



Policy Number: WIOA I – 6.2

Effective Date: June 1, 2021

WIOA / TAA Co-Enrollment

PURPOSE:

The purpose of this policy is to outline the policy and procedures for co-enrollment and joint case management between TAA and WIOA title I-B programs and the role of the One-Stop operator in assisting this process.

REFERENCES:

WIOA §§ 3(15)(B); 103; 121(b)(1)(B)(vii); & 134(c)(2)(B)
Reauthorization of the Trade Adjustment Assistance Reauthorization Act (TAARA) of 2015, title IV
of the Trade Preferences Extension Act of 2015 (Pub. L. No. 114-27)
20 CFR 618 (TAA Final Rule)
20 CFR 677.150
TEGLs 14-18; 3-20; 4-20; & 10-16, Change 1
ADWS Issuances PY 19-09 & PY 20-01
Most recent versions of:
ADWS Policy No. WIOA I-B – 1.2 (Definitions)
ADWS Policy No. WIOA I-B – 2.1 (Common Eligibility Requirements)
ADWS Policy No. WIOA I-B – 2.4 (Eligibility for Dislocated Worker Program)
ADWS Policy No. WIOA I-B – 3.1 (Services for Adults and Dislocated Workers)
ADWS Policy No. WIOA I-B – 3.3 (Occupational Skills Training)

BACKGROUND:

On July 10, 2020, the Employment and Training Administration of the U.S. Department of Labor (DOL) issued the Final Rule for the Trade Adjustment Assistance for Workers (TAA) program. The TAA Final Rule became effective on September 21, 2020. As part of this Final Rule, regulations in 20 CFR part 90 and 20 CFR parts 617 and 618 were consolidated into one part: 20 CFR part 618, also referred to as 20 CFR 618 or the TAA Final Rule. The TAA Final Rule aligns closely with parts of the WIOA title I-B programs, although there are some differences in definition of terms, allowed services and activities, and eligibility requirements.

TAA is a required partner in the Arkansas Workforce Center [WIOA §121(b)(1)(B)(vii); 20 CFR 618.305]. As allowed in 20 CFR 677.150(c)(3) and encouraged in TEGL 10-16, Change 1, TAA is one of the programs included in the WIOA Common Exit date for Arkansas [ADWS Policy No. WIOA I-B – 1.2 (Definition)]. Many of the performance accountability indicators for the TAA program are now aligned with the performance indicators for WIOA core programs [TEGL 14-18].

Although there are some differences in eligibility, almost all individuals who qualify for employment and/or training assistance under TAA, also qualify for assistance under the WIOA title I Dislocated Worker Program (WIOA, for the purposes of this policy, unless otherwise stated). In many cases, the individual is able to become eligible for WIOA before he or she is eligible for TAA.

POLICY: It is the shared responsibility of TAA and WIOA to attempt to determine eligibility for and to co-enroll every applicant who is laid off as a result of a permanent closure or a substantial layoff of a trade-affected company and who desires assistance in obtaining new employment, unless that person does not qualify for WIOA and/or TAA services [20 CFR 618.325]. If the applicant is eligible for only one program, the program for which the individual qualifies is responsible for attempting to enroll the individual and to give appropriate services. The worker may enroll as a participant in WIOA as soon as he or she receives a lay-off notice or the company has made a general announcement (as defined by the local area) that the facility will close within 180 days, assuming all other eligibility requirements are met [WIOA § 3(15); ADWS Policy No. WIOA I-B – 2.4]. A worker cannot enroll as a TAA participant until the company is determined trade-affected. If a trade-affected worker chooses to decline co-enrollment in WIOA, he or she may not be denied TAA benefits and services solely for declining co-enrollment [20 CFR 618.325]. It is the responsibility primarily of TAA and WIOA to co-enroll, and not primarily the responsibility of the individuals [Preamble to 20 CFR 618]. Individuals who complete an application, but are not eligible, for a program must be enrolled as Reportable Individuals for that program [TEGL 14-18].

It is also the shared responsibility of TAA and WIOA to work together to give co-enrolled participants the best array of services appropriate for these participants. This includes, but is not limited to, WIOA title II Adult Education and Literacy, WIOA title III Vocational Rehabilitation Services (ARS and DSB), and all other Arkansas Workforce Center (AFW) Partners [20 CFR 618.325]. It is the responsibility of the One-Stop Operator (OSO) to convene the meeting of partners if needed. In order to provide the best array of services, TAA and WIOA may share initial assessments, other assessments, and Individual Employment Plans (IEPs) with each other and other Arkansas Workforce Center Partners as appropriate [WIOA § 134(c)(2)(B); 20 CFR 618.335].

It is the shared responsibility of TAA, WIOA, the Dislocated Worker Services Unit, ES (ADWS Employment Services), and the Arkansas Workforce Center (AWC) Operator (One-Stop Operator) to share layoff information with other appropriate entities, including AWC partners, as soon as such sharing is allowed by the company closing and/or laying off employees.

Nothing in this policy may be construed to say that a TAA participant may be co-enrolled only in the WIOA DLW program. He or she may be enrolled, either also or instead of the DLW program, in the Youth and/or Adult program if he or she is eligible for that program and if the services best match the needs of the applicant. In addition, he or she may be co-enrolled in any partner program that is appropriate. Each partner's files must contain proper information and documentation, as required by each respective program.

PROCEDURES:

A. Ongoing Strategy:

1. The local One-Stop Operator is the conduit for updating contact information, as they are responsible for the “coordination of services” in their respective local areas. Therefore, TAA, Dislocated Worker Services Unit, as well as WIOA title I-B program managers should notify their One-Stop Operator of changing Points of Contact (POCs) within their local area.
2. The flow of the enrollment and referral process for TAA and WIOA is described in detail in “Before TAA Certification of Company/Workers” (Part B of this policy).
3. TAA and WIOA front-line staff will meet regularly to discuss upcoming events, common applicants and participants, eligibility requirements, allowed services, and other topics that will help both programs to serve individuals who have been laid off because of a plant closing or downsizing.
4. TAA and WIOA will coordinate services for co-enrolled participants to give them the best mix of appropriate services, keeping in mind the requirements of each of the programs.
5. When the Local Workforce Development Area (both WIOA and ES) knows about a potential plant closure or substantial layoff and they are allowed to share the information, they will notify the Dislocated Worker Services Unit, TAA, and the One-Stop Operator about the potential layoff and business contacts for these layoffs. Within the local area, WIOA and ES will share such information that does not breach confidentiality agreements. The One-Stop Operator will assist with the dissemination of such information.
6. The Dislocated Worker Services Unit will send Layoff Business Contacts monthly to an established Point of Contact (POC) for each local One-Stop Operator, and the One-Stop Operator POC will disseminate the information to other POCs.
7. Each One-Stop Operator will maintain the contact list for Layoff Business Contacts and provide updates to the Dislocated Worker Services Unit.
8. One-Stop Operators must send updated contact information to WIOA@arkansas.gov as soon as possible after the replacement POCs.
9. The Dislocated Worker Services Unit must send the Layoff Business Contacts with read receipts, and they must notify the One-Stop Operator if the email fails, so that research can be done to determine if there was a failure to report a change in the POC.
10. Assessments (initial, comprehensive, and specialized) and Individual Employment Plans (IEP) may be shared between TAA and WIOA title I-B, as appropriate *[[WIOA § 134(c)(2)(B); 20 CFR 618.335; 20 CFR 618.605]* With permission from the participant, supporting documentation may also be shared as appropriate.

B. Before TAA Certification of Company/Workers:

1. The Dislocated Worker Services Unit will notify the designated representatives for the One-Stop Operator, WIOA DLW Program, and TAA of the pending Worker Assistance Workshops as soon as the workshop is scheduled.
2. WIOA will be allowed 10 minutes at the beginning of the Worker Assistance Workshop for Information about the WIOA DLW program and how a worker may apply for assistance. Applications will be distributed, and assistance will be given, if needed, after the presentations.

Appointments will also be set after the presentations. If possible, appointments should be set for no more than seven (7) days from the date of the workshop.

3. The worker may apply first to either WIOA or TAA. Generally, he or she will qualify first for WIOA because a Dislocated Worker is eligible for WIOA services when he or she receives a lay-off notice or the company has made a general announcement that the facility will close within 180 days, assuming all other eligibility requirements are met. (See most recent versions of ADWS Policy No. WIOA I-B – 2.4 (*Eligibility for Dislocated Worker Program*) and ADWS Policy No. WIOA I-B – 2.1 (*Common Eligibility Requirements*) for more details.) Workers do not become eligible for TAA until the company is certified as trade-affected by DOL.
4. The program to which the worker first applies (either WIOA or TAA) has the first responsibility to refer the worker to partner programs for which the worker may qualify. This includes WIOA/TAA, but the referral is not limited to these. This responsibility continues until the worker is co-enrolled in all appropriate entities.
5. Each program will use its own normal referral process to refer applicants and participants to other programs, as appropriate. The referrals will be primarily to, but are not limited to, AWC partner programs.
6. It is important to note that training and/or other services and activities should not be delayed in anticipation of a potential TAA certification.
7. If training is appropriate for the worker and WIOA is funding the training, such training need not be TAA-approved. Likewise, if TAA is funding the training, such training need not be WIOA-approved. The needed mix of WIOA and TAA funding over time should be considered in the worker's individual employment plan (IEP).
8. WIOA may pay supportive services, however, only to allow a worker to participate in WIOA-allowed training and activities, whether or not WIOA actually funds the training or activity. Likewise, TAA may pay supportive service only to allow a worker to participate in TAA-allowed training and activities, whether or not TAA actually funds the training or activity.
9. After determination of WIOA eligibility, an initial assessment, and an individual employment plan (IEP), if further services are to be delayed, planned services must be entered in the S & T with the status of "scheduled". This could happen when the worker cannot yet attend training or other services because of work. Details concerning scheduling services are in ADWS Issuance PY 20-01.
10. Some trade-affected workers who do not meet the Selective Service registration requirement are not eligible for the WIOA Dislocated Worker Program. (Compliance with the Selective Service Act is not required for the TAA program.) Such workers are exempt from the co-enrollment requirement [20 CFR 618.325(b)(3)].
11. It is Arkansas policy that residency in a particular local area or state cannot be a local requirement or a local preference for the WIOA Dislocated Worker Program [ADWS Policy No. WIOA I-B – 2.1 (*Common Eligibility Requirements*)].
12. WIOA will determine eligibility, enroll all eligible workers, assess the needs, and provide career services to all workers who request and qualify for these services/activities.
13. For workers who want occupational skills training, eligibility for training will be determined, and training will be arranged as appropriate. In order for WIOA to fund or provide supportive services for such training, workers and the training provider must meet the eligibility

requirements in ADWS Policy No. WIOA I-B – 3.1 (*Services for Adults and Dislocated Workers*) and ADWS Policy No. WIOA I-B – 3.3, Change 1 (*Occupational Skills Training*). Worker eligibility for training includes the three requirements for the participant listed in WIOA § 134(c)(3)(A)(i)(I); 20 CFR 680.210(a) & 680.220(a); and TEGL 19-16:

- a. Is unlikely or unable to obtain or retain employment that leads to economic self-sufficiency, as determined by the LWDB, or wages comparable to or higher than wages from previous employment [generally, the employment from which a worker was laid off], through career services alone;
 - b. Is in need of training services to obtain or retain employment leading to economic self-sufficiency, as determined by the LWDB, or to wages comparable to or higher than wages from previous employment [generally, the employment from which a worker was laid off]; and
 - c. Has the skills and qualifications to participate successfully in training services.
 - d. In addition, the training provider must be on the Arkansas Eligible Training Provider List or meet the alternate requirements given in ADWS Policy No. WIOA I-B – 3.3, Change 1.
14. WIOA will provide all appropriate services allowed in ADWS Policy No. WIOA I-B – 3.1 (*Services for Adults and Dislocated Workers*). It should be noted that services are not limited to occupational skill training. Other services that meet the needs of the participants must be made available.

C. After the Company is Certified as Trade-affected:

1. WIOA will be allowed 10 minutes at the beginning of each Trade Adjustment Assistance (TAA) Information Session for WIOA to present information about the DLW program.
2. The TAA lead and the WIOA case manager will check in monthly to share information about participants -- both co-enrolled participants and potentially co-enrolled participants. If needed, the OSO will convene these meetings. Information about the meetings will be documented.
3. Each participant will contact either the TAA lead or the WIOA case manager at least monthly to update him or her. The main contact person for the participant will be determined by the TAA lead and the WIOA case manager within the first month of co-enrollment. The TAA lead and the WIOA case manager will share information and documentation. Planned services must be entered on both IEPs, even though a WFC partner is providing the services.
4. Once a worker is determined to be TAA-affected, TAA is the priority source of funding if such funding is allowed by TAA.
5. Beginning with the first semester of WIOA/TAA co-enrollment, TAA will be the first funding provider for any services for which TAA is allowed to provide funds. Usually, these services include the following, when applicable: tuition, fees required of all students, required books, transportation (if travel is outside the normal commuting area), supplies required of all students in the training, subsistence payments, relocation allowances (90% reimbursement), job search allowances (90% reimbursement), and On-the-Job Training (OJT).
6. When training costs are paid by TAA, WIOA will pay for any appropriate costs allowed under the local and state policies that are not paid by TAA. This may include, but is not limited to, childcare, mileage not allowed under TAA, vehicle repairs, work experience, and other

supportive services. WIOA may pay for supportive services only for training/career services that can be provided by WIOA, whether or not the training is paid for by WIOA.)

7. If the participant is enrolled in occupational skills training that is allowed by WIOA title I-B, but not TAA, WIOA title I-B will pay all appropriate training or supportive services. Co-enrollment is still expected because TAA may provide other appropriate services. In addition, TAA and WIOA are also encouraged to refer the participant to other appropriate AWC partners (and other entities) that can provide needed services.
8. If TAA begins the training funding, the training is allowed by WIOA local and state policies, and TAA has reached its maximum funding for the training, WIOA will fund the remainder of the training for the co-enrolled participant, being careful to be compliant with ADWS Issuance PY 19-09.

D. After Co-enrolled Participant Exits both programs:

1. WIOA will provide follow-up services as allowed by the local policy, in compliance with state and federal policies.
2. WIOA will give any appropriate follow-up information to their local TAA case manager. WIOA will document such services and will share these documents, as well as any other appropriate information, with TAA.