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**Trade Adjustment Assistance (TAA) -**

**Procedures for Adversely Affected Workers**

**Procedures for Adversely Affected Workers**

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1. **Overview of the Trade Act**
	1. Introduction

We help employers build a stronger workforce and help people build careers so that both can compete in the global economy. In this global economy, some of our customers need extra help to be competitive with foreign competition. Since 1974, the U.S. Congress has authorized funding under the Trade Act – which we use to help workers who have lost their jobs as a direct result of foreign trade. We refer to customers who have lost their job as a result of foreign trade as adversely affected workers.

Our service to adversely affected workers is the same kind we offer to any customer: matching education and skills with open jobs, providing professional advice—including information about local labor markets and employers—on looking for work and applying for jobs, providing professional advice on education and training needed for good jobs, and finding financial assistance to support work search, work, or education.

Additionally, through Trade Act funding, TAA-eligible customers also have access to:

* Financial aid for training,
* Health Care Tax Credit (HCTC),
* Transportation and subsistence allowances to attend training outside the normal commuting area,
* Trade Readjustment Allowances (TRA),
* Relocation allowances,
* Out-of-area job search allowances, and
* A wage subsidy for workers over age 50, to help bridge the salary gap between their old and new employment.
	1. Overview
	***The Trade Act of 1974 (Trade Act) established the TAA program and was amended in 2002, 2009, 2011, and 2015.*** The Trade Adjustment Assistance Reauthorization Act of 2015 (TAARA 2015) was signed into law on June 29, 2015. The law continued the Trade Adjustment Assistance program for six years and changed group eligibility requirements and individual benefits and services available under the TAA program, retroactive to January 1, 2014. All certified petitions numbered 85,000 to 97,999 fall under the provisions of TAARA 2015. TAARA 2015 reinstated:
* 26-week waiver/in training deadline date,
* Part-time training,
* Health Coverage Tax Credit, and
* Reemployment Trade Adjustment Assistance (RTAA).

On July 1, 2021, TAA reverted to a modified version of TAARA 2015. ***This version, referred to as Reversion 2021***, offered benefits and services like those of the 2002 program, with some exceptions. All petitions ***certified*** after July 1, 2021 are numbered 98,000 and above. Key changes under Reversion 2021 include:

* 8-week TAA certification or 16 weeks from separation waiver/in training deadline date,
* Work-based training, such as OJT and Apprenticeship, is the preferred method of training,
* Classroom training can only be approved if work-based training is not available (see [work-based training](#WorkBasedLearning) section), and
* Workers must have a bona fide application within 210 days of separation or certification.

***TAARA 2015 contained a sunset provision effective July 1, 2022. Congress did not pass legislation to extend it, and the TAA program therefore ended effective June 30, 2022.***

***Workforce Solutions staff must provide TAA-funded service to adversely affected workers eligible under a certified petition prior to July 1, 2022.***

Workers may be certified for TAA in two ways: the certification may be based on direct effects such as the workers’ company increasing imports, or based on the indirect, or secondary, effect of losing business to companies whose workers are certified for TAA. Workers certified because of indirect effects are also known as secondary workers.

Secondary workers are eligible for TAA only if the firm they supplied components to or finished products for, has already been certified by the U.S. Department of Labor (DOL) as affected by increased imports or shifts in production to foreign countries.

These procedures provide information for petitions certified under all sets of rules:

|  |  |  |
| --- | --- | --- |
| **Applicable Law** | **Petition Filing Dates** | **Petition #s** |
| Trade Act of 1974 | 1/03/75–11/3/02 | Less than 50,000 |
| 2002 Amendments | 11/04/02–5/17/09 | 50,000–69,999 |
| 2009 Amendments | 5/18/09–2/14/11 | 70,000–79,999 |
| 2002 Amendments/2011 TAAEA | 2/15/11–10/20/11 | 80,000–80,999 |
| 2011 TAAEA | 10/21/11–12/31/13 | 81,000 -84,999 |
| 2014 Reversion | 1/1/14 –6/29/15 | 85,000 – 89,999 |
| 2015 TAARA | 6/30/15 – 6/30/21 | 90,000 - 97,999 |
| 2021 Reversion | ***7/1/21 – 6/30/22*** | 98,000 + |

* 1. Background

Sometimes businesses lay off employees or close a plant due to an increase in foreign imports or shifts in production out of the United States. When this happens, the company, a union, two or more workers, or Workforce Solutions may petition the U.S. Department of Labor to provide Trade Act benefits (Trade Adjustment Assistance and/or Trade Readjustment Allowances) for the affected workers. DOL investigates and either approves or denies the petition. If DOL denies the petition, workers have the right to appeal the decision. When DOL approves a petition, the workers are “certified eligible for TAA” and may access financial assistance through Workforce Solutions. The petition may cover all workers at a company, all workers at a specific facility of a company, or only specific individuals who performed specific work at a company or facility.

Alternative benefits for workers 50 years of age and older are also included in the petition. For petitions below 70,000, Alternative Trade Adjustment Assistance (ATAA) is available. In past petitions, applicants had to specifically request ATAA benefits for workers. Reemployment Trade Adjustment Assistance (RTAA) replaced ATAA and is available for petitions 70,000 and above.

Alternative/Reemployment Trade Adjustment Assistance (ATAA/RTAA) encourages qualified adversely affected workers to quickly obtain full-time employment by providing a wage subsidy in lieu of training and income support. Submission of a completed Petition Form signifies a desire to file for both TAA and ATAA/RTAA. If certified for both programs, workers will have the option of applying for TAA benefits and services and, if reemployment occurs within 26 weeks of the worker’s separation, may be eligible to receive ATAA/RTAA instead of TAA, if the worker desires.

1. **Trade Act Petition Process**
	1. Approved Petitions
		1. **Status of a petition.** To check the status of any petition, the quickest method is to look it up in TWIST. (See [TWIST Instructions](#TWISTInstructions).)

If you can’t find the petition in TWIST, you can check the status of the petition by looking on DOL’s website: <http://www.doleta.gov/tradeact/determinations.cfm>. Click on the link “TAA Petition Determinations,” and follow the instructions on that page. You may search by petition number, state, company, or SIC code. When you have located the correct petition, click on the petition number to see details of the petition.

Usually, the DOL makes a determination in a maximum of 40 days. Frequently, the DOL website does not post petitions when the status is “Pending.” If you cannot find a petition and it has been 40 days since filing, contact Chrystal Broussard at H-GAC for assistance.

If a customer requests training before DOL provides an affirmative decision for TAA petition certification, Workforce Solutions staff must ensure WIOA funding is used to pay for the customer’s training. To use WIOA funding, the requested training must be on the Eligible Training Provider List (ETPL) and Workforce Solutions High Skill, High Growth (HSHG) Occupations list.

* + If WIOA program funds were used to provide training to a TAA customer before a petition certification, WIOA and eligible training provider requirements must be followed. Customers may transition to TAA-approved training after the petition is certified and TAA eligibility is determined. To facilitate a seamless transition, the cost of training must shift to the TAA program at the next logical break in training—such as the end of a semester, module, or term. The customer will remain co-enrolled, according to TAA and WIOA rules and regulations. State merit staff must make an official determination.
		1. **When a petition is approved.** When DOL approves a petition, it issues a petition number for the company, adds the company to a list of TAA-certified companies (or worker group) that appear on the DOL TAA website, and notifies TWC. TWC notifies Workforce Solutions (H-GAC), and we send email notices about new petitions to career offices.

* + 1. **Notifying eligible workers of Trade Act benefits.** When TWC receives notice from DOL that a petition has been approved, TWC requests a list of affected workers from the company. TWC uses the list to: (1) create a record in TWIST for the workers and (2) mail letters directly to the workers: [(Form BT1E) Notice of Potential Trade Adjustment Assistance Eligibility](https://www.wrksolutions.com/Documents/Staff/tradeact/TWC-Letter-to-Trade-Affected-Workers-BT-1.pdf), as notification of potential eligibility for Trade Act benefits. TWC enters the date of this letter in the TWIST TAA Program Detail on the Program Summary screen as a “BT1 date.”

The letter directs the worker to contact the nearest Workforce Solutions office to apply for financial assistance. This letter is not an eligibility letter – it is in fact a call-in notice. We will have to determine if the worker is actually eligible for the assistance by reviewing their status in TWIST.

Some workers who come to Workforce Solutions office after receiving the state’s TAA letter may already be customers. Others will be coming to the office for the first time. Career office staff with the responsibility for assisting customers with financial assistance will work with customers to assist in identifying their eligibility and benefits.

In addition, the Gulf Coast Workforce Board conducts special marketing designed to inform businesses and workers about the benefits of the Trade Act.

* + 1. **Eligibility Investigation Requests**. When a worker visits a Workforce Solutions office to inquire about trade-related services, staff should check their status in TWIST. If the customer’s TWIST status is incomplete or if the customer is not listed on an active petition, staff should provide an [Employee Statement of Eligibility form](http://www.wrksolutions.com/Documents/Staff/tradeact/TAA-Employee-Statement-of-Eligibility.doc) (ESOE) to the customer. The customer must complete and return this form to Workforce Solutions to initiate an investigation of their eligibility. The [eligibility form](http://www.wrksolutions.com/Documents/Staff/tradeact/TAA-Employee-Statement-of-Eligibility.doc) is only for:
* Customers that have an incomplete status, which means they **do not** have five **“yeses”** on the TAA Program Detail tab; **or**
* Customers that are not listed on a certified petition.
	+ The customer’s layoff date must be within the Impact to Expiration of the certification.  This information is in TWIST Group Actions, TAA, and Petition Program Detail tabs in TWIST.  If the customer did not get laid off during this period, they are not covered under this petition.  If the customer was laid off during the date range, the ESOE may be completed.

Staff may also visit the [DOL website](https://www.doleta.gov/tradeact/taa/taa_search_form.cfm) to verify if there is an active or pending petition.

**Do not** submit an [Employee Statement of Eligibility (ESOE) form](http://www.wrksolutions.com/Documents/Staff/tradeact/TAA-Employee-Statement-of-Eligibility.doc) for petitions in pending status.  Additionally, the ESOE form should not be used for out-of-state customers.

* + 1. **Workforce Solutions staff contact.** For questions regarding Trade Act petitions, staff should contact Chrystal Broussard at chrystal.broussard@wrksolutions.com or 713.499.6657.
	1. Denied Petitions

# If a petition is denied, DOL will notify the petitioners and a company official of its determination.

Workers who are denied certification for TAA may: (1) request administrative reconsideration of their petition; (2) appeal the denial; and/or (3) obtain Workforce Solutions service including financial aid funded from non-TAA funds. We expect staff to offer and provide service to the customer using other available fund sources for financial aid such as WIOA Dislocated Worker funds.

1. Eligibility, Assessment & Ongoing Service
	1. Customer Eligibility Information

When a TAA petition is approved, the petition defines the group of workers who are certified eligible to receive Trade Act benefits.

* + 1. Trade Act of 2002 applies to workers certified eligible under petitions numbering 50,000 to 69,999. Workers who may be certified eligible are:
* Workers whose firm (company) has shifted production to foreign countries, or
* Workers impacted by products in a foreign country.
	+ 1. Trade Act of 2009 applies to workers certified eligible under petitions numbering 70,000 to 79,999. Workers who may be certified eligible are:
* Workers in firms that supply services
* Workers whose firm has shifted production to any foreign country
* Workers in public agencies
* Workers whose firm produces component parts of a finished article produced by its customer(s)
* Workers in firms that supply testing, packaging, maintenance, and transportation services to companies with TAA-certified workers
* Workers whose firm is identified in an International Trade Commission “injury” determination listed in the Act.
	+ 1. Trade Act of 2011 applies to workers certified eligible under petitions numbering 80,000 – 84,999. Workers in public agencies are no longer eligible for Trade certification. Workers who may be certified eligible are:
* Workers in firms that produce articles and workers in service sector firms who:
	+ - Increased imports of like or directly competitive articles or services
		- Increased imports of a finished article for which the worker’s firm produces component parts or supplies services
		- Increased imports of articles directly incorporating foreign components that are like or directly competitive with the components made by U.S. workers
		- Shifts in production of articles or supply of services to any foreign country;
* Workers in firms that supply component parts or services to firms with TAA-certified workers or perform additional, value-added production processes to firms with TAA-certified workers; and
* Workers in firms identified in International Trade Commission injury determination.
	+ 1. Reversion 2014 applies to workers certified eligible under petitions numbering 85,000 – 89,999. Workers in public agencies and the service sector are no longer eligible for Trade certification. Workers who may be certified eligible are:
* Workers whose firm (company) has shifted production to foreign countries, or
* Workers impacted by products in a foreign country.
	+ 1. TAARA 2015 retroactively restored the group eligibility requirements of the 2011 amendments. TAARA applies to workers certified eligible under petitions numbering 90,000 - 97,999. Eligible worker groups include those producing articles or supplying services considered adversely affected based on:
* 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 and
* firms specifically identified by the International Trade Commission as having “injury” or “market disruption” in the determination.
* Petitions previously denied by the U.S. Department of Labor under Reversion 2014 are reopened and being reconsidered under TAARA 2015 group eligibility. If approved, those petitions will receive services under TAARA 2015.
	+ 1. Reversion 2021 applies to manufacturing workers certified eligible under petitions numbering 98,000 or above. Workers who may be certified eligible are:
* Workers whose firm (company) has shifted production to foreign countries, or
* Workers impacted by products in a foreign country.

TWC receives a list of affected workers from the firm or agency. TWC determines whether each worker is eligible for Trade Act benefits as defined in the petition – and enters the information in TWIST: Group Actions and TAA Petition. TWC also creates a TAA Program Detail in TWIST and enters the eligibility information in the TAA Program Detail, Eligibility Criteria tab. To be eligible for Trade Act benefits, the customer’s record must show a “Yes” answer for each of the five (5) eligibility criteria listed.

* 1. Initial Assessment

The goal of TAA is to ensure adversely affected workers become reemployed as soon as possible. Staff must assess the customer’s wants and needs to determine how the customer can return to employment quickly. If employment opportunities are not available, customers may require retraining. Staff must follow the following procedures to determine if training is suitable and necessary for a customer’s reemployment.

* + 1. Initial Assessment. Staff must schedule the assessment to allow adversely affected workers sufficient time to consider information, request and enroll in training, if applicable, or obtain a waiver of the training requirement for Trade Readjustment Assistance (TRA), before the expiration of the deadline for enrollment in training. See [Section 3.3 – Trade Readjustment Allowance](#TradeReadjustmentAllowance) and [Section 3.4 – Waivers](#Waivers) for more detailed information related to a customer’s deadline to enroll in training and requirements for TRA benefits.

Staff should use the Touchpoint Management tool and/or other assessment desk aids to discuss the customer’s career goals and interests, work history, skills and education, and occupational needs. Staff must also assess the customer’s financial needs based on the customer’s desired service, including the need for TRA or other support during training. Staff must search for suitable employment with the customer in [WorkinTexas.com](https://www.workintexas.com/vosnet/Default.aspx) (WIT) and refer customers to job openings that meet the customer’s qualifications **before** offering education or training. Staff can also explore work-based learning opportunities such as on-the-job training and apprenticeships related to the customer’s interested occupation, to help the customer return to employment quickly. (See [Work-based Learning](#WorkBasedLearning) for more information.) Staff must also make comprehensive and specialized assessments available to all adversely affected workers – the comprehensive and specialized assessments must expand upon the initial assessment. Document the results of the assessment in TWIST Counselor Notes and the Individual Employment Plan (IEP). If suitable employment does not exist, make a note in TWIST and proceed with offering training opportunities to help the customer gain new or additional knowledge and skills.

* + 1. Work-based learning. Work-based learning, such as apprenticeships, on-the-job training, and customized training, offer training options for establishing a career pathway and rapidly returning adversely affected workers to employment.

Under Reversion 2021, work-based learning is the preferred method of training. Workforce Solutions staff **must** first explore work-based learning opportunities for the customer’s interested occupation. Staff must document in TWIST Counselor Notes when work-based learning is not available before approving non–work-based training options. Staff can use the Labor Market Information (LMI) report sent by Employer Service for available OJT positions and apprenticeships in the Gulf Coast region. Staff may also use the DOL website, <https://www.apprenticeship.gov/career-seekers>, to find work-based learning opportunities available nationwide.

Career office staff will refer the customer to the appropriate job posting in WIT and send an email to talent@wrksolutions.com containing:

* The customer’s resume
* TWIST ID #, and
* Job posting # in WIT.

Employer Service staff will contact the customer to determine suitability for the position based on the employer’s needs. Employer Service staff will also send the customer’s information and resume to the employer. (Refer to the [TAA Reversion 2021 desk aid](https://www.wrksolutions.com/Documents/Staff/tradeact/TAA.docx) for more detailed information on this process.)

Career office staff should consider work-based learning opportunities for any other TAA eligible customer who may be suitable for available positions through OJT and apprenticeships. Staff should keep the customer’s occupational goal in mind and what the employers need.

* + 1. **Co-enrollment in TAA and WIOA Dislocated Worker funds.** Co-enrollment into WIOA Dislocated Worker funding is required for all adversely affected workers who meet the requirements.
	+ Adversely affected workers meet the definition of a Dislocated Worker (DW) under WIOA, if they meet Selective Service requirements.
	+ Expedited eligibility for the WIOA Dislocated Worker program is available for adversely affected workers on a certified petition.

Staff must understand trade-affected and potential trade-affected workers can receive DW services at any time after a notice of a layoff, including before or at the point a TAA petition is filed, while a petition is under investigation, and after the petition is certified. **Expedited eligibility only applies when the petition has been certified.**

Staff must make adversely affected workers aware they are being co-enrolled into the WIOA-DW program. If the customer declines co-enrollment, staff must document the discussion with the customer and the reason(s) co-enrollment did not occur. Staff must also work with the customer to complete the [TAA Co-enrollment Declination](https://www.wrksolutions.com/Documents/Staff/tradeact/TAA-Coenrollment-Declination-Form.docx) Form.

* A customer’s declination has no effect on their eligibility for benefits and services under the TAA program.
* Staff must store the TAA Co-enrollment Declination Form in the customer’s file in the document management system.
* TWC Merit Staff will update the TAA Co-enrollment Declination Report and send a copy of the report to TWC at ***taa@twc.texas.gov*** on a quarterly basis.
* State office staff will review and verify, if necessary, the reasons for refusal.

WIOA Dislocated Worker funds can be used to pay for other financial aid needs such as transportation, work-related needs, and training when a petition is awaiting approval. Use TWIST Service Code 4–TWC Programs Supported by WIOA to co-enroll customers in need of financial aid for support service if the customer is unable to complete their training without receiving assistance under WIOA. Staff working with customers can use TWIST Service Code 24-Counseling to co-enroll customers in WIOA Dislocated Worker funds each month.

* + 1. **TAA Individual EmploymentPlan.** The Individual Employment Plan replaced the Reemployment Training Plan (REP).

Begin development of the TAA Individual EmploymentPlan during the orientation and completion of the assessment. At a minimum, staff must complete the **first two sections** titled *Customer Information and Certification*, ***and*** *Reemployment Information* and *Goal* ***for all customers.*** Don’t sign - and don’t require the customer to sign - a partially completed TAA Individual Employment Plan. Staff must complete a TWIST Employment/Service Plan and the TAA Individual EmploymentPlan when planning training for the customer. Gather information about the training program and the distance the customer will travel from their residence to the training site. Use the following information to develop the plan:

* the customer’s employment goal, including the targeted occupation and industry
* the proposed training program, if applicable
* services the customer will need to obtain suitable employment, including career services, support services provided through partner programs, and post-training case management services
* supplemental assistance required for participation in training and the basis for cost calculations
* the customer’s responsibilities under the plan
* the customer’s local commuting area - TWC defines the “local commuting area” as 25 miles. Calculate the shortest one-way distance from residence to training site. If the distance exceeds 25 miles one-way, staff must include travel and/or subsistence costs in the individual employment plan. Cost is based on the entire travel distance, not just the distance over 25 miles, however, subsistence payments will be made for distance beyond 25 miles.
* reasonable cost of training standard - training may not be approved under TAA unless the proposed training is available at a “reasonable cost.” Costs of a training program include tuition and related expenses (books, tools, and academic fees) and transportation and/or subsistence expenses when the training is conducted outside the worker’s commuting area. TWC has established a reasonable cost of training standard threshold at $25,000.

The reasonable cost standard is not a cost cap. Training must meet the “lowest-cost” training approval criteria. If the estimated cost of the lowest-cost training exceeds the reasonable cost standard with or without the inclusion of a ten percent variance, Workforce Solutions staff must submit a recommendation for training, including a justification for the higher cost, for approval to TWC Merit Staff. TWC Merit Staff will review the request and submit it for approval to TWC’s TAA Trade Coordinator at taa@twc.texas.gov. Justification must include a comparison of costs between schools and training programs and demonstrate the training you are recommending is the lowest-cost training available. Cost comparisons are completed to determine the lowest cost for training request above **and** below the $25,000 threshold. Once approval is received from TWC, Merit Staff will enter a note in TWIST to document the approval of your recommendation. Do not submit financial aid requests to the Workforce Solutions Financial Aid Payment Office until you receive approval of your recommendation.

* + 1. **Training Approval Criteria.** When staff determines that suitable employment does not exist and the customer requires training for reemployment, staff must assist adversely affected workers by preparing documents needed for training in a timely fashion. Training for adversely affected workers is allowed before or after the certification date, without regard to whether the worker applied for or exhausted unemployment insurance. Staff should provide career counseling and LMI to assist customer in selecting education and/or occupational skills training.

Staff must make sure to refer to an adversely affected worker’s assessments and TAA IEP before approving a request for training to determine whether the proposed training is appropriate based on the worker’s current skills.

Staff must make sure the training meets the following six approval criteria:

1. There is no suitable employment available.

*Note: We determine suitable employment by using a formula. It is not a matter of opinion. Suitable work is defined as “work of a substantially equal or higher skill level than the worker’s past adversely affected employment, and wages for such work that are not less than 80 percent of the worker’s average weekly wage. Part-time, temporary, short-term, or threatened employment is not suitable employment.* [*Determine Average Weekly Wage (AWW)*](#CalculatingAverageWeeklyWage) *as follows:*

* *One-thirteenth (1/13) of the total wages paid to an individual in the individual’s high quarter;*
* *The high quarter for an individual is the quarter in which the total wages paid to the individual from the adversely affected employer was highest among the first four of the last five completed calendar quarters preceding the individual’s last qualifying separation. (We ignore a quarterly wage amount that’s obviously higher because the customer received a severance package.)*

Refer a customer to jobs meeting suitable employment criteria. If the customer is offered a job, then suitable employment is available. If the customer does not get a job offer, then suitable employment is not available.

Staff must use accurate workforce information on current and projected demands to determine whether suitable employment is available. This information includes, but is not limited to:

* *job order activity;*
* *short-term projections data;*
* *job vacancy surveys;*
* *business visitation programs;*
* *local and regional strategic plans;*
* *all relevant labor market information;*
* *job postings; and*
* *third-party jobsites.*

Staff must document the information used to determine suitable employment in the adversely affected worker’s TWIST Counselor Notes.

1. Participant would benefit from training.
2. Reasonable expectation of employment following training.
* TAARA 2015 reiterates requirements for Alien Verification in reference to approval of training for “reasonable expectation of employment.” Adversely affected workers must have satisfactory immigration status, and thus be available for work, for the duration of the training and at least one day after the completion of training.
1. Training reasonably available from a private or public school regulated by a state agency. To determine if the school is regulated by a state agency, look for the school listed on one of these websites:
* [Texas Higher Education Coordinating Board – Data](http://www.txhighereddata.org/Interactive/Institutions.cfm)
* [Texas Workforce Commission - Career Schools and Colleges](http://www.twc.state.tx.us/jobseekers/career-schools-colleges-students#selectingACareerSchoolOrCollege)
1. Participant is qualified to undertake and complete the training.
2. Training is available at both a reasonable cost and at the lowest cost available for the occupation.

Training cannot be denied if an adversely affected worker has an advanced degree, such as a master’s degree or a doctorate. Staff must make their decisions based upon the approval criteria and must document in TWIST Counselor Notes whether the criteria were met.

Follow the usual procedures for applying for Workforce Solutions financial aid with the following exceptions:

* + After training is determined to be “TAA approved,” the customer must not pay a co-payment or pay out-of-pocket for any required tuition, books, fees and/or supplies. We must pay for financial aid for other needs such as transportation, childcare, work-related costs from other non-TAA funds such as WIOA Dislocated Worker funds. Staff will add a ten percent variance to the actual cost of the training to account for any anticipated training costs increases.
	+ *Note: TAA must* *pay travel and subsistence expenses when the training location is outside the local commuting area.*
	+ If the training is part time, refer to the appropriate [TAA law](#trainingassistance) to determine if the adversely affected worker is eligible for TRA.
	+ Complete the Individual EmploymentPlan when planning training for the customer.
	+ Note: Staff must also complete an assessment and TWIST employment/service plan.
	+ The training occupation does not have to be on the high skill, high growth occupations list and the vendor does not have to be on our approved list (Education and Training Vendor Network) if the customer is TAA-certified (customers on a TAA-certified petition). Staff must notify the Financial Aid Support Center (Support Center) of a training program that’s not on our approved list. The Support Center will notify the Financial Aid Payment Office (Payment Office) who will then contact the vendor to obtain a vendor agreement for payment purposes.
	+ TAA-certified customers are eligible for expedited eligibility for WIOA Dislocated Worker services and are not required to complete a Workforce Solutions Financial Aid Application. To be eligible for WIOA Dislocated Worker services, staff must work with the customer to:
		- Collect the TAA Orientation Packet (Explanation of Services (EOS), Work Addendum, proof of age, and Orientation to Complaint (OTC) form;
		- Use the customer’s TAA Program Detail and eligibility criteria to verify the customer’s expedited eligibility;
		- Verify selective service registration for males 18 years or older born on or after January 1, 1960
		- Enter a counselor note in TWIST documenting the customer’s expedited eligibility; and
		- Scan the TAA Orientation Packet into the document management system.

#### Note: WIOA Dislocated Worker expedited eligibility will be made by the Tracking Units.

* + Customers who are not listed on a TAA-certified petition must complete a financial aid application to be determined eligible for WIOA Dislocated Worker funds, if interested in training. The WIOA eligibility determination will be made by the Financial Aid Support Center.
	+ All TAA funded training must be completed within 156 weeks for customers eligible under petitions numbering in the 70,000s or 130 weeks for petitions numbering 50,000 - 69,999 and 80,000 and above.
	+ Staff must work with customers to keep training program costs reasonable by researching and comparing costs for similar training programs. Before purchasing equipment or related materials for workers, Workforce Solutions office staff must exhaust alternatives, such as lease options or the use of computer labs, to ensure those purchases are truly necessary.
		1. **Remedial Training and Prerequisite Courses**.
			1. Remedial education provides training in the elementary skills every worker must have to achieve basic employability. Remedial training should be considered pre-vocational. It leads to occupational training that will equip the worker with specific job skills. Examples of remedial training are basic writing and mathematical skills training, required non-credit or zero level remedial courses based upon entrance assessments (ABE), English as a Second Language (ESL), and courses leading to High School Equivalency (HSE).
	+ The appropriate ONET code must be reflected in both the TWIST TAA Program Detail and Service Tracking fields for the customer’s **selected occupational goal.**
	+ Remedial training should ***not*** be offered as a stand-alone service. It must only be included in the Individual EmploymentPlan without a corresponding training service when the adversely affected worker has all the required skill sets for the selected occupation except a component of remedial training. The required skills sets must be supported by current job openings and labor market information.
	+ If local employers generally require a certain level of proficiency in English or the completion of a certain education level and the adversely affected worker is deficient, then remedial ESL, ABE and/or HSE preparation should be included in the training program. Assessment tests scores should be requested and filed electronically for verification of the level of remediation needed.
	+ For remedial training provided at no cost or by private sources or government funds other than TAA funds, staff must enter TWIST fund code 136 – TAA/Other.
	+ Texas requires individuals to pass the TSI, THEA, COMPASS or ACCUPLACER to enter college or be exempt based on standardized test scores.
	+ Verify assessment scores and ensure customers are completing all required remedial courses. Verification of assessment type and scores are required documentation for customers who are determined to need remediation.
		- 1. Integrated remedial training is training in which the provider teaches both remedial courses and occupational/vocational training concurrently.
	+ For TAA approved training that includes integrated remedial training, staff must use sub fund 50 – Integrated Remedial in the Occupational Vocational service fund in TWIST Service Tracking.
		- 1. Prerequisite courses are coursework - not otherwise classified as remedial - that is required by the training provider prior to an adversely affected worker’s acceptance into a training program.
	+ For coursework required by the training provider prior to an adversely affected worker’s acceptance into a training program, staff must use TWIST service code 190 – Prerequisite Training.
	+ Prerequisite training must be included as part of the total training program and documented on the TAA Individual Employment Plan. Enrollment in prerequisite training does not affect the maximum duration of TAA training, but it can affect the duration of TRA.
		- 1. Distance learning in many cases, is usually self-paced and does not require attendance at a specific location.
	+ Determine full-time/part-time status as well as gauging satisfactory academic progress.
	+ Must obtain benchmarks i.e. Blackboard.
	+ Final degree/certificate must be equivalent to the same program completed on campus.
	+ The worker must meet all the training institution’s requirements to be considered actively participating in training.

* + 1. **Full-Time and Part-Time Training Status.** Full and part-time training status is based on the type of training your customer chooses. For example, if the training will be provided at a community college, the college catalog will give you an outline of the classes a student will need to take each quarter to be able to complete the training program. If the customer chooses training at a vocational school, the full-time requirements may be very different. Full and part-time status is based on the following:
* Universities, colleges, and community colleges participate in the financial assistance programs established under Title IV of the Higher Education Act. Generally, full-time status is defined as:
	+ 12 semester hours or 12 quarter hours per undergraduate term; or
	+ 9 credit hours per term for graduate students in an educational program using a semester, trimester, or quarter system.
* Full-time and part-time determinations made by non-Title IV training providers are accepted under TAA/TRA.
* Full-time training is training that meets the provider’s full-time enrollment requirements; if in the last semester, the courses necessary to complete the approved training, even if it does not meet the training provider’s normal definition of full-time training.

Training institutions that provide a full-time determination at less than 12 credit hours for undergraduate studies or less than 9 credit hours for graduate studies or fails to issue a full or part-time determination, will require staff to forward this information to the TWC Trade Coordinator at ***taa@twc.texas.gov*** for a final determination and documentation in TWIST Counselor Notes.

Full and part-time enrollment determinations will be made on a semester-by-semester basis. Considerations should be made by staff who are working with customers who attend training institutions that use nonstandard enrollment terms within a semester – i.e. Wintermester, Maymester, Minimester, Summer I, and Summer II.

Staff working with an adversely affected customer must send supporting documents and a recommendation of full or part-time status for TWC’s final determination to the TAA Merit Staff in the following instances:

* If a training vendor has administrative policies limiting a student’s participation – i.e., admission to training under probationary or remedial status. A student participating at the established maximum level may be classified as full-time. Excluded are circumstances where the student was placed on academic probation.
* If the student is in their last term of training required to complete their IEP but lacks sufficient required coursework to be considered full-time. The student may be classified as full-time for the final term.
	+ 1. **Ongoing assessment and counseling***.* Staff must monitor the customer’s progress by maintaining monthly contact and documenting the results in TWIST Counselor Notes*.* If the customer continues to want and need our assistance:
* Create a duplicate service each month for eligible fund streams, and
* Record services in TWIST and WIT only when actively working with a customer.
* Close a service when the customer no longer wants or needs our assistance or when the customer does not fulfill their requirement to contact us.
	+ 1. **Training Benchmarks.** The Trade Act of 2011 required the establishment of training benchmarks. Benchmarking is a case management mechanism to ensure customers in a TAA approved training are making satisfactory progress toward completing the training program in the allowable timeframe and meeting all the training vendor’s requirements. The establishment of benchmarks is required for all new and amended Individual Employment Plans (IEPs).

Staff must determine if the customer has met the performance benchmarks established in the IEP every 60 days and at the end of each semester by obtaining grades, transcripts, or documentation from training providers, however, monthly benchmarks are preferred. Training benchmarks should be clearly defined, flexible, and contain information such as referrals to tutorials or other services available in the community, when needed to help a customer be successful. A 1st benchmark failure will result in a warning to the customer. After a 2nd benchmark failure, modification of the IEP is required.

* + Make changes to the training service – including changes to planned completion dates.
	+ Amend the TAA Individual Employment Plan for changes to training.
	+ Submit amended plans to the TWC Merit Staff for approval.
	+ Enter changes in TWIST Employment Plan (service plan).
	+ TWC Merit Staff will enter TWIST Service code 68 – Employability Development Plan using fund code 121 – Trade Adjustment Assistance Act.
		1. **Recommending Denial of Training.** If the customer insists on applying for training that staff determines does not meet the approval criteria, and staff is unable to refocus the customer on an approvable training, staff must submit a TAA Individual Employment Plan and recommend that training be denied. Submit the TAA Individual Employment Plan and an email requesting denial of training to the authorized TWC Merit Staff. Include documentation to support your recommendation for denial of training. If the denial of a training request could lead to a loss of the customer’s TAA benefits or services, a recommendation for denial must be forwarded to the Texas Workforce Commission’s Trade Funded Services unit to issue such actions as formal, appealable decisions.

An eligible customer has no deadline for requesting training. The deadline dates shown in TWIST are related to TRA. The customer must be enrolled in training by the Waiver/In Training Deadline Date in order to receive TRA cash benefits. If the customer misses the deadline and enrolls in training at a later date, the training can still be funded with TAA funds, but the customer won’t receive the TRA cash benefits.

* + 1. **Limits of Training:**
			1. Petitions Numbering 50,000-69,999:
	+ Training may only be approved on a full-time basis.
	+ Certified workers may not begin approved training until they have been totally or partially separated from adversely affected employment.
	+ Training is limited to 130 weeks total.
		- 1. Petitions Numbering 70,000 - 79,999:
	+ Training may be approved on a full-time or part-time basis, although full-time training is required for TRA.
	+ Certified workers may begin approved training when threatened with separation from adversely affected employment prior to the actual lay-off.
	+ If the training is provided outside the affected worker’s normal commuting area, the costs for transportation and subsistence (lodging and meals) can also be paid.
	+ Training is limited to 156 weeks total.
		- 1. Petitions Numbering 80,000 -84,999:
	+ Training may be approved on a full-time or part-time basis, although full-time training is required for TRA.
	+ Certified workers may begin approved training when threatened with separation from adversely affected employment prior to the actual lay-off.
	+ If the training is provided outside the affected worker’s normal commuting area, the costs for transportation and subsistence (lodging and meals) can also be paid.
	+ Training is limited to 130 weeks total.
		- 1. Petitions Numbering 85,000 - 89,999:
	+ Training may be approved on a full-time or part-time basis, although full-time attendance is required for TRA.
	+ Training is limited to 130 weeks total.
		- 1. Petitions Numbering 90,000 - 97,999:
	+ Training may be approved on a part-time or full-time basis as long as the training meets all TAA approval criteria.
		- Adversely affected workers will not receive TRA while participating in part-time training.
	+ Training is limited to 130 weeks total.
	+ TAARA 2015 allows incumbent workers to qualify for most TAA training benefits. Incumbent workers cannot participate in on-the-job or customized training unless the training is for a position other than the worker’s position at the adversely affected employment.

		- 1. Petitions Numbering 98,000 and above:
	+ Training may be approved on a part-time or full-time basis.
	+ Certified workers may not begin approved training until they have been totally or partially separated from adversely affected employment.
	+ Training is limited to 130 weeks total.
		1. **Placement Following Education.** Staff must work with the customer to find suitable employment after the completion of the customer’s training program. Staff should:
* Match customer to jobs and make referrals
* Provide job search assistance and LMI.
	+ 1. **Financial Aid for Transportation and Work-Related Needs.** We require Workforce Solutions staff to track service for customers with both the TAA and the WIOA-DW fund codes. If the customer needs financial aid for transportation inside the local commuting area and/or work-related needs, WIOA-DW funds can be used to pay these costs.
		2. **Out-of-State.**  Customers laid-off in another state who relocate here may request services.  Workforce Solutions staff will provide the following information to the authorized TWC Merit Staff. (Do not call the out-of-state counselor.)
* Customer name
* TWIST ID
* Name of the other state (i.e., Oklahoma, Louisiana, Washington, etc.)
* Name of Company/Employer (at layoff)
* Job position
* Last day of work
* Work location
* Reason for separation

The Board’s TAA representatives will contact TWC to request an investigation of eligibility.  If the customer is eligible, TWC will create a TAA Program Detail in TWIST.

Submit completed TAA Individual Employment Plans (for training) and Waivers of Training forms to the authorized TWC Merit Staff. Tell the customer you are submitting the requests for approval from the other state.  If the other state approves the Individual Employment Plan or the Waiver of Training – TAA representatives will notify you by email. Document the approval in TWIST Counselor Notes.

* 1. Trade Readjustment Allowance – Cash Benefits

Trade Readjustment Allowance (TRA) is intended to provide support to customers in training. Customers apply for TRA by calling the TWC UI Tele-Center. Tele-Center staff will interview the customer and mail them a paper application (form BS-100) to continue their claim. The TWC UI Department will view a customer’s TWIST record before making payments to make sure the customer is *enrolled in training* or has a *waiver of the training requirement* prior to the Waiver/In Training deadline date. Staff should direct specific inquiries regarding TRA to the TRA unit at (512) 463-2999 (select option 1, followed by option 2, then option 3).

It is important to help the customer enter training at the soonest possible time – usually the beginning of the next term or beginning of the next training cycle.

Note: TWC considers a customer “enrolled in training” when the “Enrolled in Training” date field is completed on the TAA Program Summary screen. Staff may enter an enrollment date that is within 30 days of the actual start date of the training.

General timeframes for type of cash benefit to adversely affected workers are:

* Unemployment Insurance – 26 weeks
* Basic TRA – 26 weeks.
* Additional TRA (TRX) – 78 weeks.
* Additional Remedial/Prerequisite TRA – 26 weeks.
	+ 1. **Basic TRA Cash Benefits.** An eligible adversely affectedcustomer may receive weekly TRA benefits following exhaustion of their UI benefits. TRA benefits are generally paid only if the customer is enrolled in TAA-approved training or has a waiver of the training requirement. To receive Basic TRA, a customer must:
		- Have exhausted their Unemployment Insurance benefits;
		- Applied for TRA within two years of the date of separation;
		- Be enrolled in approved training by the deadline date OR
		- Have a Waiver of Training entered in TWIST by the deadline date. The waiver period can be no longer than 6 months and can be renewed once for a total of 12 months coverage.
		- Have successfully completed training and be looking for work. The TWIST service record must have the training completion date, completion reason and academic credit/credential entered in the occupational training service – and job search services opened. The customer who successfully completes training can continue to receive Basic TRA payments during their job search until their weeks of Basic TRA end.
		1. **Limits of TRA**
			1. To receive TRA, a customer eligible under TAA petitions numbering 50,000-69,999:
* Must be enrolled in training within 8 weeks after certification or 16 weeks after layoff, whichever is later. The deadline date is listed in the Eligibility Criteria tab.
* May receive up to 104 weeks of cash payments, including the UI payments, if enrolled in full-time training.
* May receive up to 130 weeks of cash payments, including the UI payments, if also enrolled in remedial training.
	+ - 1. Customers eligible under TAA petitions numbering 70,000 -79,999:
* Must be enrolled in training within 26 weeks after certification or layoff, whichever is later. The deadline date is listed in the Eligibility Criteria tab.
* May receive up to 130 weeks of cash payments, including the UI payments, for workers enrolled in full-time training, if waiver/in training date is met.
* May receive up to 156 weeks of cash payments, including the UI payments, if the worker was also enrolled in remedial training.
	+ - 1. Customers eligible under TAA petitions numbering 80,000 - 84,999:
* Must be enrolled in training within 26 weeks after certification or layoff, whichever is later. The deadline date is listed in the Eligibility Criteria tab.
* May receive up to 117 weeks of cash payments, including the UI payments, for workers enrolled in full-time training, if waiver/in training date is met.
* May receive up to 130 weeks of cash payments, including the UI payments, if the last 13 weeks (completion of TRA) are needed for the worker to complete a training program that leads to a certificate or degree, and training benchmarks are met.
	+ - 1. Customers eligible under TAA petitions numbering 85,000 - ***97,999***:
* Must be enrolled in training within 8 weeks after certification or 16 weeks after layoff, whichever is later. The deadline date is listed in the Eligibility Criteria tab.
* May receive up to 117 weeks of cash payments, including the UI payments, for workers enrolled in full-time training, if waiver/in training date is met.
* May receive up to 130 weeks of cash payments, including the UI payments, if the last 13 weeks (completion of TRA) are needed for the worker to complete a training program that leads to a certificate or degree, and training benchmarks are met.

	+ - 1. Customers eligible under TAA petitions numbering 98,000 and above:
* Must be enrolled in training within 8 weeks after certification or 16 weeks after layoff, whichever is later. The deadline date is listed in TWIST Counselor Notes.
* May receive up to 104 weeks of cash payments, including the UI payments, if enrolled in full-time training.
* May receive up to 130 weeks of cash payments, including the UI payments, if also enrolled in remedial training

Note: Petitions numbering 98,000 and above eliminate the option for trade-affected workers to file for TRA or Unemployment Insurance (UI) in a subsequent benefit period. All TRA (basic, additional, and completion) requires that the trade-affected worker exhaust all entitlements to UI benefits.

Because training may not begin with the start of UI payments, TRA may not last throughout the training.

* + 1. **Extended TRA Cash Benefits (TRX).** Extended TRA benefits are available to customers who are attending training.
* The customer must have exhausted their Unemployment Insurance benefits and their Basic TRA benefits (a customer may exhaust their Basic TRA benefits in two ways: by either drawing all their Basic TRA money or when 104 weeks has passed).
* Be attending approved training (not paid during breaks of 30 days or more).
	1. Waivers
		1. **Waiving the Training Requirement.** The waiver of the training requirement pertains to TRA eligibility. To be eligible for TRA, an adversely affected customer must be enrolled in training or have a waiver of the training requirement by the Waiver/In Training Deadline Date shown on the Eligibility Criteria tab in the customer’s TWIST record. In other words, a customer may still be eligible for financial aid for TAA approved training after the deadline date, but he/she won’t be eligible for the TRA cash benefits.

TRA is paid to qualified adversely affected customers who are approved for training. However, a waiver of the training requirement can be issued to the adversely affected customer for a qualifying reason. Valid reasons are listed below and on the Waiver of Training form and described in detail in the Forms Chart of this document.

1. Worker subject to recall within six months. **Applies to 2002 or 2009 Trade Act petitions only.**
2. Worker possesses marketable skills. **Applies to 2002 or 2009 Trade Act petitions only.**
3. Worker is in poor health. **Applies to all Trade Act petitions.**
4. Worker is within 2 years of retirement. **Applies to 2002 or 2009, Trade Act petitions only.**
5. An enrollment date is not immediately available. **Applies to all Trade Act petitions.**
6. Training is not available, or is not available at a reasonable cost, or no funds are available under TAA or federal law. **Applies to all Trade Act petitions.**

To be valid, all Waiver of Training requests must include the effective dates and determination, be approved and signed by the authorized TWC Merit Staff, and be entered in TWIST within 48 hours of the request. TWC Merit Staff will also be responsible for approving, denying, or revoking a customer’s waiver of training requirement. If the denial or revocation of a waiver of training requirement could lead to a loss of the customer’s TAA benefit or services, a recommendation for denial must be forwarded to the Texas Workforce Commission’s Trade Services unit to issue such actions as formal, appealable decisions. All waivers must be reviewed by TWC Merit Staff every 30 days to determine if the customer still meets the waiver of training requirements.

Give a printout of the waiver form WOT -1/S to the customer and file a copy in the customer’s electronic file.

* + - 1. Petitions Numbering 50,000 – 69,999:
* Deadline – eight weeks from petition certification or 16 weeks from last qualifying separation, whichever is later. (Waiver/In Training Deadline Date is on the Eligibility Criteria tab)
* A waiver means TAA training is not feasible at this time.
* Waiver period is 6 months.
* Marketable skills waiver requires initial assessment.
* 30-day contact required.
* Additional waivers may be approved if basic TRA is not exhausted.
	+ - 1. Petitions Numbering 70,000 - 97,999:
* Deadline – 26 weeks from petition certification or last qualifying separation, whichever is later. (Waiver/In Training Deadline Date is on the Eligibility Criteria tab)
* A waiver means TAA training is not feasible at this time.
* Waiver period is six months.
* 30-day contact required.
* Additional waivers may be approved if basic TRA is not exhausted.
* Marketable skills waiver for petitions numbering 70,000 – 79,999 require an initial assessment.
	+ - 1. Petitions Numbering 98,000 and above:
* Deadline – eight weeks from petition certification or 16 weeks from last qualifying separation, whichever is later. (Waiver/In Training Deadline Date is on the Eligibility Criteria tab)
* A waiver means TAA training is not feasible at this time.
* Waiver period is 6 months.
* Marketable skills waiver requires initial assessment.
* 30-day contact required.
	+ 1. **Waiver Timeframes:**
* **Waivers must be tailored** to the customer’s circumstances, but **limited** to customer’s Basic TRA eligibility;
* May be issued for twenty-six (26) weeks locally, **depending on circumstances**;
	+ Waiver period may be extended beyond twenty-six (26) week period to cover Basic TRA entitlement (if applicable);
	+ Must continue to meet waiver criteria; and
	+ Must be **approved** by the **State** office.
* The Start/Effective date must begin on date issued and end on a Saturday, no later than the last Saturday of the customer’s Basic TRA eligibility period.
	1. **Job Search Allowance**

Job search allowance helps the adversely affected customer (who also has an active work application in WorkinTexas.com) with job search expenses. We can help a customer request approval for reimbursement for transportation expenses to job interviews outside the normal commuting area if the customer:

* wants to relocate and has a bona fide job interview;
* applies within 365 days of the petition certification or most recent separation; or
* applies within 182 days after the last day of TAA-approved training.

Job search allowances reimburse a percentage up to a maximum amount of the allowable cost for job searches outside the normal commuting area if the individual meets the following criteria:

* Suitable employment is not available within the normal commuting area;
* There is a reasonable expectation the customer 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);
* The customer must request job search allowances through Workforce Solutions staff **before** the beginning of each job search trip;
* The customer arranges at least one job interview verified by TWC before leaving for a job search trip.

Customers may request job search allowances by completing the [Request for Job Search Allowance Form ETA-861](https://www.wrksolutions.com/Documents/Staff/tradeact/Job_Search_Allowance_Form_eta-861.doc) and the [Certificate of Suitable Employment Form TAA-12](https://www.wrksolutions.com/Documents/Staff/tradeact/Certification_of_Suitable_Employment_Form.doc). Customers must submit their request **and** receive approval prior to traveling to the job interview. Merit staff will notify the TWC office at taa@twc.texas.gov when customers request a job search allowance.

* + 1. **Limits of Job Search Allowances:**
			1. Petitions Numbering 50,000-69,999: pays 90% of allowable costs up to a maximum of $1,250.
			2. Petitions Numbering 70,000 – 79,999 and above: pays 100% of allowable costs up to a maximum of $1,500.
			3. Petitions Numbering 80,000 - 97,999: pays 90% of allowable costs up to a maximum of $1,250.
	1. Relocation Allowance

The adversely affected customer may use job relocation allowances to help relocate within the United States when local work is not available, and the customer receives a bona fidejob offer.

The customer can receive a percentage of the allowable transportation and moving costs for the customer, the customer’s family, and the customer’s household goods. The customer can also receive a lump sum payment in addition to the percentage.

Consider these criteria for Relocation Allowances eligibility:

* The customer is adversely affected;
* The customer has an active WIT application on file;
* Suitable work isn’t available within the normal commuting area.

The customer must obtain either:

* suitable employment with a reasonable expectation of long-term duration (at least 150 days or five months); **or**
* a bona fideoffer of such employment in the area of intended relocation that is verified by TWC.

The adversely affected customer must submit the formal written request **before** the beginning of the relocation and:

* before day 425 after petition certification or the date of the most recent total separation; **or**
* before day 182 after completing TAA-approved training.

Time limits for beginning 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.

* Advise the customer to call the TAA unit at TWC to learn about Federal Travel Regulations that apply.
* The customer must submit the [Relocation Allowance Form ETA 860](https://www.wrksolutions.com/Documents/Staff/tradeact/Relocation_Allowance_Form_eta-860.pdf) for a relocation allowance before the move.
	+ 1. **Limits of Relocation Allowances:**
			1. Petitions Numbering 50,000-69,999 and 80,000 & above: pays 90% of moving costs plus a lump sum of up to $1,250.
			2. Petitions Numbering 70,000 -79,999: pays 100% of moving costs plus a lump sum of up to $1,500.
	1. Health Coverage Tax Credit (HCTC)

HCTC is a federal tax credit administered by the IRS that pays 72.5% of qualified health insurance premiums for eligible individuals and their families. Customers may receive this tax credit by claiming it when they file their income tax returns. The following customers are eligible for HCTC:

* Individuals who receive TRA;
* Individuals who would be eligible to receive TRA, but have not yet exhausted their UI benefits;
* Individuals receiving benefits under Alternative Trade Adjustment Assistance (ATAA) or Reemployment Trade Adjustment Assistance (RTAA).

For additional information on HCTC, see [https://www.irs.gov/Credits-&-Deductions/Individuals/HCTC](https://www.irs.gov/Credits-%26-Deductions/Individuals/HCTC).

* 1. Service for Workers over Age 50: Alternative Trade Adjustment Assistance (ATAA) and Reemployment Trade Adjustment Assistance (RTAA)

The Trade Act provides an eligible individual over the age of 50 who obtains new employment within 26 weeks of their separation with a wage subsidy to help bridge the salary gap between their old and new employment. The service helps customers when the retraining offered under regular TAA services might not be appropriate. For any of the customers in the petitioning customer group to be eligible for ATAA, a request for ATAA consideration must be checked when the TAA petition is filed.

If the customer group is eligible to apply for TAA and ATAA/RTAA, individuals will have the option of applying for benefits under TAA or ATAA/RTAA.

Individuals who continue to meet the eligibility criteria are paid ATAA/RTAA benefits by TWC until a total of $10,000 or $12,000 in benefits has been received (based on petition number), or a period of two years has elapsed since their first qualifying reemployment, whichever occurs first.

Individual customers within the certified customer group who meet individual ATAA/RTAA eligibility criteria have the option of choosing ATAA/RTAA or TAA benefits and services. If he/she chooses ATAA/RTAA, they cannot receive financial aid for training funded with TAA funds or TRA cash benefit.

DOL will determine if a customer group meets eligibility criteria for ATAA/RTAA when investigating the petition application. To be eligible for the ATAA/RTAA wage subsidy benefit, the customer group must meet the following criteria:

* A significant number of adversely affected customers in the petitioning customers’ firm are 50 years of age or older;
* The adversely affected customers in the petitioning customers’ firm possess job skills that are not easily transferable to other employment; and
* The competitive conditions within the adversely affected customers industry are adverse.
	+ 1. Limits on Alternative Trade Adjustment Assistance:
			1. Petitions Numbering 50,000-69,999
	+ Requires a separate certification of group eligibility, submitted on the petition application
	+ Workers may not participate in TAA-approved training
	+ Requires full-time employment within 26 weeks of separation
	+ Available only for workers earning less than $50,000 per year in reemployment
	+ Maximum benefit of $10,000 over a period of up to two years.
		1. Limits on Reemployment Trade Adjustment Assistance:
			1. Petitions Numbering 70,000 - 79,999
	+ Doesn’t require a separate certification of group eligibility
	+ Workers may participate in TAA-approved training
	+ Requires full-time employment, unless the worker is also enrolled in TAA approved training and employed at least 20 hours per week, and does not set a deadline for reemployment
	+ Available only for workers earning less than $55,000 per year in reemployment
	+ Maximum benefit of $12,000 over a period of up to two years.
		- 1. Petitions Numbering 80,000 - 97,999
	+ Doesn’t require a separate certification of group eligibility
	+ Workers may participate in TAA-approved training
	+ Requires full-time employment, unless the worker is also enrolled in TAA approved training and employed at least 20 hours per week
	+ Adversely affected customers employed by their adversely affected employer cannot receive RTAA
	+ Available only for workers earning less than $50,000 per year in reemployment
	+ Maximum benefit of $10,000 over a period of up to two years
	+ Workers applying for RTAA can visit local Workforce Solutions Offices to provide their reporting requirements.

		- 1. Petitions Numbering 98,000 and above
	+ Requires a separate certification of group eligibility, submitted on the petition application
	+ Workers may not participate in TAA-approved training
	+ Requires full-time employment within 26 weeks of separation
	+ Available only for workers earning less than $50,000 per year in reemployment
	+ Maximum benefit of $10,000 over a period of up to two years.
		1. Additional criteria that must be met for individual eligibility include:
* Reemployment wages on an average annual basis must be less than wages earned in the adversely affected employment.
	1. Requesting an Investigation of Eligibility

If a customer does not have a record in TWIST indicating they are covered under an approved petition and they believe they should be, ***staff must follow the procedures for an*** [***eligibility investigation***](#EligibilityInvestigation)***. While the investigation is underway, staff must determine alternate sources of financial aid and where possible, provide the aid from other Workforce Solutions resources or other available sources (colleges, foundations, etc.).***

* 1. Appealing a Decision of Benefit Denial

All TAA benefits have different deadlines and individual eligibility criteria. Once certified, a customer must meet the criteria for each benefit to receive that benefit. If they are dissatisfied with the decisions on their individual application for TAA benefits, they have the right to appeal the decision.

TWC Trade Services Technical Assistance makes the final determination on any negative determinations, such as denial of training or waiver, and will notify the customer of the determination and the appeals process and deadlines.

Appeals of a decision made by TWC Trade Services Technical Assistance, must be submitted by the customer in writing within 14 calendar days of the date of the determination to:

**The Appeals Department**

**101 East 15th Street, Room 410**

**Austin, Texas 78778-0001**

**Fax: (512) 463-2590**

1. Determining and Documenting Average Weekly Wage
	1. Procedure for Calculating and Documenting Average Weekly Wage
		1. In the customer’s TWIST record, go to the TAA Program Detail and click on the Eligibility Criteria tab. Make note of the customer’s separation date.
		2. Select Performance Data from the menu and click on the Tax Wages tab.
		3. Find the customer’s quarterly wages earned from the job with the adversely affected employer.
		4. Identify the highest quarter of wages ***of the last five (5) quarters*** and divide the amount by 13. Include only full quarters and ignore a quarterly wage amount where it is obviously higher because the customer received a severance package. ***The result is the average weekly wage.***
		5. Enter the average weekly wage in TWIST in the Program Summary tab of the TAA Program Detail record.
		6. Note: If the customer’s wages are reported in another state, ask the customer to tell you their average weekly wage. Enter the amount in TWIST.

**Example of How to Calculate the Average Weekly Wage for a Customer:**

* Adversely Affected Employer: Alcoa, Inc.
* Separation Date: 10/19/2021. The customer was laid off in October, the first month of the 4th quarter; therefore, the last complete or full calendar quarter is the 3rd quarter of 2021 (3-2021).
* Identify the highest complete or full quarter of wages for the adversely affected employment.
* The quarter with the highest wages is: 2nd Quarter of 2021 (2-2021).
* Total wages for quarter 2-2021: $21,274.04
* Average Weekly Wage: $21,274.04 divided by 13 = $1,636.46
	1. Additional Guidance for Calculating the Average Weekly Wage
		1. If there aren’t any wages listed in TWIST wage data for the adversely affected employment, check the TWC mainframe for wages. If wages aren’t listed in the TWC mainframe, then ask the customer to tell you their average weekly wage and enter this amount in TWIST in the Average Weekly Wage field. Enter a counseling note in TWIST to explain wages weren’t available in TWIST or the TWC mainframe and the customer told you their average weekly wage.
		2. If there is only one quarter reported and it’s not a complete quarter – use this partial quarter and divide the wages by the number of relevant weeks. For example: If the customer worked 10 weeks with the employer, divide the partial quarter wage total by 10. Enter the result as the Average Weekly Wage.
		3. If the customer worked at the adversely affected job for two different periods – and worked at a different company between these two periods of employment, select the high quarter wages from those quarters for the adversely affected employment period.

Example: Laid off workers of Company A were certified eligible for Trade benefits. The customer’s qualifying separation date is 5/14/2021.

* + Company A: Wages are listed for quarter 4-2020, 1-2021 and 2-2021.
	+ Company B: Wages are listed for the quarter 3-2021.
	+ Company A: Customer returned to work for Company A for 3 months. Wages are listed for quarter 4-2021.

We look at only the wages for quarters: 4-2020, 1-2021 and 2-2021 because these are the wages reported for the adversely affected job during the adversely affected employment period. Ignore quarter 2-2021 because it is a partial quarter (separation date is 5/14/2021). Choose the highest quarter wage amount from quarters 4-2020 or 1-2021. Divide the quarterly wages by 13 to determine the average weekly wage amount.

1. Supplemental Assistance: Calculating Travel and Subsistence Cost for the Individual Employment Plans

Travel/transportation and subsistence payments must be provided to adversely affected individuals who participate in TAA approved training outside of the local commuting area. **Transportation and subsistence costs will be the lesser of the actual cost or 50% of the maximum federal per diem rate for the area in which the training takes place.**

Staff must ensure reimbursement for mileage is calculated from the first mile outside of the worker’s commuting area, to and from the training provider. Staff must use the mileage rate authorized under the Federal Travel Regulations.

Staff must complete a TWIST Employment/Service Plan and the Workforce Solutions Trade Adjustment Assistance Individual Employment Plan when planning training for the customer. Gather information about the training program and the distance the customer will travel from their residence to the training site. Workforce Solutions staff must use the following information to develop the plan:

* 1. Transportation
	+ TWC defines the “local commuting area” as 25 miles one way. Calculate the shortest one-way distance from the first mile outside of the worker’s commuting area to and from the training provider. Use an online map application that has an option for calculating the “shortest distance.” MapQuest and Bing both have options for calculating the shortest distance. Staff must use the federal authorized mileage rate using the General Services Administration ([GSA) website](http://www.gsa.gov/portal/category/26429).)
		- If the distance exceeds 25 miles one-way, staff must ***calculate the mileage outside of the local commuting distance (25 miles)*** and ***include the calculation*** and travel and/or subsistence costs in the Individual Employment Plan.

***Example: The customer travels 35 miles one way to the training institution from their home. Staff must complete the calculation:***

***35 miles – 25 miles = 10 miles; 10 miles x 2 (round-trip) = 20 miles total for trip***

***The customer is eligible to receive travel/transportation assistance for 20 miles each day they travel to the training institution.***

* + - If the distance rate is less than 25 miles, mark the “No” box to answer the question on the Individual Employment Plan, then go to the next section titled Cost of Training.

Note: If the customer wants and needs help with transportation to attend training located within the local commuting area, use other funding such as WIOA Dislocated Worker funds to pay the transportation costs.

* 1. Subsistence
	+ Subsistence is the allowance for lodging (excluding taxes) and meals expenses.
	+ Subsistence payments are paid in the amount of the lesser of the actual cost or 50% of the federal per diem for the area where the actual training takes place. The General Services Administration establishes per diem rates for destinations within the Continental United States.
	+ Staying at/near the Training Facility. If the customer is staying at (or near) a training facility outside the commuting area, the customer will receive only one round trip payment as a training cost under TAA.
		- Actual cost for subsistence at the training facility, which includes room and meals; **or**
		- 50% of federal per diem rate for lodging and meals.
	+ Not Staying at/near the Training Facility. If the customer is driving from their residence to the training facility each day, career office staff will arrange weekly payment to the customer for the transportation costs. The customer will not receive subsistence for lodging, meals, and incidentals.

If training outside of the commuting areas adds substantially to the cost of training making the cost of training unreasonable, the Individual Employment Plan should be submitted for denial.

* 1. **Calculating the costs for transportation and subsistence**
		1. Determine the mileage and rate
			+ Determine the actual mileage from the customer’s home to the destination. Use an online mileage website such as MapQuest or Bing Maps. Print out the mileage and file it along with the Individual Employment Plan in the customer’s document file.
			+ Look-up the Federal mileage rate using the [GSA website](http://www.gsa.gov/portal/category/26429).
		2. Determine the per diem rate (for lodging, meals/incidentals)
			+ Visit GSA Per Diem Rates to find the per diem rates for lodging and meals/incidental expenses. Click on the state you need to view. If the city isn’t listed, look for the county where the customer will be staying. If the city or county isn’t listed on the GSA per diem rate page, then use the standard rate of $70 for lodging and $46 for meals.

Example: A customer resides in Houston, TX and is traveling ***223 miles one way*** from their home to attend a two-week training at the University of Texas-San Antonio.

1. Calculate total cost of transportation.
* Total Commute Mileage Rate: ***223-25=198 miles one way; 198 x $.56= $110.88***
* ***Travel to training site $110.88 plus Travel back to residence $110.88 = $221.76***
1. Calculate total cost of subsistence for 14 days of training in San Antonio.
* Daily rate = Lodging $124.00 plus Meals/Incidentals $61.00 = $185.00 x 50% = $92.50 x 14 days = $1295.
1. Calculate total cost of transportation and subsistence**.**

Calculate the sum of the total costs of transportation and the total cost of subsistence.

* Total transportation costs for round trip (staying at the training facility) = ***$221.76***
* Total subsistence costs for 14 days (lodging, meals, and incidentals) = $1295.00
* Total cost of transportation and subsistence = ***$1516.76***

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Number of training days per week: | 7 | Number of actual weeks in training:  | 2 | Total Days in Training: | 14 |
| MILEAGE |
| Mileage shortest distance using www.mapquest.com round-trip miles: | ***446*** |
| Federal Privately Owned Vehicle (POV) Mileage Rate from www.gsa.gov: | 0.56 |
| Total Daily Mileage Cost:  | ***$221.76*** |
| PER DIEM - To calculate the prevailing per diem visit www.gsa.gov and enter zip code or city, state.  |
| Daily Max Lodging Amount:  | $124.00 | Daily Max Meals Amount:  | $61.00 | Total Daily Per Diem Amount: | $185.00 |
| 50% of prevailing per diem (Daily Amount Allowed):  | $92.50 |
| Total Per Diem Cost:  | $1,295.00 |
| ROUND-TRIP CALCULATIONS - Only one round-trip payment is allowed if the customer is staying at the training site or if TAA is paying Room and Board (actual cost) at lowest cost option. |
| Trip to training site: | ***$110.88*** | Trip back to residence: | ***$110.88*** | Total Round-Trip | ***$221.76*** |
| Lowest Cost Option + Round-Trip Payment (If applicable):  | ***$1,516.76*** |

Note: The current GSA values for lodging, meals, and transportation may not be accurately reflected in this example’s calculations as the values are frequently updated. Please follow the steps above to look up current values.

1. Enter the information in the Transportation and Subsistence Payment Calculation section of the Workforce Solutions Trade Adjustment Assistance Individual Employment Plan.
2. Print out the online mileage and file it along with the Individual Employment Plan in the customer’s electronic file.
	1. **Payment Terms**
* To receive subsistence payments, adversely affected workers must turn in all receipts for:
	+ Lodging,
	+ Purchased transportation expenses (for example costs for rental cars, rental car fuel, buses, trains, airfare, ride-share services, and tolls), and
	+ Meals.
* We make payments at the end of a training week, except for the first week of training. We can provide a customer with the first initial payment, if needed, to begin training classes.
* Customers must submit attendance to receive transportation/subsistence assistance.
* We do not pay transportation or subsistence payments for unexcused absences.
1. Workforce Solutions TWIST

When TAA petitions are filed, TWC gathers information about the business and its employees to prepare eligibility and service tracking records. These records are found in TWIST.

The information below is intended to give quick guidance for screens commonly used in providing and tracking TAA funded services to customers. To learn more details about the screens and fields in TWIST, consult the TWIST Manual. The TWIST Manual is available in the Help menu of TWIST.

* 1. **How to Access TAA Petition Information**
		1. **To access petition information:**
1. Select the **Group Actions** icon.
2. Click the **TAA** menu selection.
3. Enter the **Petition Number** or **Company Name** in the petition search field and click **Search**.
* If you use the petition number, the petition detail displays.
* If you use the company name, you get a list of all the petitions for that company. Open the petition detail by double-clicking the petition of your choice.

Note:The petition is certified if there is a date in the certified field. The petition is Alternative Trade Adjustment Assistance certified if the ATAA box is checked.

1. Click the **Employer List** tab to display the primary company name and any other company names covered by the petition.
2. Click the **Lay Off List** tab to see a list of all employees the employer identified as having left the company since the petition impact date and their adversely affected status.
* Double-clicking the employee name displays the layoff list detail.
* All employees on the layoff list have a TWIST TAA Program Detail record.

**Note:** All information about petitions is “read-only.”

* 1. **How to Access TAA Eligibility Information**
		1. **TAA Program Detail: Eligibility CriteriaTab in TWIST**
* Petition: Name of Trade-certified company and corresponding petition number
* Certified Date: Date the petition for Trade benefits was certified by the U.S. Department of Labor
* BT-1 Date: Date Texas Workforce Commission (TWC) Trade Adjustment Assistance (TAA) staff mailed letter of potential eligibility to customer
* To be eligible for Trade benefits, an individual must have *Yes* for all the following five criteria:

1. Separation Date

2. Separation Reason

3. Job Description

4. Job Location

5. Subdivision/Department

* + - Waiver/In Training Deadline Date: Date an adversely affected worker must be either enrolled in training or have secured a waiver of the training requirement to maintain Trade Readjustment Allowances (TRA) eligibility.
		- Job Search Allowances Application Deadline Date: This date is the 365th day from the worker’s petition certification date or separation date, whichever is later. Application form ETA-861 is submitted to TWC’s TAA office for a determination.
		- Job Relocation Allowances Application Deadline Date: This date is the 425th day from the worker’s petition certification date or separation date, whichever is later. Application form ETA-860 is submitted to TWC’s TAA office for a determination.

**Note:** Adversely affected workers who have participated in training services must submit their application for either job search allowance or relocation allowance no later than 182 days after training completion, depending on the petition number and its provisions.

* 1. **TAA Program Detail Definitions**
		1. **TAA Program Summary Tab:**
* **BT1 Date** – (read-only) date TWC staff mailed a potential eligibility call-in to customer.
* **Interest in Training Date** – staff enter the date the customer made a bona fide application for training or completed the Explanation of Services form, whichever is earliest.
* **Interest in Training ONET** – enter the code of the occupation in which the customer expressed interest. (This is not a binding final selection.)
* **Average Weekly Wage** – highest quarter of wages from the adversely affected employer divided by 13. (Find wages under the TWIST Performance Data menu selection and Wage Detail tab.)
* **File for TRA** – (read-only) box checked when State TRA staff request TWIST data to be copied to the UI database.
* **Application Date** – earliest date the customer first contacts Workforce Solutions in person to request service.
* **Enrolled in Training Date** – date training is TAA-approved, and customer can receive Basic TRA benefits without conducting a job search. Entered by staff. Enter a date that is within 30 days of the customer’s initial planned start date.
	+ An adversely affected worker can be enrolled in training up to 30 days before the first day of actual training. If extenuating circumstances occur after training is approved, the enrollment period can be extended up to an additional 30 days for a total length not to exceed 60 days. Adversely affected workers can be enrolled in a training program only after the program has been approved. (Only one enrollment period per trade certification.)
* **Initial Planned Start Date** – date the customer plans to actually begin attending training.
* **Remedial Weeks in Training** – the number of weeks of the training program that contain any ESL, ABE, HSE, or remedial training required for admittance into occupational training. (Remedial weeks can be concurrent with occupational training.)
	+ use new TWIST service code 190–Prerequisite Training if coursework is required by the training provider prior to an adversely affected worker’s acceptance into a training program; and
	+ include prerequisite training as part of the total training program and document it on the TAA Individual Employment Plan
* **Exit Date and Exit Reason** – information entered by local Workforce Solutions staff.
	1. **TAA Intake Common and Program Detail**

To save a TAA Application Datein TWIST Program Detail*,* staff must complete the tabs below to prevent TWIST errors and save*.*

* + 1. Identity Tab:
* city code
* county code
* birth date
	+ 1. Characteristics Tab:
* Selective Service: Selective Service status is not required for TAA, but if co-enrolled in Workforce Investment Act services, this information is necessary.
* Citizenship: If the worker is a permanent resident, the INS expiration date must be entered.
* Hispanic/Latino: If Yes, Race must also be checked.
* Gender
* Limited English
* Offender
* Receiving Parent Training
* Seasonal Farm Worker
* Free Lunch
	+ 1. Education Tab:
* Highest Grade Completed: The worker’s highest level of education at the time of Trade eligibility. Grade “0” is not allowed.
	+ 1. Military Service Tab:
* Yes: Answer corresponding questions.
* No: Operation Iraqi Freedom question still must be answered.
	+ 1. Public Assistance Tab: If Yes for either benefit, enter the last day received:
* SSI
* SSDI
	+ 1. Employment Status Tab:
* Unemployment Comp Status
	+ 1. Disability/Medical Tab:
* Disabled
* Disability Barrier
* Substance Abuse
	+ 1. Program Detail: The following tabs, and all fields within these tabs, must be completed:
* Program Summary
* Characteristics
* Education
* Military
* Public Assistance
* Employment Status
* Disability/Medical
	1. **TAA Waiver & Denials**
		1. **To enter waiver and denials:**
			1. **TWIST TAA Waiver Tab: Waiver Section**
1. Right click in the Waiver section window and select add.
2. Enter the Waiver Start Date.

**Note:** The waiver start date is the same day the customer is issued the waiver (must be prior to the Waiver/In Training Deadline Date on the Eligibility Criteria tab). Backdating waivers is not permissible. Under limited circumstances, e.g., staff malfeasance (thorough justification must be provided), backdating a waiver is appropriate and must be coordinated through TWC’s TAA office.

1. Enter the Waiver End Date (always a Saturday) tailored to customer’s situation; it must not extend beyond the worker’s eligibility for Basic TRA.
2. Enter the State (always Texas).

**Note:** All out-of-state waivers must be sent to TWC’s TAA office.

* + - 1. **TWIST TAA Waiver Tab: Waiver Status Section (bottom window)**
1. Right click in the Waiver Status section window and select add.

**Note:** The displayed *Waiver Status* is linked to the highlighted waiver in the *Waiver* section. Ensure you highlight the correct waiver you want to enter or change *Waiver Status* information.

1. Select the *Waiver Status Reason* from the dropdown list. (Entry required whether waiver is approved or revoked.)

**Note:** Staff can revoke a waiver only if training is feasible and enrollment is scheduled; all other revocation reasons will be entered by TWC’s TAA office. If another waiver revocation reason applies, submit the waiver to TWC’s TAA office for a formal determination. Staff must provide adversely affected workers with a copy of the Waiver of Training (WOT-1) form. If the adversely affected worker chooses to appeal the revocation, staff must submit the revocation to the state office. When a customer is entering training, revoke the waiver and change the Waiver End Date in the Waiver section to the day before the Enrolled in Training Date.

* + - 1. **TWIST TAA Denial Tab:** Provides the status of a denial request. Only TWC’s TAA office enters denial information. Each selection in the *Denial* section has a corresponding *Denial Status*.
	1. **Service Tracking Tips**
		1. **Service Information and Completion Information:**

Upon the start of TAA-approved training, enter the correct fund code and service:

* **Fund codes**:
* 121*–Trade Adjustment Act*: meets all approval criteria and training is funded entirely with Trade funds; or
* 136*–TAA/Other*: meets all approval criteria and is funded by a program other than Trade. This service entry counts toward the allowable training weeks per petition number.

*Important*: Choose the correct petition number when entering a fund detail line; some customers may have multiple petition program details.

* **Service Category Service**

5–Education: 2–ABE, 54–GED, 44–ESL

4–Training Services: 1–Occupational/Vocational Training

* + 1. **Enter a TAA service into TWIST as a separate entry from other program services/funding streams.**
* *Planned Training $*: This field reflects the entire cost of the training program from start to finish. Training cost must include estimated tuition, fees, books, tools, and any other required training-related expenses. The amount entered in this field is the total cost with the 10% variance included.
* *O\*NET*: occupational code for customer’s training goal.
* *CIP*: instructional program code.
* *FICE*: federally assigned code that identifies schools.

*Note*: 99999*–Other* is not allowed in the *O\*NET* and *CIP* fields.

* 68–*Employability Development Plan*: Enter for the following situations:
* Upon Individual Employment Plan (IEP) approval, which must be within 30 days of the beginning training start date;
* Whenever an amendment occurs for cost, time frame extension, change of occupation/program/provider, and change of course load; and
* If a break in training creates a new period of participation of 90 days or more.
* 190–*Prerequisite Training*: Use if coursework is required by the training provider prior to a worker’s acceptance into a training program.
* 11–*Planned Gap in Service*: Use to reflect a break in training of more than 30 school days. Customer will not receive TRA benefits during a planned gap in service.
	+ 1. **Enter the following sub funds in the corresponding training service:**
* 49–Part-Time Training: Use when an adversely affected customer is enrolled in part-time training. Customer will not receive TRA if in part-time training.
* 50–Integrated Remedial: Use when a provider concurrently teaches remediation (e.g., basic reading, writing, and mathematical skills (ABE); ESL; HSE; and zero-level courses) and occupational vocational training.
* 48–Distance Learning: Use when TAA-approved training is entirely distance learning (i.e., online training).

*Note*: Multiple sub fund lines may be open, if applicable.

* + 1. Co-enrollment:
* Co-enrollment into WIOA Dislocated Worker service is required for all adversely affected workers.
	+ Adversely affected workers under a certified petition receive expedited eligibility for WIOA Dislocated Worker funds.
	+ Staff must enter a participatory service **monthly** for adversely affected workers enrolled in TAA and Dislocated Worker services.

Example:

|  |  |  |
| --- | --- | --- |
| Service | Service Start Date | Fund |
| 1 – Occupational/Vocational Training | 11/1/2021 | 121 – Trade Adjustment Act |
| 1 – Occupational/Vocational Training | 11/1/2021 | 20 – Dislocated Worker |

Note: Staff may use Service Code 24-Counseling when contacting the customer each month to monitor progress and deliver service. For a complete list of Trade and participatory services, see:

<http://www.twc.state.tx.us/development/plan/system_services_matrix_locked.xls>

* Adversely affected workers who decline co-enrollment or are ineligible for co-enrollment, must complete the [TAA Co-enrollment Declination Form](https://www.wrksolutions.com/Documents/Staff/tradeact/TAA-Coenrollment-Declination-Form.docx) and staff must maintain a copy of the form in the customer’s file.
* Merit staff will record the customer’s last name, TWIST ID and reason for declination or ineligibility on the TAA Co-enrollment Declination Report and send a copy to TWC each quarter.
	+ 1. ITA/Financial Assistance Tab
* Enter the training program deposit amount in the TWIST ITA/Financial Assistance tab when the training is approved or amended. The deposit amount is an estimate of the total cost of training, including supplemental assistance, in the customer’s IEP.



* Enter training withdrawals (expenditures) in TWIST ITA/Financial Assistance tab for the month the service was performed or the goods received, regardless of whether the bill has been paid. Examples of training expenditures include the following:
* Tuition
* Books
* Tools
* Fees
* Certification tests and licenses
* Supplemental assistance for transportation outside of the local area
* Subsistence allowances



* Select the appropriate funding source for the transaction. If multiple petition numbers appear, staff must select the petition funding the corresponding training costs.
* Select a transaction AND expense type for each training expenditure entry, as reflected in the customer’s IEP.
* Completed Training

To enter this data element:

* use the training component’s end date, which is the last date the customer attended training;
* enter the credential information; and
* update the TWIST completion reason with “20 Complete – Successful” or “21 Complete – Not Successful.” (See screenshot below.)

******

* Withdrew from Training

To enter this data element:

* update the customer’s record immediately upon notification of withdrawal;
* use the training component’s end date, which is the last date the participant attended training;
* enter the reason for withdrawal in the comments; and
* update the TWIST completion reason with “22 – Dropped Out.” (See screenshot below.)

******

When entering completed training and withdrew from training data elements, use source documentation from the training provider to determine the end date. However, if the source documentation is delayed, close the service immediately, based on the date provided by the customer. Failure to close the service immediately may lead to an overpayment. Modification of the customer’s end date can be made if the date provided by the customer is different from the date in the training provider documentation. Ensure that the end date and the source that provided the date are documented in TWIST Counselor Notes.

* Training Continuing

Enter this data element only if the same training component is continuing. To enter this data element:

* update the TWIST completion reason with “19 – Program Continuing.” (See screenshot below.)
* do not enter a credential.

******

* 1. **TAA TWIST Counselor Notes**

The following suggested narrative entries are provided to assist with the processing of TAA/TRA benefits.

* + 1. **Initial Assessment:**
* EOS-1 (Explanation of Services)
* First two sections of the REP
* Customer’s previous skills and abilities
* Labor market information and entry level wage for current and training occupation
* Occupational goal of interest
* Discussion of six approval criteria and three additional considerations
* Waiver/In Training deadline specified, discussed, and documented. Inform customers about the deadline even if it has passed. If it has passed, document why the customer no longer qualifies for the waiver.
* Maximum time frame of petition
* Discussion of full time/part time (FT/PT) training status and impact on TRA
* Discussion of the importance of applying for TRA
* Discuss that self-financing is not allowed
	+ AWW calculation for an adversely affected customer:
		- Trade Adversely affected employer: **(Employer’s name)**
		- Application date: **(Date) (Quarters available 3-2012 to 3-2013)**
		- Separation date: **(Date) (Quarter 2-2013)**
		- Highest quarter wage: **(Quarter 2-2013 $$,$$$.$$)**
		- Average weekly wage: **($$,$$$.$$/13 = $,$$$.$$)**
		1. **Waiver Issuance:**
* Waiver reason
* Start and end dates of waiver
* 30-day contact requirement
* Copy given to customer
* Type of training/occupation
* Name of training provider
* Tentative enrollment start date
* If waiver is being recommended for approval, revocation, or denial
	+ 1. **Waiver Review:**
* 30-day contact requirement
* Waiver reason still applies
	+ 1. **Waiver Denial:**
* Justification for waiver denial recommendation
	+ 1. **Waiver Revocation:**
* Justification for waiver revocation recommendation
	+ 1. **Waiver Modification:**
* Waiver modification reason
* New waiver reason
	+ 1. **Lack of 30-day waiver contact:**
* Document, if applicable
* Not grounds for waiver revocation as this is a TRA issue
	+ 1. **Training Approval:**
* Institution name, time frame, total number of weeks, occupational goal, and cost
* Training meets approval criteria
* Estimated number of weeks for prerequisite/remedial courses, if applicable
* TRA may not last entire length of training
* Benchmark requirements
* Copy of REP given to customer
	+ 1. **Current Training Status: Required at the beginning of each semester or training module, and at any time courses are dropped or participation otherwise changes:**
* Document full time or part time
* Notate semester, course name, course number, course description, start date and end date, total number of credit or clock hours, and total number of weeks

*Note*: Enter new information in *Counselor Notes* if customer’s FT/PT status changes due to dropping/withdrawing from courses.

* + 1. **IEP Amendments: Required when any of the below elements are modified.** A training program may be amended until the time that the adversely affected worker has completed the entire training program as originally approved. Staff must work with the adversely affected worker to amend a training program if:

• the need for the amendment was not foreseeable; and

• the customer demonstrates good cause for the need to amend***.***

* + 1. **Include in Counselor Notes:**
* Original occupation/course name/program name
* Original institution
* Original training time frame
* Original cost
* Amended occupation/course name/program name
* Amended institution
* Original training time frame
* Amended cost
* Justification of amendment
	+ 1. **Dropped out of training:**
* Document reason
* Document effective date of withdrawal
	+ 1. **Program Continuing:**
* Document reason
* Case will go inactive
* Estimated date of return
	+ 1. **Entered Employment:**
* Employment information
* Credential information, if applicable
* Employment information in Performance Outcomes
	+ 1. **Completed Training:**
* Completion date
* Credential information in Performance Outcomes and notes
	+ 1. **Remedial & Prerequisite Classes:**
* List courses
* Start and end dates and title of semester(s) taken
* Number of weeks
* Number of credit hours
	+ 1. **Job Search/Relocation Allowance:**
* Date customer requested information
* Referred to TWC’s TAA office to file request and for determination of benefit(s)
	+ 1. **Benchmark Review: Must be accomplished no less often than every 60 days during training.**
* Indicate whether the customer is meeting the two benchmark requirements:
	+ maintaining satisfactory academic standing; and
	+ completing training in the required time frame identified on the IEP

* List courses and grades (if available)
* Form of benchmark training provider documentation
* Status: FT/PT
* Date of the next benchmark
	+ 1. **Benchmark Warning:**
* Document semester
* List courses and grades
* Status: FT/PT
* Note which benchmark(s) not met
* REP must be amended if a consecutive benchmark warning is issued
* Determine if training still meets the approval criteria
	+ 1. **Cost Comparison Documentation**
* Name of each school being compared
* Total mileage for each school being compared
* Total cost of training for each school being compared
	+ 1. **Justification of Above Reasonable Cost Standard (see WD Letter 06-10):**
* Occupation
* Institution
* Start and end dates
* Lowest, most reasonable cost for the occupation
* Extenuating circumstances warranting consideration
* Local office recommendation
	+ 1. **Recommendation of Denial of Training:**
* Occupation
* Institution
* Start and end dates
* List which of the approval criteria or three additional criteria the plan/IEP does not meet
* Brief justification of denial recommendation
* Submitting to TWC’s TAA office for determination
1. TWC Merit Staff Contact Information

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1. Workforce Solutions TAA Forms Chart

|  |  |  |  |
| --- | --- | --- | --- |
| Form # | Form Name | Purpose | Tracking/Transmittal |
| [Form ETA-9042](http://www.wrksolutions.com/Documents/Staff/tradeact/Petition-for-Trade-Adjustment-Assistance-E.doc)[Form ETA-9042A (Spanish version)](http://www.wrksolutions.com/Documents/Staff/tradeact/Petition-for-Trade-Adjustment-Assistance-S.doc) | Petition for Trade Adjustment Assistance | To file a petition to request approval for Trade Act benefits (Trade Adjustment Assistance and/or Trade Readjustment Allowances). Instructions for filing a petition are included in this document in the section titled Petition Process. | Store a copy in the customer’s file in the document management system Send original petition directly to Chrystal Broussard at H-GAC |
| [TAA 29 -ESOE](http://www.wrksolutions.com/Documents/Staff/tradeact/TAA-Employee-Statement-of-Eligibility.doc) | Employee Statement of Eligibility | The form is used by a customer to request an investigation of their eligibility for trade related services. It is used in situations where the customer’s TWIST status is incomplete or if the customer is not listed on an active petition,  | Send form to TWC Merit Staff via FACS |
| [Form BT1E Notice of Potential TAA Eligibility](https://www.wrksolutions.com/Documents/Staff/tradeact/TWC-Letter-to-Trade-Affected-Workers-BT-1.pdf) |  | * Customers may tell us they’re eligible for Trade Act benefits or bring Notice of Potential TAA Eligibility (Form BT1E) issued by TWC UI.
* Use TWIST to determine customer’s eligibility for TAA. TAA Program Detail, Eligibility Criteria with “Yes” responses to the 5 eligibility criteria. TWIST Instructions are included in this document.
* If customer does not have a TWIST TAA program detail record, emailTWC Merit Staff to request an investigation.
 |  |
| [TAA-EOS-E](http://www.wrksolutions.com/Documents/Staff/tradeact/WFS-268-EOS-E.pdf)[TAA-EOS-S](http://www.wrksolutions.com/Documents/Staff/tradeact/WFS-269-EOS-S.pdf) | Explanation of Services | The Explanation of Services form should be completed on the customer’s first visit to the career office, within 210 days of their date of separation or 210 days from their DOL certification date, whichever is later, to receive the additional Trade Readjustment Allowance (TRA) benefits while in approved training. TRA is additional UI cash assistance paid to the customer while they are enrolled in an education or training program. The customer may never need TRA benefits but if this form is not filed, they will not be able to receive the benefit should they need it. The paper form should be filed alphabetically by the customer’s last name. These files must be kept until the customer has obtained “suitable employment” as defined by the Trade Act. It is not necessary to create individual files.  | Complete the fields of the TAA Program Detail, Program Summary tab. Check to make sure work application on file in WIT; if not, obtain information from customer and enter it.Store a copy in the customer’s file in the document management system  |
| [Form WOT-1](http://www.wrksolutions.com/Documents/Staff/tradeact/Waiver-of-Training-Form.docx)[Form WOT-1S](http://www.wrksolutions.com/Documents/Staff/tradeact/Waiver-of-Training-Form-Spanish.docx)  | Waiver of Training | The waiver of the training requirement pertains to TRA eligibility. To be eligible for TRA, a Trade-certified customer must:* Petitions 50,000-69,999: customers must be in training or have a waiver of the training requirement entered in TWIST - within 8 weeks of the petition certification date or within 16 weeks of their qualifying separation, whichever is later.
* Petitions 70,000 -79,999: customers must be in training or have a waiver of the training requirement entered in TWIST - within 26 weeks from petition certification or last qualifying separation, whichever is later.
* Petitions 80,000 and above: customers must be in training or have a waiver of the training requirement entered in TWIST - within 26 weeks from petition certification or last qualifying separation, whichever is later.
* Petitions 98,000 and above: customers must be in training or have a waiver of the training requirement entered in TWIST - within 8 weeks of the petition certification date or within 16 weeks of their qualifying separation, whichever is later.

The waiver of training form identifies the reason training is not feasible for the Trade-certified customer. Valid reasons are:1. **Worker subject to recall within six months. Does not apply to petitions 80,000 and above.** This reason is applicable if the customer has a definite recall date that Workforce Solutions staff has verified with the employer. Enter the scheduled return to work date in the waiver document. 2. **Worker possesses marketable skills. Does not apply to petitions 80,000 and above.** This reason is applicable while the customer tests the market for suitable employment, or it appears the worker possesses marketable skills. As with every reason for a waiver, staff must reevaluate the waiver reason. The customer is eligible for TRA while conducting a work search as prescribed by state UI regulations. 3. **Worker in poor health.** This reason is applicable if the customer is unable to attend school or work due to a health problem. Workforce Center staff should issue the waiver to protect future eligibility, although the customer may be disqualified from receiving UI and TRA. Document this in the TWIST Counselor Notes.4. **Retirement. Does not apply to petitions 80,000 and above.** Customer is within two years of retirement in accordance with a private retirement plan or age or Social Security. 5. **First available enrollment date is within 60 days.** This reason applies when training is available, but when the enrollment date is in the future. For purposes of TRA, the enrollment date is the date on which the worker is considered to be in training. Issue the waiver if the enrollment date is less than 60 days in the future.6. **Training is not available, or is not available at a reasonable cost, or no funds are available under TAA or federal law**. This reason applies if guidance has been provided to the Board that all available TAA funding has been exhausted, or if there is no approvable training within the local commuting area.The effective date of TAA waivers must begin on the date it is issued and end on a Saturday, no later than the last Saturday of the customer’s Basic TRA eligibility period. The waiver of the training requirement is an ongoing assessment. Merit staff must review waivers every 30 days to ensure the reason for the waiver is still valid and document this review in TWIST Counselor Notes. If the waiver reason is no longer a valid, staff TAA Merit staff will submit a request to revoke the waiver. At the end of the waiver period, if training is still not feasible, Workforce Solutions staff can issue another waiver. Waivers may only be approved and entered by TAA Merit Staff.The first two sections of the Individual Employment plan must be completed and submitted with the request for waiver approval by TAA Merit Staff.  | Store a copy in the customer’s file in the document management system Send to TWC Merit Staff via FACS  |
| [Form TAA-REP-E](http://www.wrksolutions.com/Documents/Staff/tradeact/TAA-Reemployment-and-Training-Plan-E.xlsm)[Form TAA-REP–S](http://www.wrksolutions.com/Documents/Staff/tradeact/TAA-Reemployment-and-Training-Plan-S.docx)  | Individual EmploymentPlan | For customers eligible for TAA under **any** petition number * Staff completes this form for the customer.
* Begin developing this plan with the customer on the first visit. At a minimum, complete the top 3 sections titled: Customer Information, Reemployment Information and Goals.
* Complete the entire plan for customers requesting training.
* Give a copy of the completed, individualemployment plan to the customer.
* File the original individual employment plan in the customer’s file.
* Submit the reemployment plan to TAA Merit Staff for approval.
 | Store a copy in the customer’s file in the document management system TWIST Service Plan |
| [TAA Co-enrollment Declination Form](https://www.wrksolutions.com/Documents/Staff/tradeact/TAA-Coenrollment-Declination-Form.docx)  | Trade Adjustment Assistance Co-enrollment Declination Form  | Used for customers who decline co-enrollment in WIOA Dislocated Worker services. | Store a copy in the customer’s file in the document management system  |
| [Form TAA-12](http://www.wrksolutions.com/Documents/Staff/tradeact/Certification_of_Suitable_Employment_Form.doc) | Certificate of Suitable Employment | Staff completes this form to assist customers requesting Job Search Allowances or Relocation Allowances.Contact the company to verify the appointment or job offer and payment or nonpayment of relocation expense. Submit the completed form to the TWC address shown at the top right corner of the form. | Complete forms and mail them to the address provided on the forms.Document actions in the TWIST Counselor Notes |
| [Form ETA-861](http://www.wrksolutions.com/Documents/Staff/tradeact/Job_Search_Allowance_Form_eta-861.doc) | Request for Job Search Allowances | A customer may receive a job search allowance to cover expenses incurred to travel to a job interview outside the customer’s normal commuting area. The customer may be paid a percentage of necessary transportation and living expenses up to a maximum amount. Applications must be pre-approved before the customer leaves the home commuting area and only travel within the United States is authorized. Limits for costs:* Petitions Numbering 50,000-69,999 and 80,000 & above: pays 90% of allowable costs up to a maximum of $1,250.
* Petitions Numbering 70,000 – 79,999: pays 100% of allowable costs up to a maximum of $1,500
* Petitions Numbering 80,000 and above: pays 90% of allowable costs up to a maximum of $1,250

Requirements:* The customer’s written request must be made before the 365th day after the date of the certification under which they are covered or after the most recent total separation, whichever is later, OR before the 182nd day after the customer completed TAA training.
* Staff must make a determination that the customer has no reasonable expectation of securing suitable employment in the customer’s current commuting area. Enter counseling note in TWIST to document the lack of suitable employment for the customer.
* The customer must submit a request for job search allowances and obtain TWC approval BEFORE EACH job search trip begins. Staff will assist the customer in requesting job search allowances by completing the Job Search Allowance form ETA-861 and form TAA-12 Certificate of Suitable Employment.
* The customer must demonstrate that a reasonable chance exists for long-term suitable employment in the area they are looking for a job.
 | Complete forms and mail them to the address provided on the forms.Document actions in the TWIST Counselor Notes |
| [Form ETA-860](http://www.wrksolutions.com/Documents/Staff/tradeact/Relocation_Allowance_Form_eta-860.pdf) | Request for Relocation Allowances | If the customer is successful in obtaining employment outside the normal commuting area, financial assistance may be available to the customer to relocate. A relocation allowance pays a percentage of the allowable moving expenses plus a lump sum payment. * Petitions Numbering 50,000-69,999 and 80,000 & above: pays 90% of moving costs plus a lump sum of $1,250.
* Petitions Numbering 70,000 -79,999: pays 100% of moving costs plus a lump sum of up to $1,500.
* Petitions Numbering 80,000 and above: pays -79,999: pays 90% of moving costs plus a lump sum of up to $1,250.

There are time limits for filing a relocation allowance application and applications must be approved prior to moving. The application may be approved if determined that no suitable work is available in the customer’s home area and if the following exists: * The customer has not previously received a relocation allowance under the same certification; and
* The customer is totally separated from certified employment at the time of relocation. (Partially separated workers may apply in anticipation of total layoff.)

If it is determined customer needs relocation allowances, the customer must have either suitable long-term verifiable employment or a bona fide offer of such employment within the U.S. The customer must submit a written request for relocation allowances BEFORE the move begins. The customer’s written request must be made before the 425th day after the date of the certification under which covered or after the customer’s most recent total separation, whichever is later, OR before the 182nd day after customer completed TAA training. Customer must complete the Request for Relocation Allowance form and the Certification of Suitable Employment BEFORE the move. Customer completes the Daily Record/Itinerary during the trip and submits it to Workforce Solutions for reimbursement of approved costs. | Complete forms and mail them to the address provided on the forms.Document actions in the TWIST Counselor Notes |
| [Form 276-FA9-E](http://www.wrksolutions.com/Documents/Staff/tradeact/ATTENDANCE-AND-PROGRESS-REPORT-E.pdf)[Form 277-FA9-S](http://www.wrksolutions.com/Documents/Staff/tradeact/ATTENDANCE-AND-PROGRESS-REPORT-Spn.)[Attendance and Progress Report](https://www.wrksolutions.com/Documents/Staff/tradeact/ATTENDANCE-AND-PROGRESS-REPORT-Example.pdf) (example of a completed form)  | Attendance and Progress Report | Use to track a customer’s attendance and progress in completing their training program within the agreed upon timeframe. The form is to be completed by the training vendor. A customer may submit this form monthly via fax, scan, or in-person.  | Store a copy in the customer’s file in the document management system Document actions in the TWIST Counselor Notes |

1. TAA Acronyms and Definitions
	1. Acronyms
* AAW – Adversely Affected Worker
* AAIW – Adversely Affected Incumbent Worker
* WIOA – Workforce Innovation and Opportunity Act
* ETPL – Eligible Training Provider List (WIOA)
* IEP – Individual Employment Plan
* RTAA – Reemployment Trade Adjustment Assistance
* TAA – Trade Adjustment Assistance for Workers
* TEGL – Training and Employment Guidance Letter
* TRA – Trade Readjustment Allowances
* UI – Unemployment Insurance
	1. Definitions

Adversely Affected Worker: An individual, including an employer, who, because of lack of work in adversely affected employment, has been totally or partially separated from such employment. A member of a worker group becomes an adversely affected worker or adversely affected incumbent worker only when the worker individually applies and is determined eligible for TAA program benefits and services.

Full-Time Training: Training that meets the provider’s full-time enrollment requirements. If in the last semester, the courses necessary to complete the approved training, even if it does not meet the training provider’s normal definition of full-time training.

Group of Workers: At least two workers employed or formerly employed by the same firm or an appropriate subdivision. This definition includes teleworkers and staffed workers.

Individual Employment Plan: A revisable document containing an ongoing strategy, jointly developed by the adversely affected worker and the case worker, identifying the worker’s employment goals and appropriate achievement objectives. The plan should include appropriate services to help the worker achieve their employment goals, objectives, and benchmarks while in training or receiving employment and case management services.

Lack of Work: A situation in which the employer does not have work for the worker to perform or does not make that work available to the worker, including, but not limited to, circumstances when: work is unavailable because the employer suspends or ceases operations or institutes a lockout; or work is unavailable because the employer downsizes the workforce by means of attrition or layoff.

Layoff: A suspension of or separation from employment by an employer for lack of work, initiated by the employer, and expected to be for a definite or indefinite period of time.

Suitable Employment: Work of a substantially equal or higher skill level than the worker’s past adversely affected employment, and wages for such work that are not less than 80 percent of the worker’s average weekly wage. Part-time, temporary, short-term, or threatened employment is not suitable employment.

1. TAA Side-By-Side

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| --- | --- | --- | --- | --- | --- | --- |
| Blank cell | 1974 Law | 2002 Law | 2009 Law | 2011 Law  | TAARA 2015 | Reversion 2021 |
| Blank cell | **Petitions below 50,000 (including NAFTA-TAA)** | **Petitions TA-W-50,000 through TA-W-69,999** | **Petitions TA-W-70,000 through TA-W- 79,999** | **Petitions TA-W-80,000 through TA-W-84,999** | **Petitions TA-W-85,000 – 97,999**  | **Petitions TA-W-98,000 and above** |
| **Group Eligibility:**Defines the worker group that is eligible to apply for and potentially receive benefits through the TAA program | **TAA: Manufacturing sector workers ONLY**Workers who have lost their jobs because their company’s decline in production and/or sales was due to increased imports or the outsourcing of jobs to a country with which the US has **a Free Trade Agreement.** **NAFTA-TAA: Manufacturing sector workers ONLY** where Canada or Mexico involved. | **Manufacturing sector workers ONLY**Workers who have lost their jobs because their company’s decline in production and/or sales was due to increased imports or the outsourcing of jobs to a country with which the US has **a Free Trade Agreement.** | **Manufacturing sector workers** **Service sector workers****ITC workers** (identified by the International Trade Commission) **Public sector workers**Workers who have lost their jobs because their company’s decline in production and/or sales was due to increased imports or outsourcing to **ANY** country. | **Manufacturing sector workers****Service sector workers****ITC workers** (identified by the International Trade Commission)Workers who have lost their jobs because their company’s decline in production and/or sales was due to increased imports or outsourcing to **ANY** country. | **Manufacturing sector workers** **Service sector workers****ITC workers** (identified by the International Trade Commission) **Public sector workers**Workers who have lost their jobs because their company’s decline in production and/or sales was due to increased imports or outsourcing to **ANY** country. | **Manufacturing sector** workers **ONLY**Workers who have been totally separated or partially separated from their jobs because their company’s decline in production and/or sales was due to increased imports or the outsourcing of jobs to a country with which the US has a Free Trade Agreement. |
| **Maximum TAA Training Duration:** Degree or credential must be fully completed within this time frame.  | Up to **104 weeks** | Up to **130 weeks** | Up to **156 weeks** | Up to **130 weeks** | Up to **130 weeks** | OJT/Apprenticeship preferred method of training. OJTUp to **104 weeks**Must meet all approval criteria and OJT requirementsApprenticeshipUp to **130 weeks**Classroom training limited to apprenticeship lengthClassroom training can only be approved if work-based training is not available for the occupation. |
| **Training Enrollment Status** | Full-time training only | Full-time training only | Full- or part-time training supportable. TRA support only available for full-time training. | Full- or part-time training supportable. TRA support only available for full-time training. | Full- or part-time training supportable. TRA support only available for full-time training. | Full- or part-time training supportable. Co-enrollment in WIOA Dislocated Worker is required. |

10 - TAA Side-By-Side

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| --- | --- | --- | --- | --- | --- |
| **1974 Law** | **2002 Law** | **2009 Law** | **2011 Law** | **TAARA 2015** | Reversion 2021 |
| **Petitions below 50,000 (including NAFTA-TAA)** | **Petitions TA-W-50,000 through TA-W-69,999** | **Petitions TA-W-70,000 through TA-W- 79,999** | **Petitions TA-W-80,000 through TA-W-84,999** | **Petitions TA-W-85,000 and above** | Petitions TA-W-98,000 and above |
| Up to **104 weeks** of TRA available to workers enrolled in full-time training.**52** weeks UI/Basic TRA**52** weeks Additional TRAMust enroll in training within 8 weeks of certification or 16 weeks of layoff.**Breaks In Training: 30 instructional days maximum** | Up to **104 weeks** of TRA available to workers enrolled in full-time training *OR* Up to **130 weeks** of TRA available to workers enrolled in remedial training.**52** weeks UI/Basic TRA**52** weeks Additional TRA**26** weeks Remedial TRAMust enroll in training within 8 weeks of certification or 16 weeks of layoff.**Breaks In Training: 30 instructional days maximum** | Up to **130 weeks** of TRA available to workers enrolled in full-time training *OR* Up to **156 weeks** of TRA available to workers enrolled in remedial or prerequisite training.**52** weeks UI/Basic TRA**78** weeks Additional TRA**26** weeks Remedial TRAMust enroll in training within 26 weeks of either certification or layoff.**Breaks In Training: 30 instructional days maximum** | Up to **130 weeks** of TRA available to workers enrolled in full-time training, the last 13 of which are only available if needed for completion of a training program and training benchmarks are met.**52** weeks UI/Basic TRA**65** weeks Additional TRA**13** weeks Completion TRA\*Must enroll in training within 26 weeks of either certification or layoff.**Breaks In Training: 30 instructional days maximum**\*Breaks in training are not allowed during Completion TRA periods. | **Up to 130 weeks** of TRA available to workers enrolled in full-time training, the last 13 of which are only available if needed for completion of a training program and training benchmarks are met.**52** weeks UI/Basic TRA **65** weeks Additional TRA**13** weeks Completion TRAMust enroll in training within 26 weeks of either certification or layoff.**Breaks In Training: 30 instructional days maximum**\*Breaks in training are not allowed during Completion TRA periods. | Up to 130 weeks of TRA available to workers enrolled in full-time training, the last 13 of which are only available if needed for completion of a training program and training benchmarks are met.52 weeks UI/Basic TRA65 weeks Additional TRA13 weeks Remedial TRAEliminates the option to file for TRA or Unemployment Insurance (UI) in a subsequent benefit period. All TRA (basic, additional, and completion) requires that the trade-affected worker exhaust all entitlements to UI benefits.Must enroll in training within 8 weeks of certification or 16 weeks of layoff.**Breaks In Training: 30 instructional days maximum** |
| All Deadline Dates have passed. | All Deadline Dates have passed. | **26/26 Rule:** Deadline date established at the later of:* 26 weeks from separation;
* 26 weeks from certification; or
* 60 days from notification
 | **26/26 Rule:** Deadline date established at the later of:* 26 weeks from separation;
* 26 weeks from certification; or
* 60 days from notification
 | **26/26 Rule:** Deadline date established at the later of:* 26 weeks from separation;
* 26 weeks from certification; or
* 60 days from notification
 | **8/16 Rule:** Deadline date established at the later of:* 8 weeks from certification; or

16 weeks from separation; |
| 1. Not Feasible or Appropriate (TAA only)

NAFTA-TAA has no waiver provisions. | 1. Recall2. Marketable skills3. Within 2 years of retirement4. Health condition5. No training program available6. Enrollment unavailable | 1. Recall2. Marketable skills3. Within 2 years of retirement4. Health condition5. No training program available6. Enrollment unavailable | 1. Health condition2. Training program unavailable3. Enrollment unavailable  | 1. Health condition2. Training program unavailable3. Enrollment unavailable | 1. Health condition2. Training program unavailable3. Enrollment unavailable |

10 - TAA Side-By-Side

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| --- | --- | --- | --- | --- | --- | --- |
| Blank cell | **1974 Law** | **2002 Law** | **2009 Law** | **2011 Law** | **TAARA 2015** | **Reversion 2021** |
| Blank cell | **Petitions below 50,000 (including NAFTA-TAA)** | **Petitions TA-W-50,000 through TA-W-69,999** | **Petitions TA-W-70,000 through TA-W- 79,999** | **Petitions TA-W-80,000 through TA-W-84,999** | **Petitions TA-W-85,000 -97,999** | **Petitions TA-W-98,000 and above** |
| **Bona Fide Application for Training:** Requirement to receive Additional TRA | Within 210 days: Addressed by Application for TRA. | Within 210 days: Addressed by Application for TRA. | Not Applicable. | Not Applicable. | Not Applicable. | Within 210 days: Addressed by Application for TRA. |
| **Job Search Allowances:**A cash allowance provided to workers who cannot find an available job within the commuting area (e.g. 25 miles). Used to cover transportation costs, etc. | **90%** of allowable job search costs, up to a maximum of **$800.** Application deadlines the later of:* 365 days after certification;
* 365 days after separation; or
* 182 days after training completion.
 | **90%** of allowable job search costs, up to a maximum of **$1,250**. Application deadlines the later of:* 365 days after certification;
* 365 days after separation; or
* 182 days after training completion\*

\*not available if waiver was granted. | **100%** of allowable job search costs, up to a maximum of **$1,500.** Application deadlines the later of:* 365 days after certification;
* 365 days after separation; or
* 182 days after training completion.
 | **90%** of allowable job search costs, up to a maximum of **$1,250.** Application deadlines the later of:* 365 days after certification;
* 365 days after separation; or
* 182 days after training completion.
 | **90%** of allowable job search costs, up to a maximum of **$1,250.** Application deadlines the later of:* 365 days after certification;
* 365 days after separation; or
* 182 days after training completion.
 | Not Applicable. |
| **Relocation Allowances:**A cash allowance provided to workers who have to accept a job outside of their commuting area and relocate. | **90%** of allowable relocation costs, plus an additional lump sum payment of up to **$800**. Application deadlines the later of:* 425 days after certification;
* 425 days after separation; or
* 182 days after training completion.
 | **90%** of allowable relocation costs, plus an additional lump sum payment of up to **$1,250**. Application deadlines the later of:* 425 days after certification;
* 425 days after separation; or
* 182 days after training completion\*

\*not available if waiver was granted. | **100%** of allowable relocation costs, plus an additional lump sum payment of up to **$1,500**. Application deadlines the later of:* 425 days after certification;
* 425 days after separation; or
* 182 days after training completion.
 | **90%** of allowable relocation costs, plus an additional lump sum payment of up to **$1,250**. Application deadlines the later of:* 425 days after certification;
* 425 days after separation; or
* 182 days after training completion.
 | **90%** of allowable relocation costs, plus an additional lump sum payment of up to **$1,250.** Application deadlines the later of:* 425 days after certification;
* 425 days after separation; or
* 182 days after training completion.
 | **90%** of allowable relocation costs, plus an additional lump sum payment of up to **$1,250**. Application deadlines the later of:* 425 days after certification;
* 425 days after separation; or

182 days after training completion. |
| **Health Coverage Tax Credit:** Eligible TAA/TRA participants may qualify for a tax credit administered by the IRS, to pay partial premiums for health insurance for workers and their families. For additional information, visit [www.irs.gov](http://www.irs.gov). |  |
| **Alternative Trade Adjustment Assistance/Reemployment Trade Adjustment Assistance:**Wage subsidy provided to workers over the age of 50 that subsidizes wage difference between their new wage and old wage. | Not available under 1974 law or NAFTA-TAA | Alternative Trade Adjustment Assistance (ATAA)Requires a separate group certification. Available to workers earning less than an annual salary of **$50,000**. Maximum total benefit of up to **$10,000.**Eligible for ATAA for 2 years following separation. Must secure reemployment within 26 weeks of separation.Training benefit NOT available. | Reemployment Trade Adjustment Assistance (RTAA)Does NOT require a separate group certification. Available to workers earning less than an annual salary of **$55,000**. Maximum total benefit of up to **$12,000**.RTAA eligibility period varies based on receipt or nonreceipt of TRA. For nonreceipt, RTAA eligibility period ends two years following UI exhaustion. Reemployment may be secured at any time within eligibility period.Training benefit is ALSO available. | Reemployment Trade Adjustment Assistance (RTAA)Does NOT require a separate group certification. Available to workers earning less than an annual salary of **$50,000**. Maximum total benefit of up to **$10,000**.RTAA eligibility period varies based on receipt or nonreceipt of TRA. For nonreceipt, RTAA eligibility period ends two years following UI exhaustion. Reemployment may be secured at any time within eligibility period.Training benefit is ALSO available. | Reemployment Trade Adjustment Assistance (RTAA)Does NOT require a separate group certification. Available to workers earning less than an annual salary of **$50,000**. Maximum total benefit of up to **$10,000**.RTAA eligibility period varies based on receipt or nonreceipt of TRA. For nonreceipt, RTAA eligibility period ends two years following UI exhaustion. Reemployment may be secured at any time within eligibility period.Training benefit is ALSO available. | Alternative Trade Adjustment Assistance (ATAA)Requires a separate group certification. Available to workers earning less than an annual salary of **$50,000**. Maximum total benefit of up to **$10,000**.Eligible for ATAA for 2 years following separation. Must secure reemployment as full-time workers within 26 weeks of separation.Training benefit NOT available. |

1. **LIST OF REVISIONS**

Note: The guide contains minor editorial changes that are not included on the List of Revisions. Some sections of the guide have been moved into other sections.

Table 1: **APRIL 2022 REVISIONS**

|  |  |
| --- | --- |
| **SECTION** | **REVISION** |
| **Section 1: Overview of the Trade Act** |
| **1.1** Introduction | Added introductory statement about adversely affected worker |
| **1.2** Overview | Added information about the new TAA law: Reversion 2021 |
| **Section 3: Eligibility, Assessment & Ongoing Service** |
| **3.1.6** Customer Eligibility Information | Added information about the workers certified eligible under Reversion 2021 |
| **3.2** Initial Assessment | Added details for staff when completing the Initial Assessment |
| **3.2.2** Work-based Learning | Added information about work-based learning as a training opportunity to establish a career pathway for adversely affected workers |
| **3.2.3** Co-enrollment in TAA and WIOA Dislocated Worker funds | Added Service Code 24 - Counseling to use for co-enrolling customers |
| **3.2.5** Training Approval Criteria | Added information to explain expedited eligibility for WIOA Dislocated Worker services for TAA-certified customers  |
| **3.2.8** Ongoing Assessment & Counseling | Added information to explain ongoing assessment and counseling |
| **3.2.11** Limits of Training | Added information on limits of training for petitions numbered 98,000 and above |
| **3.3.2** Limits of TRA | Added information on limits of TRA benefits for customers certified eligible under petitions numbered 98,000 and above |
| **3.4** Waivers | Added information to waivers for customers certified eligible under petitions numbered 98,000 and above |
| **3.8** ATAA and RTAA | Added information for ATAA benefits for customers certified eligible under petitions numbered 98,00 and above |
| **Section 6: Workforce Solutions TWIST** |
| **6.6.4** Co-enrollment | Added information on co-enrollment into WIOA Dislocated Worker funds  |
| **6.6.5** ITA/Financial Assistance Tab | Added information and screenshots for completed training, withdrew from training and continuing training |
| **Section 7: TWC Merit Staff Contact Information** |
|  | Updated list |
| **Section 8: Workforce Solutions TAA Forms Chart** |
|  | Added Tracking/Transmittal column |
|  | Added details on waiver of training requirements for petitions numbering 98,000 and above |
|  | Added TAA Co-enrollment Declination Form |
| **Section 10: TAA Side-by-Side** |
|  | Added column for Reversion 2021 |

Table 2: **OCTOBER 2022 REVISIONS**

|  |  |
| --- | --- |
| **SECTION** | **REVISION** |
| **Section 1: Overview of the Trade Act** |
| **1.2** Overview | Added guidelines for termination of TAA programAdded guidelines for continuation of service to workers listed on a certified petition  |
| **Section 2: Trade Act Petition Process** |
| **2.1** Filing a Petition | Removed procedures for filing a petition |
| **Section 3: Eligibility, Assessment and Ongoing Service** |
| **3.9** Requesting an Investigation of Eligibility  | Removed guidelines pertaining to pending petition certifications and linked the procedure for an eligibility investigation (2.1.4) |
| **Section 5: Supplemental Assistance: Calculating Travel and Subsistence for the Individual Employment Plan** |
| **5.1** Transportation | Updated calculation and example for transportation assistance  |
| **Section 7: TWC Merit Staff Contact Information** |
|  | Updated contact information for TWC Merit Staff |