

Policy: **TAA and WIOA Dislocated Worker Co-enrollment**
Number: **WIOA 02-04**
Effective: **January 11, 2021 (Rev 1 3/23/2022)**

Last Revised: Initial Release

BACKGROUND:

The U.S. Department of Labor (DOL) published the updated and consolidated TAA Final Rule on August 21, 2020. 20 CFR 618.325 requires co-enrollment of all Trade Adjustment Assistance (TAA) program participants into the WIOA Title I-B Dislocated Worker (DW) program, subject to eligibility, unless they decline.

Though there is no equivalent Workforce Innovation and Opportunity Act (WIOA) Final Rule or WIOA-operating guidance, DOL commented on page 51913 of the TAA Final Rule that States, under their Governor-Secretary Agreements, are required to implement the Final Rule. The Agreements bind state governments to the terms and conditions of the Agreement and implementation of the TAA program, including the co-enrollment requirement, and the ability to enforce the co-enrollment requirement at the state and local levels.

POLICY:

TAA participants must be co-enrolled in the WIOA Title I-B DW program if they are determined eligible, unless the participant declines. For TAA participants being served under the TAARA of 2015, co-enrollment would include Adversely Affected Incumbent Workers (AAIW). However, AAIW do not qualify under TAA Reversion 2021.

Adversely Affected Incumbent Workers (AAIW) - a worker who: (1) Is a member of a worker group certified as eligible to apply for the TAA program under subpart B of the TAA Final Rule; (2) has not been totally or partially separated from adversely affected employment; and (3) DOL determines, on an individual basis, is threatened with total or partial separation.

A. Notice to TAA Participants and Documenting Declination

1. TAA case managers will inform TAA participants about the benefit and option of co-enrolling into WIOA IB Dislocated Worker program services (WIOA IB) and that declining to co-enroll in WIOA IB will have no adverse impact on their services from TAA.
2. TAA case managers should inform the individual that co-enrollment into WIOA IB is dependent upon meeting eligibility criteria.
3. If the participant declines co-enrollment, TAA case managers will enter a case note into the MIS system stating that the individual declined the referral.

4. If a TAA participant declines co-enrollment, the individual may change their mind and request a referral to the WIOA IB program at a later date.

B. Referral Process

1. TAA staff will use the Northwest Workforce Council's coordinated entry referral process by sending an email to: info@nwc-connect.org
 - a. The referral information will indicate that this is a co-enrollment referral from TAA on the subject line. The body of the email will include the individual's first name and the MIS number associated with the participant. If there is an assigned TAA case manager for the referred individual, this should also be included.
2. TAA staff sending the referral will receive confirmation from WIOA IB staff that the referral was received.

C. Enrollment into the WIOA IB Program Services

1. WIOA IB staff will start conducting outreach to the participant for an eligibility determination within five business days of receiving the referral. WIOA IB staff will enter a case note in the MIS system if multiple outreach attempts do not result in a successful connection with the TAA participant.
2. In the event that the TAA participant is no longer interested in WIOA IB enrollment when a connection is made, the IB staff will case note the declension in the MIS system and will inform the TAA participant that they may, if eligible, enroll during their TAA Program participation.
3. It is expected that the enrollment should occur within five days of a completed eligibility determination or upon the delivery of a service that triggers participation into WIOA IB. IB staff may conduct a basic assessment of barriers and determine prospective support service needs as the service that triggers participation.
4. Should the participant decline to participate in a service that triggers participation, enrollment may be delayed until a service that triggers participation occurs. WIOA IB staff will enter a case note into the shared MIS system that the TAA participant declined services at the time of eligibility determination. This should not be construed as an ongoing declination of services. The individual may be enrolled at a later date when the person is ready to engage in WIOA IB services.
 - a. It is expected that once a WIOA IB eligibility determination has been completed, the TAA participant retains their eligibility status for WIOA IB through the duration of TAA program participation unless the TAA participant obtains permanent employment at 80% of their job of dislocation.
5. Services are dependent upon availability of funds.

D. Coordinated Services and Case Management

1. TAA and WIOA IB staff will share the results of assessments and store the results in the shared MIS system.
2. WIOA IB and TAA staff will enter services into the shared MIS system, including the type of service and costs. It is expected that this will prevent duplication of services.

3. TAA services will be considered the first dollar resource for allowable training and individualized program services; the TAA program does not provide support services.
 - a. In the event of funding limits for a specific service, the programs may co-fund a service if it is determined appropriate, allowable, and will result in a strong likelihood the participant will obtain suitable employment.
 - b. After consultation with TAA staff, and it has been determined that a service cannot be delivered in a timely manner thus preventing a participant from obtaining suitable employment, WIOA IB may be determined as the most appropriate fund source.
 - c. It is expected that consultation with the TAA case manager will prevent loss of critical services including training benefits.
 - d. Example : A participant received little notice about interview scheduled outside the local area. Out of area job search assistance is an immediate need for a bona fide job opening at a suitable wage. TAA staff are unavailable to process the request within time constraints and WIOA IB staff can process the request.
4. When needed, TAA case managers will refer TAA participants to WIOA IB staff for supportive services. It is the role and responsibility of WIOA IB staff to determine both eligibility and need for supportive services.
5. TAA and WIOA IB staff will share the documentation of progress, credentials, and measurable skill gains. Back up documentation for performance metrics and progress notes will be stored in the shared MIS system. When these items are uploaded in service touchpoints in the MIS system, the case note will indicate that a file is attached making it visible to both programs when viewing a case note report.
6. WIOA IB will provide job search assistance for participants who received training in the Northwest Workforce Council's key sectors. WIOA IB staff will collaborate with TAA case managers during the participant's job search phase and will refer participants to TAA services as needed.

References:

20 CFR 618.325

Washington WorkSource System Policy 5617 *Co-enrollment of Trade Adjustment Assistance participants into the WIOA Title I-B Dislocated Worker program.*

TEGL 4-20 – *Guidance on Integrating Services for Trade-Affected Workers under the Trade Adjustment Assistance Program (TAA Program) with the Workforce Innovation and Opportunity Act (WIOA) Title I Dislocated Worker (DW) Program*

ESD Policy 5617, Revision 1, Co-enrollment of Trade Adjustment Assistance participants into the WIOA Title I-B Dislocated Worker program