

TAA and DW Co-Enrollment Fact Sheet #2:

Perceived Barriers of Differing Eligibility & Benefit/Service Provision

The statutory, regulatory, and administrative requirements to co-enroll Trade Adjustment Assistance (TAA) participants in the WIOA Dislocated Worker (DW) Program are clear:

- Sec. 125. DECLARATION OF POLICY; SENSE OF CONGRESS. ([Trade Reform Act of 2002](#))
(a) DECLARATION OF POLICY.—Congress reiterates that, under the trade adjustment assistance program under chapter 2 of title II of the Trade Act of 1974, workers are eligible for transportation, childcare, and healthcare assistance, as well as other related assistance under programs administered by the Department of Labor.
- Trade Adjustment Assistance Reauthorization Act ([TAARA](#)) 2015, Sec. 239(f):
Any agreement entered into under this section shall provide for the coordination of the administration of the provisions for employment services, training, and supplemental assistance under sections 235 and 236 of this Act and under title I of the Workforce Innovation and Opportunity Act upon such terms and conditions as are established by the Secretary in consultation with the States and set forth in such agreement. Any agency of the State jointly administering such provisions under such agreement shall be considered to be a cooperating State agency for purposes of this chapter.
- Governor-Secretary Agreement:
The Department concludes that no additional regulatory language is needed in the WIOA rules to compel compliance with this new requirement, since [adversely affected workers] AAWs are eligible to be enrolled in the WIOA dislocated worker program upon request. The States, under the Governor-Secretary Agreement, are bound to the implementation of these rules. The Governor-Secretary Agreement binds the entire executive branch of the State government to the terms and conditions of the Agreement and the implementation of the TAA Program. ([TAA Final Rule](#) Preamble)
- TAA Final Rule 20 CFR 618.325(a)(1):
A State must co-enroll trade-affected workers who are eligible for WIOA's dislocated worker program. Workers may choose to decline co-enrollment in WIOA. A State cannot deny such a worker benefits or services under the TAA Program solely for declining co-enrollment in WIOA.
- Training and Employment Guidance Letter ([TEGL](#)) No. 04-20
WIOA emphasizes integrating services to better serve workforce customers. The TAA Final Rule furthers this effort by providing staffing flexibilities and requiring the co-enrollment of trade-affected workers with the WIOA DW program.
- [TEGL No. 16-21, Attachment I](#):
To the extent trade-affected workers require assistance or services not authorized under the TAA Program, or for which TAA Program funds are unavailable or insufficient (including for required employment and case management services), the state will make such assistance available through the American Job Center network, including DW and DWGs.

Data shows that co-enrollment between TAA and the WIOA Title I Dislocated Worker (DW) program results in better performance outcomes that are significant and consistent over time. However, 41 percent of new TAA participants are co-enrolled with the DW program.¹

In order to encourage evidenced-based strategies for improved outcomes, this Fact Sheet addresses the perceived barriers to co-enrollment of differences in eligibility and benefit and service provision. ([TAA and DW Co-Enrollment Fact Sheet #1](#) addresses the perceived barriers to co-enrollment of cost and performance.)

¹ PIRL Data 1/1/2020-12/31/2020, as of 3/17/2021

Eligibility and Benefit and Service Provision Table

Eligibility Requirement for Program/Service	DW Program	TAA Program	Comment
TAA Certified Worker Group		✓	Only those workers who are covered by a certified petition are eligible.
Selective Service	✓		TAA does not have this requirement, but non-compliance with Selective Service is extremely rare. Individuals can register with the Selective Service and be eligible to enroll in the WIOA DW program.
Requires Birth Certificate			Neither program requires individuals to present their birth certificates to be eligible to receive services. However, for the TAA program, documentation is needed to prove the individual's age and eligibility to work in the United States.
Assessment	✓	✓	Both programs require an assessment to provide services. Furthermore, the assessments are not duplicative and the TAA assessment can build off of the DW assessment.
Training – 6 Criteria for TAA Training Eligibility		✓	These criteria for approving training are required for TAA, but also represent a best practice approach in determining appropriate training for an individual.
Training – Requires Use of WIOA Eligible Training Provider List (ETPL)	✓		TAA must allow training through non-ETPL training vendors. However, many training vendors are already on the ETPL, so many TAA participants receive training from ETPL vendors. In addition, DW is not required to pay for any part of training for participants who are co-enrolled with TAA.

Scenarios

Perceived Barrier #1: Differing Eligibility and Regulatory Requirements

Discussion: There are numerous differences between WIOA and TAA program requirements for qualifying for various types of reemployment assistance. For example, there are differences in training approval criteria, availability and amounts of job search allowances, availability and amounts of relocation allowances, income support eligibility criteria, and different supportive services. Other differences between the TAA Program and WIOA include the availability and amounts of training funds and rules for reimbursing travel expenses.

Solution(s): States should ensure that local workforce staff possess a basic understanding of the TAA program, including similarities and differences with WIOA and other partner programs. States are encouraged to establish policies that support the needs of all dislocated workers, including those impacted by trade, and to promote goals for seamless service delivery.

Coordination between partner programs to develop a common framework or tools for customers may have a positive impact. Products or tools may be developed using TAA case management and employment funds. States should also consult with their Regional Office for guidance on additional allowable activities that can be supported with TAA funding.

Perceived Barrier #2: Different Case Management and Financial Management Information Systems (MIS) Across Programs

Discussion: State agencies and local areas often have a separate MIS for the TAA Program and for other comparable programs such as WIOA, and sometimes even between various program benefit components within these programs. This can make it difficult for staff from different programs to effectively coordinate case management efforts and expenditures. Separate MIS sends a message that the TAA and WIOA programs are distinct, segregated, and that true seamless integration is not a priority.

Solution(s): A common MIS promotes the one system concept in a very tangible way. Further, it may be the most effective means of promoting and supporting the seamless integration of services and co-enrollment. The PIRL reporting system was designed to allow participant information to be kept on one system. Where state policy does not allow for this, program staff may coordinate through other means.

Aside from integrating reporting systems, ensuring frequent communication between program staff occurs on the co-enrolled participants (such as weekly huddles) can help ensure participant success.

Perceived Barrier #3: Multiple Eligibility Documents and Paperwork

Discussion: Separate eligibility documents are burdensome to customers and staff, and reinforce the notion of separate delivery systems.

Solution(s): A combined applicant/participant and financial management system is the ideal solution. An alternative would be to have a common application with common data elements that meet the reporting needs of all required partners.

Perceived Barrier #4: *Different Assessment Systems and Individual Employment Plans*

Discussion: Partner programs within the One-Stop system may have different types of assessment instruments that can result in participants undergoing multiple rounds of assessment. Additionally, partners do not always share the same definition of assessment. For some it is a very specific *instrument*, which has to be administered and scored, while for others it is more of a *process* of goals, needs, and/or skills identification. Even when there may be general agreement on the definition and purposes of assessment, there may be substantial differences of opinion regarding the results of the assessment. In addition, programs may have a specific or required format for an Individual Employment Plan (IEP) or Reemployment Plan.

Solution(s): It is critical that the partners work together to develop a common understanding of what the assessment should *achieve*, and the appropriate mechanisms for obtaining that information. A next step toward integration could be the acceptance of partners' assessments or IEPs, and the elimination of redundant assessment or IEP steps. Additionally, assessment and IEP processes for co-enrollments should be addressed in appropriate State and local memoranda of understanding. Finally, the ideal solution would be the adoption of common assessment and IEP instruments that fulfill the requirements, needs and objectives of all partners.

Perceived Barrier #5: *Co-Enrolling TAA Participants Reduces Resources for Other Dislocated Workers*

Discussion: Some believe that the best way to serve dislocated workers as a whole is to refrain from practices such as co-enrollment. For example, even though TAA Program participants come with access to training funds and income support, from the perspective of some, providing services at the WIOA Title I level to co-enrolled TAA participants is a drain on available staff resources.

In the past, case management was considered an administrative expense for TAA Program participants. As a result, TAA Program funds could not be used to fund these services. However, since the 2009 amendments, costs for case management can be charged to TAA Program funds, but many states have failed to adjust their service models to take advantage of these funds.

Solution(s): Early intervention is critical to effectively serve dislocated workers, including those who are eligible for TAA. Given the delay caused by the TAA group eligibility process, co-enrolling TAA eligible workers in the DW program helps ensure expedited employment services, including training assessments. Case management and early intervention services increase customer service and lead to more positive outcomes. In addition, the current TAA Program requires that states spend at least five percent of their TAA Program funds for employment and case management activities. There is no maximum percent that can be expended on these activities.

Perceived Barrier #6: *Lack of Sufficient TAA Program Funding to Provide Necessary Staff at the Local and State Levels*

Discussion: Trade-affected workers may require more staff intensive services, e.g., job search assistance, relocation assistance, training, and follow-up. Service levels vary widely depending upon the available staff to provide these services to trade-affected workers.

Solution(s): TAA provides funding for employment and case management services. TAA funds are also used to support infrastructure and One-Stop operating costs. Local agreements should be established among the One-Stop partners that increase communication and include arrangements for cost pooling to enable utilization of other funding sources. The funding matrix available in the attachment to TEGGL No. 15-12 provides some explanation of what benefits and services each funding stream may be used to provide. States should also consult with their Regional Office for guidance on additional allowable activities that can be supported with TAA funding.

A minimum of five (5) percent of TAA Program funds must be used for case management and employment services, but no maximum exists. This flexibility allows states to leverage program funds in a manner that may be customized for a variety of program needs.

Perceived Barrier #7: *Lack of TAA Program Knowledge at Comprehensive One-Stop Centers or Affiliate One-Stop Centers*

Discussion: The requirements of a comprehensive One-Stop center include making TAA services accessible to customers. A lack of adequate staff training and information may result in insufficient information being provided to trade-impacted workers and incorrect eligibility determinations being made.

Solution(s): According to 618.305, the TAA Program is a required One-Stop partner under the WIOA statute and regulations. As a WIOA required partner, the TAA Program is responsible for providing access to TAA benefits and services to adversely affected workers through the AJC network. Under WIOA and the Trade Act, states must integrate TAA services into their one-stop delivery system; provide rapid response and appropriate career services to worker groups on whose behalf a petition has been filed; and disseminate benefit information that provides workers an accurate understanding of the TAA Program's benefits and services in such a way that it is transparent to the worker applying for them. CSAs must also use their state's AJCs as the main point of contact for participant intake and delivery of TAA benefits and services.

Staff at comprehensive One-Stop and affiliate sites should have sufficient information and training to recognize potential eligibility for various partner program(s). Several States have developed reference and training materials to assist with co-enrollment. TAA Case Management funds are also available for providing this training to improve case management.

Perceived Barrier #8: *Participants Who Only Receive Reemployment Trade Adjustment Assistance (RTAA) or Alternative Trade Adjustment Assistance (ATAA) Are Not Eligible for Dislocated Worker*

Discussion: ATAA/RTAA is a benefit for workers age 50 or older who do not earn more than \$50,000 annually in new employment. Recipients of ATAA/RTAA receive a wage supplement when the recipient accepts new employment at a lower wage. Because these participants must be employed, there is a perception that they do not meet the definition of WIOA Title I Dislocated Worker.

Solution(s): Co-Enrollment of TAA Participants in the Dislocated Worker Program is required, including for those who are recipients of ATAA/RTAA. Recipients of ATAA/RTAA meet the definition of Dislocated Worker; WIOA does not provide a deadline on the impact of a layoff. Furthermore, to be eligible for ATAA/RTAA, a worker must be earning no more than \$50,000 per year *and must be earning less than they were in adversely affected employment*. The latter of these meets the definition of underemployed according to the WIOA statute, WIOA regulations, and administrative guidance found in [TEGL 19-16](#). The income level, in some areas, would also qualify a worker for services.

Perceived Barrier #9: *Participants Who Only Receive Reemployment Trade Adjustment Assistance (RTAA) or Alternative Trade Adjustment Assistance (ATAA) Do Not Need the Benefits of Co-Enrollment*

Discussion: ATAA/RTAA is a benefit for workers age 50 or older who do not earn more than \$50,000 annually in new employment. Recipients of ATAA/RTAA receive a wage supplement when the recipient accepts new employment at a lower wage. Because these participants must be employed, there is a perception that they do not need to receive other services and be co-enrolled, especially given funding limitations.

Solution(s): ATAA/RTAA participants gain from services in the DW Program. If they are co-enrolled in the DW program, they can begin receiving employment and case management services while waiting to be determined eligible for the TAA Program. They may also need supportive services through the DW Program that cannot be identified at the point of enrollment. Additionally, data shows that RTAA participants who receive at least one case management services are more likely to retain their employment than those who do not.²

² Summit Consulting, LLC, under Contract #DOL-OPS-U-00912

Perceived Barrier #10: *Participants Who Only Receive Reemployment Trade Adjustment Assistance (RTAA) or Alternative Trade Adjustment Assistance (ATAA) Do Not Want to be Co-Enrolled*

Discussion: Depending on how co-enrollment is presented, a TAA participant may think that being co-enrolled is simply a burdensome paperwork exercise with no benefits. Also, TAA participants have often been identified as training averse; their default preference is always to go to work even if available employment is less than optimal either from a wage standpoint or in terms of sustainability.

Solution(s): Although older workers might be drawn to the immediacy of reemployment, it is likely they would benefit from the other services available under WIOA Title I Dislocated Worker and they must be made aware of them. Therefore, states must make every effort to present co-enrollment in a manner that is minimally burdensome for the participant and showcases the full scope of benefits, including in cases of ATAA/RTAA-only participation.

Future participant needs can be hard to predict. For example, a participant might need supportive services like transportation subsidies, child care support, eye glasses, etc. Co-enrollment guarantees the potential to address these types of needs.

Sec. 239 of TAARA 2015 requires “intake services.” Therefore, states must provide intake services for the TAA Program, as well as an initial assessment, and must offer co-enrollment at that time, even to ATAA/RTAA-only participants. During these assessments, participants must be informed of the labor market conditions and all supportive services available (618.310(c)7). See also the reference below:

§ 618.335 Initial assessment of trade-affected workers.

(a) A State must carry out an initial assessment for each trade-affected worker as part of the intake process described in section 239(g) of the Act. When applicable, a State must use the results of an assessment developed by a partner program, supplemented if necessary, as described in § 618.330(e).

(b) The results of the initial assessment will determine the best service strategy to assist the trade-affected worker in obtaining reemployment and provide insight into which benefits and services under the TAA Program and partner programs would be most beneficial to the worker.

Perceived Barrier #11: *Participants Who Are Currently Employed Do Not Meet the Eligibility Criteria for Dislocated Worker*

Discussion: First and foremost, an adversely affected worker is, by definition, a dislocated worker. Trade has a lifetime entitlement to apply for benefits. This means that a worker may in fact be employed at the time that they apply for TAA. That employment does not necessarily mean that they are ineligible for TAA or WIOA Dislocated Worker.

Solution(s): There are several different benefits available under the TAA Program. Each has its own eligibility criteria that must be met. The most common of these two benefits are TRA (extended unemployment) and training. A worker eligible for UI or TRA is immediately eligible for WIOA DW. For training, there must be no likelihood of suitable employment available to the worker. Suitable employment is defined in the TAA regulations at 20 CFR 618.110 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.” Thus, for training to be approved under the TAA Program, a worker, for WIOA purposes, is underemployed. There is no barrier to WIOA DW co-enrollment.