



Workforce Innovation and Opportunity Act (WIOA) Policies and Procedures

Trade Adjustment Act (TAA) & WIOA Title I Dislocated Worker Co-Enrollment Policy

EFFECTIVE DATE: June 30, 2023

POLICY NUMBER: P-1014, Rev. 3

Supersedes: TAA & DW Co-Enrollment Policy & Procedures # P-1014, Rev. 2, effective 5-19-22

PURPOSE

The purpose of this policy is to communicate the procedures for co-enrolling recipients of Trade Adjustment Assistance (TAA) program services into the WIOA Title I Dislocated Worker program as required by Washington State Employment Security Department (ESD).

This policy is revised to align with ESD's updated policy 5617, Revision 3 – "*Co-enrollment of Trade Adjustment Assistance participants into the WIOA Title I-B Dislocated Worker Program*" which clarified referrals to the WIOA Title I Dislocated Worker service provider are required for all recipients of TAA services, unless the TAA recipient declines to be referred.

BACKGROUND

The U.S. Department of Labor (DOL) published the TAA Program Reversion Provisions of the Trade Adjustment Assistance Reauthorization Act of 2015 (TAARA 2015) that apply to the program benefits applicable to workers covered by petitions filed on or after July 1, 2021.

DOL published the updated and consolidated TAA Final Rule on August 21, 2020. 20 CFR 618.325 requires co-enrollment of recipients of TAA services into the WIOA Title I-B Dislocated Worker program, subject to eligibility, unless the recipient declines.

Though there is no equivalent 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

Recipients of TAA services must be co-enrolled in the WIOA Title I Dislocated Worker program if they are determined eligible unless the recipient declines. For TAA recipients being served under the TAARA of 2015, co-enrollment would include Adversely Affected Incumbent Workers (AAIW), defined as a worker who is a member of a worker group certified as eligible to apply for the TAA program under subpart B of the TAA Final Rule; has not been totally or partially separated from adversely affected employment; and DOL determines, on an individual basis, is threatened with total or partial separation. However, AAIW do not qualify for TAA Reversion 2021.

Local Workforce Development Boards must have policies for co-enrolling recipients of TAA services into the WIOA Title I Dislocated Worker program that address the following:

1. The requirement that WIOA Title I Dislocated Worker program accept referrals of TAA participants from the TAA program in their Workforce Development Area and have a process for doing so. A referral to a WIOA Title I Dislocated Worker service provider is required for all recipients of TAA services, unless the recipient of TAA services declines to be referred.

2. The requirement that recipients of TAA services who are eligible for the WIOA Title I Dislocated Worker program and want to be co-enrolled are enrolled in a timely manner (e.g., maximum number of days within which enrollment must occur after referrals).
3. The requirement that the WIOA Title I Dislocated Worker program inform the TAA program of the enrollment or declination of TAA participants into the former and have a process for doing so.

To ensure compliance with these requirements, the following co-enrollment procedures must be followed.

A. Referrals

WorkForce Central's WIOA Title I Dislocated Worker service provider must accept referrals of recipients of TAA program services from the TAA program in our Workforce Development Area. The process for accepting these referrals is as follows:

1. TAA staff will send referrals to the WIOA Title I Dislocated Worker service provider through the Common Referral System (CRS), or by other means if the CRS is unavailable such as the "[ESD TAA WIOA Referral Form](#)". The date and method of the referral must be documented in case notes recorded in ETO by the TAA case manager.

If the individual declines or is determined ineligible to be referred to the WIOA Title I Dislocated Worker program, this must be documented in case notes recorded in ETO by the TAA case manager.

2. Within 48 hours, the WIOA Title I Dislocated Worker service provider will contact the TAA program recipient to schedule a WIOA Title I Dislocated Worker eligibility assessment and enrollment meeting. Date and outcome of attempts to contact TAA program recipient must be documented in case notes recorded in ETO by the WIOA Title I Dislocated Worker staff.
3. If a TAA-qualified individual has not yet been enrolled into the TAA program and has been referred to the WIOA Title I Dislocated Worker Program, the Dislocated Worker service provider will utilize local area Dislocated Worker eligibility documents and assessments to process participant enrollment into the WIOA Title I Dislocated Worker program.
4. Upon completion of the WIOA Title I Dislocated Worker eligibility assessment and enrollment determination, the WIOA Title I Dislocated Worker service provider will notify TAA program staff of the recipient's Dislocated Worker enrollment status using the Common Referral System (CRS) or by other means if the CRS is unavailable within 48 hours of enrollment. The WIOA Dislocated Worker program staff will document in case notes recorded in ETO the date they notified TAA program staff of the recipient's WIOA Title I Dislocated Worker program enrollment status. TAA program staff must also document in case notes recorded in ETO verification they received the enrollment status from the WIOA Title I Dislocated Worker program.
5. The WIOA Title I Dislocated Worker service provider must make available to TAA program staff all documents used to support eligibility and enrollment into the WIOA Title I Dislocated Worker program.

Trade Impacted Worker Self-Referral to the WIOA Dislocated Worker Program

A traded impacted worker receiving TAA services may contact the WIOA Title I Dislocated Worker service provider for services on their own and is not required to wait for the TAA program to make the referral on their behalf. The WIOA Title I Dislocated Worker service provider will notify TAA program staff of the individual's WIOA Title I Dislocated Worker program enrollment status using the Common Referral System (CRS) or by other means if the CRS is unavailable within 48 hours of enrollment to ensure duplication of services do not occur. The date TAA program staff was notified of the recipient's Dislocated Worker program enrollment status via CRS, or other means, must be documented in case notes by the TAA program staff.

B. TAA Assessment

Individuals receiving TAA program services who want to be co-enrolled into the WIOA Title I Dislocated Worker program must be assessed and enrolled in a timely manner. The TAA program conducts three assessments (initial, comprehensive, and specialized) at the time of the individual's enrollment into the TAA program. These assessments meet the assessment criteria for the WIOA Title I Dislocated Worker program.

If the individual has been enrolled into the TAA program, TAA staff must make available to the WIOA Title I Dislocated Worker service provider all three assessments (initial, comprehensive, and specialized) via ETO to streamline eligibility and enrollment processes.


C. Co-Enrollment

Timeframe for co-enrollment after referral between the TAA and WIOA Dislocated Worker programs will be within 14 business days, provided that all necessary backup documentation to support eligibility has been obtained. The WIOA Title I Dislocated Worker program service provider will notify the TAA program if the individual has declined WIOA Dislocated Worker services or has been determined ineligible for WIOA Title I Dislocated Worker program enrollment. This notification, and the individual's declination for enrollment must be documented in case notes recorded in ETO by the Dislocated Worker staff.

REFERENCES

- 20 CFR 618.325
- Trade Adjustment Assistance Final Rule, Federal Register, Volume 85, No. 163, August 21, 2020, page 51987
- TEGL 04-20
- TEGL 24-20
- ESD WIOA Policy #5617, Rev. 3

APPROVED

 <u>Katie Condit (Jun 29, 2023 17:04 PDT)</u>	Jun 29, 2023
Katie Condit	Date
WorkForce Central CEO	

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