailing a letter asking the customer to follow up for case management – If you do not speak with the customer, it is not case management

IEP is a tool that establishes and documents employment goals and objectives & possible training to achieve those goals and objectives. A thorough IEP must:

- Outline a reasonable path to reemployment;
- LMI regarding targeted and demand occupations and wage information by occupation;
- Length of training;
- Occupations that will meet an 80% wage replacement goal;
- Identify barriers for the selected occupation & clearly establish how training will remove those barriers;
- If the participant selects an occupation that will not meet the 80% wage replacement goal, case notes and the IEP reflect the participant's decision.

Trade clients going back to work:

If the work meets the definition for suitable employment they are not eligible for training

If the work meets the definition for suitable employment they are not eligible for TRA

OET defines suitable employment:

Suitable employment as defined in Section 236(e) of the 2015 Act: work of substantially equal or higher skill level than the worker's past adversely affected employment, and wages for such work at not less than 80 percent of the worker's average weekly wage.

Does not include overtime, bonus, etc

ASSESSMENT/IEP

1. The IEP is developed jointly between the case manager and the customer, with short and long term goals that will provide a clear series of specific action steps to achieve employment and training outcomes. The IEP is a living document that will be updated throughout the customer's service period.
2. Specific information related to the participant's work history, job skills, work characteristics, training needs, etc. shall be documented in the Assessment Tab of KEES, and will be **updated** on an ongoing basis by the involved staff. **Information/Data shall not be deleted.**
3. Data entered into the Assessment Tab is populated to the Employment Plan (IEP) Customer Tab to create a printable IEP for the customer; Staff will print a copy, have participant sign attesting understanding, and place in participant case file.
4. Staff must provide an initial copy of the IEP to the participant and a subsequent copy as information/data is modified throughout the participant's search for employment; Staff should document in case notes the initial copy of the IEP has been given to the participant.

5. IEP's will be kept in the participant's CDO case file and if co-enrolled, in WIOA case file.

Helpful Hints:

KEES – Assessment Module – Do not make any changes to, or delete information in the free text fields entered by another staff. You may update by adding current information. Begin each entry by posting your initials and date of entry.

Identify specific occupations for the Trade certified worker that will meet an 80% wage replacement goal.

Ensure that, if the customer selects an occupation that will not meet the 80% wage replacement goal, the case notes and the IEP reflect the customer's decision.

Reference 2014 trade manual pages 30-33

Helpful Hints – Elements to include in the IEP:

1. Job skills, work history, education;
2. Assessment & other test results;
3. Specific occupation meeting the 80% wage replacement;
4. Job skills, requirements, certifications, or licenses that the worker lacks for employment;
5. Training plan meets all of the skills needs of the occupation within the available weeks of TRA benefits;
6. LMI includes wage information, including whether the occupation will meet the 80% wage replacement goal;
7. If TRA benefits will not cover the entire training time, document how the participant will cover the expenses with other income support;
8. Reference 2014 trade manual Procedures for IEP and also pages 30-33 of the manual.

COMPLETION TRA AND BENCHMARKS 858C PLAN

1. KY is implementing benchmarks for all participants, regardless of which set of amendments their petition falls under. Participants are required to follow up with their case managers every thirty days and provide proof via 858c that their benchmarks are being met.
2. Benchmarks must be established at the beginning of the participants training program.
3. There are two benchmarks that are required under the Federal regulations:
 - A. Maintaining satisfactory academic standing (not on probation or determined to be at risk by the instructor or training institution) and
 - B. On schedule to complete training within the timeframe identified in the approved training plan
4. Benchmarks must be included in all but short-term training plans.
5. Comp Assessment/IEP – The training benchmarks must be described in the worker's Individual Employment Plan.
6. Consequences for TAAEA 2011 participants if they are not meeting benchmarks – See Note
 - A. The first time that a participant fails to meet the benchmark, they are to be given a warning
 - B. The second time they fail to meet a benchmark, they are given the option of continuing with their approved training plan or amending their current training plan. If they chose to continue with their approved training plan, then they will forfeit their rights to Completion TRA. If they chose to

amend training plan, they still have the opportunity to claim Completion TRA, providing that future benchmarks are met.

7. TENCO can establish additional benchmarks which could be individualized.

Examples of Additional Benchmarks:

- The participant is required to provide a class schedule after registration.
- The participant is required to provide proof that they are attending tutoring sessions.
- The participant is required to report to their appointments on time.
- The participant is required to provide a draft of a resume.

Helpful Hints:

Meeting training benchmarks is an eligibility requirement for Completion TRA

Completion TRA is to provide up to 13 more weeks of income support for a worker who has exhausted the maximum 65 weeks of Additional TRA and requires a longer period of income support to complete an approved training program.

Completion TRA may be payable to assist a worker to complete training that leads to a degree or industry recognized credential.

In order to qualify for Completion TRA all 5 criteria must be met. See TEGL for criteria.

NOTE: Under the 2002 and 2009 amendments, the State is not able to implement these same consequences if the customer fails to meet their benchmarks. However, establishing the benchmarks and completing case management every 30 days is still required in order to ensure timely and successful completion of the approved training program.

Reference 2014 trade manual pages 54-57

Reference 2015 TEGL 5-15 A - pages 37-38

WAIVER

1. In order to be eligible to be placed on a waiver, the following conditions must be met:

- The customer must meet the eligibility requirements for TRA benefits
- There must be a valid Basic TRA claim on file
- There must be a valid reason to place the customer on a waiver
- The customer must be placed on a waiver within the appropriate deadline

*2009 Amendments: 26 weeks after petition certification or qualifying separation date

*2011 Amendments: 26 weeks after petition certification or qualifying separation date

*Reversion 2014: 8 weeks of petition certification; 16 weeks after the qualifying separation

*2015 Amendments: 26 weeks after petition certification or qualifying separation date

2. **No blanket waivers.**

3. Procedure:

- Before issuing the waiver – The local CDO Trade Coordinator is responsible for meeting with the customer and doing an initial assessment of their needs; If a valid waiver reason does not exist or if the customer is not in approved training by the week deadline, then the local CDO Trade Coordinator should notify the TRA Unit so a determination can be issued that disqualifies the customer from TRA benefits;
- Issuing the waiver – If a valid waiver reason does exist, then the local CDO Trade Coordinator should place the customer on the waiver;
- Waiver reviews – Waiver reviews must be conducted every 30 days. It is the local CDO Trade Coordinator's responsibility to ensure that their Trade customers are reporting for their waiver reviews and to contact them if they miss a waiver review;
- Waiver revocation – If the reason for the waiver no longer exists or if there is no longer a valid Basic TRA claim on file, then the local CDO Trade Coordinator should revoke the training waiver;
- KEES data entry – When issuing the waiver, the local CDO Trade Coordinator should enter a waiver service in KEES.
- Forms – TRA/Waiver.

NOTE: These explanations are not all inclusive – please review procedures on pages 88-91.

2015 Amendment - Please see TEGL 5-15- Attachment A – page 32 for further explanations.

4. CDO will consult with WIOA on when the next training session starts for a review of employment and/or training opportunities with the customer.
5. CDO will attach Waiver in Service Module of KEES and insert related dates.
6. CDO will continue to review Waiver eligibility until such time as the participant becomes employed, training enrollment notification is received from WIOA or the issuance reasoning is no longer valid. At such times, the waiver shall be revoked.

Reversion 2021-TEGL 24-20 – pages 9-10

Waivers of the training requirement apply to eligibility for Basic TRA only. Reversion 2021 retains the three waivers available under TAARA 2015

Helpful Hints:

A training waiver is like a permission slip from the State that says the customer does not have to participate in a TAA approved training program in order to receive Basic TRA benefits.

Under the 2011, 2014 and 2015 there are 3 reasons a person may be placed on a waiver:

- Enrollment is not available
- Training is not available
- Customer is in poor health

NO BLANKET WAIVERS

REFERRAL PROCESS TO WIOA

1. KEES screens including Assessment/IEP completed and updated showing inability for reemployment with current skill sets;
2. Relevant Job Searches are documented in KEES in case notes;
3. Activities for case management, IEP and Reemployment completed;
4. Local CDO Trade Coordinator emails WIOA Counselors in the appropriate Career Center the name of the participant being referred;
5. WIOA Counselor will review KEES and receive copies of required documents; IE – copies of driver's license, DD214, Social Security card, Etc.;
6. WIOA Counselor will contact trade participant.

Note: A formal referral to WIOA is not required for WIOA to provide basic services.

Helpful Hints:

Assess & document suitability for training.

Add to the IEP to identify employment goals & objectives and appropriate training needed to achieve those goals & objectives including the six criteria for suitability of training.

Individual career counseling, including job search & placement counseling.

Information & skills requirements relating to local occupations that are in demand & earnings potential of such occupations.

WIOA CASE MANAGEMENT

1. Case management services will be provided at least monthly;
2. Information must be entered into KEES no later than 10 business days;
3. Trade participants who have not received services for 90 consecutive calendar days, has no approved gaps in service, and is not scheduled for future services to have services closed retroactively to the last day on which the individual received a service funded by the program.

Helpful Hints:

The case management file must document for each participant that the worker has been notified of his/her enrollment in training deadlines.

- Document training status;
- Work ready skills;
- Comprehensive assessment;
- Diagnostic testing & use of other assessment tools;
- In depth interview & evaluation to identify employment barriers;
- Development of IEP;
- Individual career counseling, job search & placement counseling;

- Labor Market Information.

Reference 2014 trade manual pages 22-25

Helpful Hints:

Acceptable forms of Case Management:

- Scheduling a one-on-one meeting with the customer
- Set up a space at the training facility where your customers can come and check in between classes

Unacceptable Forms of Case Management:

- Calling and leaving a message for the customer to follow up for case management – If you do not speak with the customer, it is not case management
- Mailing a letter asking the customer to follow up for case management – If you do not speak with the customer, it is not case management

OUT-OF-AREA JOB SEARCH ASSISTANCE AND/OR RELOCATION ASSISTANCE

Reversion 2021-TEGL 24-20 – page 18

1. All of the Job Search Allowance provisions at 20 CFR 618, Subpart D, continue to apply
2. All of the Relocation Allowance requirement at 20 CFR 618, Subpart D, continue to apply

All specialized training must include an official “Bonafide Letter” for stating employment, by the business. All other specialized training shall be solely driven by LMI data.

1. To be eligible to receive the job search allowances, the following conditions must be met:
 - There is not suitable employment available in the local commuting area (30 miles from residence);
 - They must provide proof that they have a bona fide interview/job offer scheduled in suitable employment;
 - The interview/job must be outside of the local commuting area;
 - They must submit an application for Job Search Allowances prior to going on the interview/prior to relocating;
 - They must be totally separated from adversely affected employment;
 - They must meet the application deadlines
2. Reference 2015 Act – TEGL 5-15- Attachment A pages 58-61.
3. Reference 2014 trade manual pages 62-69 and 164-165.

4. As under the 2011 Program the 2015 Program, TAAEA – 2011 Job search allowances and/or Relocation assistance are no longer entitlements for workers who meet the eligibility requirements; However, Kentucky offers job search allowances and/or relocation assistance as a benefit for workers.
5. Trade participants may be eligible for Out-of-Area Job Search Assistance if the job opportunity is beyond 30 miles - 2015 Program beyond 30 miles from their residence. Documentation is required via mapquest.com – physical address is documented by a utility bill. Documentation shall be attached to submitted request.
6. No activity for which reimbursement is being requested can be incurred prior to both the pre-approval by WIOA Approval staff and final approval by the CDO Regional Trade Facilitator.
7. An initial request from a Trade participant may be presented to either CDO or WIOA as follows:
 - Not in Training or Not Co-enrolled – Participants seeking Out-of-Area Job Search or Relocation Assistance must be co-enrolled prior to obligation of WIOA/TAA funds. CDO will complete the applicable form(s) and provide to WIOA Career Counselor for review and initiation of WIOA eligibility process. Pre-approval by WIOA Approval staff is required;
 - Enrolled in Training (or completed training) – WIOA Career Counselors will complete the necessary form(s) and submit to WIOA Approval staff for review and pre-approval of request.
8. Once pre-approval is determined, WIOA Approval staff will notify CDO Regional Trade Facilitator via e-mail of the request to obtain final approval. WIOA Career Counselors will notify customer regarding final approval once a email is received from Frankfort;
9. WIOA Career Counselors will complete a WIOA budget following the WIOA internal budget process;
10. Receipts for reimbursement must be presented by the participant to the WIOA Career Counselor;
11. Required receipts/documents will be forwarded to the designated WIOA staff for reimbursement according to WIOA internal payment procedures;
12. WIOA Career Counselor emails WIOA Approval Staff Job Search/Relocation application along with receipts for actual expenses. WIOA Approval Staff will review, approve or deny request.
13. WIOA Career Counselors is responsible for entering service in KEES and attaching related funding.

Helpful Hints:

Reference 2014 trade manual pages 62-69

Reference 2014 trade manual pages 164-165 for Procedures: Before the trip/relocation – After the trip/move

2015 Amendments – The percentage of job search expensed that may be paid on behalf of a qualified participant is 90 percent of the total expenses, but capped at \$1,250. TEGL 5-15- Attachment A – pages 58-59.

2015 Amendments – The percentage of relocation expensed that may be paid on behalf of a qualified participant is 90 percent of the total expenses, plus a lump sum payment of up to \$1,250. TEGL 5-15- Attachment A – pages 60-61.

TRAINING – TEGL 24-20 – pages 16-17

1. Training may be approved on a full-time or part-time basis
2. Cannot provide services to Adversely Affected Incumbent Workers; workers may not begin approved training until they have been totally or partially separated from adversely affected employment
3. **States shall provide or assure the provision of such training through work-based training**
4. Training benchmarks requirements for completion TRA are unchanged under Reversion 2021
5. Length of training: the maximum length of training is 130 weeks
6. On-the-job Training: the maximum duration limit of 104 weeks
7. Apprenticeship: the period of reimbursement for work-based learning of an apprenticeship is 130 weeks. There are no changes to apprenticeship under Reversion 2021
8. Part time training: Participants enrolled in part-time training remain otherwise eligible for TRA. However, any wages earned by participants in part-time training will likely negatively affect their TRA benefits.

TRAINING REQUEST

1. If the Trade participant is requesting training, local CDO Trade Coordinator will refer participant to the WIOA Career Counselor who shall assist participant in completing the TAA-858 form to request training;
 2. WIOA Career Counselors will evaluate the 6 criteria of training with the participant. If the 6 criteria are not met, document on TAA-858 and in KEES.
 3. WIOA Career Counselors will forward TAA-858 to WIOA Approval staff. WIOA Approval staff will review denial and document in KEES. TAA-858 along with IEP will be forwarded electronically to the CDO Regional Trade Facilitator for final decision of denial.
 4. If continued denial, the participant will be referred back to local CDO Trade Coordinator for case management.
 5. TAA-858 form shall be placed in the participant's CDO and WIOA hard copy file and a copy provided to the participant;
-
1. If the 6 criteria for training are met, WIOA Career Counselors will continue to conduct a training assessment on the participant.
 2. WIOA Career Counselors will submit TAA-858 form along with IEP and all 6 criteria information to WIOA Approval Staff.

3. WIOA Approval Staff will submit TAA-858 form and IEP information to CDO Regional Trade Facilitator for final decision.

TEGL 5-15 – Attachment A – Pages A-53 – A-54

Regulatory guidance for determining Reasonable Cost of training (20CFR 617.22)

- A. Costs of a training program shall include tuition and related expenses – Books, Tools, and Academic Fees; Travel or transportation expenses and Subsistence expenses.
- B. Consideration must be given to the lowest cost training available within the commuting area. When training that is substantially similar in quality, content, and results is offered at more than one training provider, the lowest cost training shall be approved.
- C. Training at facilities outside the worker’s normal commuting area that involves transportation or subsistence costs that add substantially to the total costs shall not be approved if other appropriate training is available.

In approving training, States must consider cost, suitability for the worker, and quality and results. A State may approve a more expensive training program that is demonstrably higher quality or that may be expected to produce better results for the worker to obtain suitable employment.

Helpful Hints:

Participant can have 1 training program.

Participant must be full time students.

Amended training plans must go through the entire approval process, regardless of when the original training plan was approved. Review page 37 of trade guide for further details.

Reference 2014 trade manual pages 47-51.

Part time Training – is allowable – not eligible for TRA – TEGL 5-15- Attachment A – page 49-50.

Approved training for a period longer than the worker’s period of eligibility for TRA but still within the maximum allowable length of training of 130 weeks if the worker demonstrates a financial ability to complete the training while not receiving TRA – TEGL 5-15- Attachment A – page 50

TRAINING ASSESSMENT

1. WIOA shall conduct a full assessment to determine likely success in requested training program;
2. Initial assessment of the participant may include a review of existing skills, work history, knowledge, credentials, career interest assessment, etc. Participants may be referred to Skills Uucation as part of the assessment process as to utilize TABE, GED and/or Work Keys as an assessment tool.

3. WIOA assessment may add COMPASS, to previous assessment or other assessment tool as required by the related industry and/or training institution. If these assessment tools were utilized by OET, these scores can be used. Participants must score according to training provider policy;
4. 80% Wage replacement is to be identified in regards to training program and discussed with participant;
5. WIOA shall update information in KEES – Comp Assessment module; including justification of the required 6 training criteria.
6. In approving training – WIOA must consider cost, suitability for the worker, quality & results.
7. Training may be approved for a period longer than the worker's period of eligibility for TRA if worker demonstrates a financial ability to complete the training after the expiration of eligibility. Reference page 33 of 2011 trade guide.

Helpful Hints:

Assessment Module – Do not make any changes to, or delete, information in the free-text fields entered by another staff. You may update by adding current information. Begin each entry by posting your initials and date of entry.

2009 Amendments – No training can be approved if participant cannot complete within 130 weeks.

2011-2014 Amendments – No training can be approved if participant cannot complete within 117 weeks. Completion TRA an additional 13 weeks for a total of 130 weeks (if benchmarks are met)

Reference 2014 trade manual pages 34-46

Training may be approved for a longer period than the worker's period of eligibility of TRA, if the worker demonstrates he financial ability to complete the training after the expiration of the TRA eligibility period where a worker's personal or family resources are adequate to complete training. TEGL 5-15- Attachment A pages 51-52.

NOTE: A training plan which will exceed 130 weeks may not be approved under the 2015 program. TEGL 5-15- Attachment A – page 52.

The TAARA 2015 did not change the six criteria for approval of training codified at Section 236(a)(1)(a-G) of the 2011 Act.

SIX TRAINING CRITERIA:

1. Suitable employment is not available. This means that no suitable employment is available in the local commuting area, and no reasonable prospect of such suitable employment becoming available in the foreseeable future.
2. He/She will benefit from appropriate training. This means that there is a documented participant need for skills upgrading and training. It must also be documented that the participant will be job ready upon completion of the training program.
3. A reasonable expectation for employment following training exists. This means there is a reasonable expectation that the participant will find a job in the labor market after completion of training. There should be a fair and objective projection of job market conditions expected to exist at the time of completion of training.

4. Training is reasonable available. This means that training is reasonably accessible to the worker within the local commuting area. If not accessible within the local commuting area, but is available outside the local commuting area the cost must be reasonable and documented in Criteria #6.
5. The worker is qualified to undertake and complete this training. This criterion documents the participant's personal qualifications to undertake and complete approved training. Evaluation of the participant's personal qualifications must include physical and mental capabilities, educational background, work experience and financial resources, as adequate to undertake and complete the specific training program.
6. The training is suitable and available at a reasonable cost. Suitable means the participant met Criterion #5 above. In determining whether the costs of a particular training program are reasonable, first consideration must be given to the lowest cost training available. If outside the local commuting area, transportation and subsistence must be considered in total cost of training.

SIX CRITERIA FOR TRADE TRAINING ELIGIBILITY

TAA participants must meet ALL six (6) criteria to be eligible for trade-funded training.

1. **Suitable employment is not available.** This means that no suitable employment is available in the local commuting area, and no reasonable prospect of such suitable employment becoming available in the foreseeable future.

At least one of the following documentation methods:

- ☐ Focus Career 4 & 5 star matches + referral/application **results** showing inability to obtain suitable employment.
- ☐ Focus Career results showing no 4 % 5 star matches + LMI documenting no suitable employment opportunities exists in the local commuting area.
- ☐ LMI data listing jobs available matching current skills + referral/application **results** showing inability to obtain suitable employment.
- ☐ Former job title compared to LMI in the local commuting area showing no suitable employment opportunities exists.
- ☐ LMI documenting no suitable employment opportunities exists in the local commuting area now, or in the foreseeable future.
- ☐ If participant is willing to relocate, LMI data showing no suitable employment opportunities exists outside the local commuting area now, or in the foreseeable future.

2. **The participant will benefit from appropriate training.** This means that there is a documented participant need for skills upgrading and training. It must also be documented that the participant will be job ready upon completion of the training program.

Documentation methods to be used:

- ☐ Interest Ability Assessment results that support a skills gap that will be addressed by the training program
- ☐ Documentation of expected credential + LMI documentation of employment opportunities. The goal is that employment opportunities be suitable employment. If no suitable employment opportunities are projected, staff must discuss the participant's understanding that projected employment does not pay up to 80% of layoff wages and their ability to support themselves in such employment.

3. There is a reasonable expectation for employment following training. This means there is a reasonable expectation that the participant will find a job in the labor market after completion of training. There should be a fair and objective projection of job market conditions expected to exist at the time of completion of training.

At least one of the following documentation methods:

- ☐ LMI documentation of expected suitable employment opportunities in the future
- ☐ Documentation of a bona fide offer of suitable employment (potential employer letter, etc.)
- ☐ Training program credential matches a local area demand occupation

4. Training is reasonably available. This means that training is reasonably accessible to the worker within the local commuting area. If not accessible within the local commuting area, but is available outside the local commuting area the cost must be reasonable and documented in Criteria #6.

Documentation Methods to be used:

- ☐ Program provider literature or other provider documentation of program available. Example: Excerpt from Program Catalog or letter from provider listing program details, costs and requirements.

5. The participant is qualified to undertake and complete the training. This criterion documents the participant's personal qualifications to undertake and complete approved training. Evaluation of the participant's personal qualifications must include physical and mental capabilities, educational background, work experience and financial resources, as adequate to undertake and complete the specific training program.

At least one of the following documentation methods to document physical, mental and educational capabilities:

- ☐ Copy of Basic Skills assessments/test scores + provider program minimum requirements (if applicable).
- ☐ Copy of participant's Master's Degree received within the last ten years (assessments not required).
- ☐ If the participant has an identified mental or physical ability, clearance from a physician or treatment facility documenting the participant's capability to complete a training program. May also accept ability assessment results showing capabilities from provider agencies such as Vocational Rehabilitation.

6. **The training is suitable and available at a reasonable cost.** Suitable means the participant met Criterion #5 above. In determining whether the costs of a particular training program are reasonable, first consideration must be given to the lowest cost training available. If outside the local commuting area, transportation and subsistence must be considered in total cost of training.

At least one of the following documentation methods:

- ☐ School Comparison Chart of all program providers in the local commuting area. When training, substantially similar in quality, content and results, is offered at more than one training provider, the lowest cost training will be approved. If costs are higher than 200% of the LWIB maximum training amount, it must be prior approved by Central Office.
- ☐ If no training providers are within the local commuting area, documentation of training costs (tuition, books, fees, transportation or subsistence) for providers outside the local commuting area. The cost must be within 200% of the LWIB maximum training amount; if not prior approval from Central Office is required.

CRITERIA REVIEW

1. If the assessment supports the need for training, the WIOA Career Counselor will complete and document in KEES and forward to designated WIOA Approval staff for pre-approval of training;
2. Once the request is received, WIOA Approval staff will review KEES for accuracy. The WIOA Approval staff will confer with the CDO Regional Trade Facilitator on any revisions.

Helpful Hints:

Full time training is defined by the training institution.

Part time training – workers are not eligible for TRA.

Break in training – exceeds 30 days, additional TRA will be suspended until training resumes – a total of 13 weeks without losing any additional TRA.

Remedial and/or Prerequisite Training – Cannot be approved if it is not in conjunction with an occupational training. Please see TAAEA changes for Remedial and/or Prerequisite Training.

2015 Amendments – Remedial and/or Prerequisite Training – Workers may still participate in remedial or prerequisite training as part of an approved training program and receive TRA during that period. TEGL 5-15-A-page 41.

Satisfactory Progress in Training – Reasons for removal from training are:

- Failure to begin training
- Failure to attend training

TUTORING PROCESS

Procedure for Payment of Tutoring Services for Trade Participants

Purpose: This procedure will be utilized to guide WIOA Counselors in the steps necessary to provide funding for tutoring services through Trade. This will ensure consistency in the documentation and provision of Trade funds for tutoring services.

All paid tutoring services must be approved by the WIOA Trade Facilitator and Regional Trade Facilitator prior to any services being received.

- WIOA Counselor is notified of the need for tutoring by the participant and/or instructor.
- WIOA Counselor contacts school to determine if tutoring is available free of charge for the specific class.
- If so, Counselor refers participant to appropriate resource at the school.
- If not, Participant is responsible for locating an appropriate tutor.
- Participant must submit name of tutor, qualifications of tutor, fees, and projected timeframes (ex. One hour per week for 6 weeks).
- Reasonable cost for tutoring is defined as \$20.00 per hour.
- Once the WIOA Counselor has determined the tutoring is appropriate and meets TENCO's guidelines, the WIOA Counselor will contact the WIOA Trade Facilitator. The WIOA Counselor will complete the IEP, training plan, and update case notes in KEES. NO TUTORING SERVICES CAN BE PROVIDED UNTIL THE WIOA TRADE FACILITATOR AND REGIONAL TRADE FACILITATOR APPROVES SERVICES IN KEES.
- The WIOA Counselor will email the WIOA Trade Facilitator that IEP has been updated. The IEP will be reviewed, approved by the WIOA Trade Facilitator, and the email will be forwarded to Regional Trade Facilitator.
- The Regional Trade Facilitator approves or denies and sends an email back to WIOA Trade Facilitator and the WIOA Counselor.
- The WIOA Counselor will inform the participant of approval or denial for services. If approved, the WIOA Counselor will provide the participant with the reimbursement request form to be completed and submitted monthly. The form must have signature of both the tutor and participant.
- The WIOA Counselor will update the budget (tuition line-item) to reflect the estimated additional costs due to tutoring services. The budget will be submitted to the Contract Administrator which will review for completeness and accuracy, update the Master Obligation form, and forward the budget to the finance department.
- The WIOA Counselor shall maintain a copy of the budget, reimbursement request, and receipt of payment in their hard file. The original documents will be maintained in the Contract Administrator file.

Helpful Hints:

Prior approval is necessary before private tutoring can be provided.

PRE-APPROVAL/DENIAL & NOTIFICATION

1. Designated WIOA Approval staff will issue a determination (approval or denial); Designated WIOA staff will enter determination in KEES;
2. Determination will be emailed to CDO Regional Trade Facilitator via 858/IEP forms.

TRADE PROCEDURE FOR RECOMMENDATION OF DENIAL OF TRAINING

An applicant has been referred by CDO to a WIOA Counselor due to the applicant expressing an interest in training.

1. Based on the assessments completed, and following the guidelines of the law, the WIOA Counselor will review the 6 criteria to determine if the applicant meets the requirements for TAA.
2. If the applicant does not meet one of the 6 criteria, the WIOA Counselor will notify the WIOA Trade Facilitator by email. The WIOA Counselor will enter a case note in KEES identifying the reason for the recommendation to deny trade funded training. The WIOA Counselor will submit documents completed which shall include the 858. In the instance where a recommendation of denial is being made, the Counselor does not need to receive the applicant's signature on the form.
3. The WIOA Trade Facilitator will review the documents and forward the denial recommendation to the Regional Trade Facilitator for final review and determination. The Regional Trade Facilitator will maintain contact with the State Trade Facilitator, as well as local CDO/WIOA staff on the final determination.
4. The State Trade Facilitator will send the applicant a letter informing them of the decision.
5. In the event the WIOA Counselor requires additional information and/or makes a referral to another partner agency prior to being able to certify the 6 criteria has been met, the WIOA Counselor should maintain a minimum of monthly contact with the applicant to determine their status.

5A. The applicant starts training on their own, even though they have not met and/or not provided documentation requested by the Counselor to determine if they have met the 6 criteria: The Counselor

should immediately email the WIOA Trade Facilitator a recommendation to deny training, which will be forwarded to the Regional Trade Facilitator. The 858 must be sent to the WIOA Trade Facilitator. The reason for recommending the denial of training must be entered in KEES as a case note.

5B. The WIOA Counselor has requested the applicant submit additional documentation to support the 6 criteria, such as improved test scores. The WIOA Counselor should provide a timeline identifying the expectations for the applicant to submit the additional documentation. This timeline may vary depending on individual circumstances, such as the training start date. The WIOA Counselor must maintain a minimum of monthly contact with the applicant and report through case notes on their progress/status.

5C. The applicant does not maintain monthly contact and/or does not respond to the WIOA Counselor contact attempts: The WIOA Counselor is responsible for documenting the attempts to contact and the response (or lack of) from the applicant. A minimum of three contacts (phone, email, letter, certified letter, etc.) must be attempted and documented during the month. After 45 days, if the applicant has not responded, the process used to make a recommendation of denial for training services should be followed.

FINAL APPROVAL/DENIAL

1. Training request is sent via email from WIOA Approval Staff to CDO Regional Trade Facilitator; the CDO Regional Trade Facilitator will review and enter final approval/denial in KEES Training Approval Tab/Case Notes;
2. If training is approved, WIOA Approval Staff and WIOA Career Counselor is notified by CDO Regional Trade Facilitator via email of training approval;
3. WIOA Career Counselor will notify Trade client of training approval;
4. If training is denied, CDO Regional Trade Facilitator will notify WIOA Approval Staff and WIOA Career Counselor of training denial via email;
5. CDO Regional Trade Facilitator will issue notification of training denial to the participant.
6. Participant has right to appeal the decision.
7. **Regulation states that all Trade benefits must be approved by merit staff prior to the customer receiving the benefit. Benefits that require merit staff approval include:**
 - Overall trade eligibility
 - Trade approved training plans (and amendments)
 - Trade readjustment allowances (TRA)
 - Reemployment trade adjustment assistance (RTAA)
 - Alternative trade adjustment assistance (ATAA)
 - Job search allowances
 - Relocation allowances

Helpful Hints:

Amended training plans must go through the entire approval process, regardless of when the original training plan was approved.

Review page 37 of trade guide for further details.

Reference 2014 trade manual pages 52-53 for training plan amendments.

Reference merit staffing regulations

SUBSISTENCE OR TRANSPORTATION

1. Trade participants in training may be eligible for subsistence or transportation payments while enrolled in an eligible training program. **A participant cannot receive both;**
2. WIOA determines eligibility for payments based on requirements as listed in the TAA Handbook;
3. WIOA will attach service to related funding stream in KEES;
4. Approved payments will be processed per the WIOA's identified internal payment process;
5. Commute Area:
 - Under Section Total Cost of Training states: If the distance from the worker's residence to training site exceeds 30 miles one way, travel or subsistence costs shall be included in the cost of TAA training. Cost is based on the entire travel distance, not the distance over 30 miles.
 - Commute area 30 miles one way from place of residence – use mapquest.com for documentation in case file.
 - Commute less than 30 miles – no reimbursement – use mapquest.com for documentation in case file.
 - Transportation cost is paid at the federal rate.
 - The physical address of the participant must be documented (ex: Utility bill) in order to document via MapQuest. A copy of the utility bill or other appropriate documentation along with MapQuest must be kept in the case file.

Helpful Hints:

MapQuest Website – <http://www.mapquest.com>

Federal POV Mileage Reimbursement Rates/Per Diem Rates – <http://www.gsa.gov>

Example of calculation:

- Per Diem Rate: Lodging - .77 Meals & Inc. Exp. - .46 $.77 + .46 = \$1.23 \times 2(\text{round trip}) = \61.50
- Mileage Reimbursement Rate: 51 miles X 2(round trip) = 102X.51=\$52.02
- The participant receives lesser of the 2 amounts.


If the participant's residence does not show up on mapquest.com – please confer with the Economic Development Dept at the local ADD office for use of the GIS system in order to document distance from the worker's residence to training site.

Reference 2014 trade manual pages 58-65.

ATAA/RTAA

Reversion 2021-TEGL 24-20 – pages 20-25

1. Alternative Trade Adjustment Assistance (ATAA) replaces the Reemployment Trade Adjustment Assistance (RTAA) benefit for older workers
2. Individual eligibility – Must be part of a worker group certified as eligible for ATAA. Must be employed full-time. Does not return to employment from which they were separated.
3. Eligibility period for payments and application deadline – Must be reemployed within 26 weeks of separation from adversely affected employment
4. Benefits available to eligible adversely affected workers – ATAA recipients are not eligible for any other benefit under the TAA Program other than relocation allowances and the HCTC
5. Determinations, redeterminations, and appeals – no change
6. Reductions of payments; priority of payments – no change

- 
1. CDO will assist participants with issues related to ATAA/TRAA benefits and submit information as required by the agency's identified service delivery process;
 2. CDO will enter related information in KEES, as required;
 3. WIOA shall refer to CDO any TAA participants seeking ATAA or RTAA benefits.

Helpful Hints: Reference 2014 trade manual pages 70-74

Reference 2015 Act – Restores RTAA as a wage supplement option available to older workers under the TAA Program and has the same expiration date as the rest of the TAA Program - TEGL 5-15- Attachment A – pages 67-81.

TRADE READJUSTMENT ASSISTANCE (TRA)

1. CDO will assist participants with issues related to TRA benefits and document information as required by the agency's identified service delivery process;
2. CDO will enter related information in KEES, and KEWES as required.

Reversion 2021 – TEGL 24-20 – pages 5-9

1. TRA eligibility and benefits available under TAARA 2015 are generally extended into reversion 2021
2. The maximum number of weeks of income support for workers is 130

3. Deadlines require enrollment no later than the later of: 1) last day of the 8th week following the date in which the certification covering the worker was issued OR 2) the 16th week following the day in which the worker was most recently totally separated from employment
4. A State may extend the enrollment deadlines by 45 days if the State determines there are extenuating circumstances justifying the extension
5. Eligibility for additional TRA requires an application for TAA training with 210 days – the worker must file a bona fide application for training within 210 days after the date the worker is first certified as eligible to apply for TAA or, if later, within 210 days after the date of the workers's total or partial separation
6. The training benchmark requirements must be applied to Completion TRA up to 13 weeks

Helpful Hints:

Reference 2014 trade manual pages 79-86 and 92-119

Reference 2015 Act – TEGL 5-15-Attachment A – pages25-27

HCTC – Elimination as of 12/31/2013 TEN 15-13

1. Elimination of HCTC as of 12/31/2013; the COBRA extension has also expired – reference TEN 15-13
2. CDO will assist participants with issues related to HCTC benefits and submit information as required by the agency's identified service delivery process;
3. CDO will enter related information in KEES, as required;
4. WIOA shall refer to CDO any TAA participants seeking HCTC benefits.

HCTC – Health coverage Tax Credit

TAARA 2015 retroactively extends the 72.5 percent health coverage tax credit, Section 35(b) of the Internal Revenue Code of 1986, as amended, through December 31, 2019, for eligible TRA and ATAA/RTAA recipients in the TAA Program.

The IRS is currently reviewing the recently passed legislation – check the IRS Webpage for updates:
<http://www.irs.gov/HCTC>

HCTC – Health coverage Tax Credit – Reversion 2021

There are no changes to the operation or availability under Reversion 2021

HCTC is authorized through December 31, 2021

States must continue reporting the list of potentially eligible recipients to the IRS as previously instructed via UIPL No. 01-17

OUTCOMES

1. Outcomes may be entered by the partner agency (ies) that provided activities and services.
2. Support documentation should be a pay stub or contact with Employer (such as, HR staff).
3. Once all services end – follow-up begins.
4. If the trade client received training – WIOA will provide outcomes for 1st, 2nd, 3rd, 4th and 5th quarters after exit.
5. If the trade client received basic/individualized services but no training services – CDO will provide outcomes for 1st, 2nd, 3rd, and 4th quarters after exit.
6. Outcome information will be reported on the Outcomes Tab in KEES for 4 quarters after exit.

FEDERAL REPORTING AND PERFORMANCE

DOL uses information from the Trade Activity Participant Report (TAPR) completed by the state to establish state funding needs and evaluate the effectiveness of state administration of the TAA program under the Trade Act.

In order to provide a meaningful data collection on participant activities and outcomes, it is essential that all activities, services, and outcomes are documented in KEES correctly and in a timely manner.

TAA DATA ELEMENT VALIDATION

TEGL 23-19 list's all data elements and allowable source documentation for validating customer files.

TEGL 22-08 and TEGl 31-09 list's all data elements and allowable source documentation for validating exited customer files. In order to comply with the requirements KY developed a Documentation Requirements Listing document for Trade Monitoring and Data Validation that staff will utilize to prepare for on-site and/or desktop monitoring, and Data Validation of the Trade Program.

Documentation in file must also match information entered into KEES.

Upon exit, a single combined file must be available in a Central Records Unit (CRU) for monitoring and data validation purposes.

1. The WIOA will be the Central Records Unit for Trade files with a training focus upon completion.
2. The WIOA Career Counselor along with local CDO trade coordinator will coordinate forms/information in order to have a complete file for Data Validation Monitoring. The WIOA Career Counselor will submit information to the WIOA Trade Coordinator.
3. CDO local trade coordinator will email Regional Trade Facilitator of coping forms/information for WIOA.
4. The Regional Trade Facilitator will be the Central Records Unit for Trade files with a job search focus upon completion.

Reversion 2021 – TEGl 24-20

Attachment C

List of Nations for Shift in Production Determinations

1. Nations with free trade agreements with the United States
Australia, Bahrain, Canada, Chile, Colombia, Costa Rica, Dominican Republic, El Salvador, Guatemala, Honduras, Israel, Jordan, South Korea, Mexico, Morocco, Nicaragua, Oman, Panama, Peru, Singapore
2. African Growth and Opportunity Act
Angola, Benin, Botswana, Burkina Faso, Cabo Verde, Central African Republic, Chad, Comoros, Democratic Republic of the Congo, Republic of Congo, Cote D Ivoire, Djibouti, Eswatini, Ethiopia, Gabon, The Gambia, Ghana, Guinea, Guinea-Bissau, Kenya, Lesotho, Liberia, Madagascar, Malawi, Mali, Mauritius, Mozambique, Namibia, Niger, Nigeria, Rwanda, Sao Tome and Principe, Senegal, Sierra Leone, South Africa, Tanzania, Togo, Uganda, Zambia
3. Caribbean Basin Economic Recovery Act

Antigua and Barbuda, Aruba, The Bahamas, Barbados, Belize, Curacao, Dominica, Grenada, Guyana, Haiti, Jamaica, Saint Lucia, Saint Vincent and the Grenadines, Trinidad and Tobago, Montserrat, St. Kitts and Nevis, British Virgin Islands

TRADE FORMS

Letter of Potential Eligibility	Form 858C Monthly Benchmark Form
Form 855 Request for TAA/TRA Eligibility	First TRA Pay Order Card Request Form
Form 855A Employer Notification	Request to Elect TRA over new UI Claim
Form 855D Eligibility for Completion TRA	858 Form 6 Criteria for Training
Form 858A Bi-weekly Attendance Report	All can be found on the Team of Experts
Form 858B Training Status Form	Kcc.ky.gov

PROCEDURE CHARTS can be found in the 2014 Trade Manual – pages 154-176

Rapid Response	Trade Orientation	Case Management	Comprehensive Assessments
Individual Employment Plan	Training Approval	Training Waiver	In-State, Liable State, Agent State
Relocation Allowances	ATAA/RTAA	TAA Disqualification	Federal Reporting & Performance
Completion TRA Application	Benchmarks	Job Search Allowances	Program Monitoring & Data Validation

TRADE FLOWCHART

