



## Administrative Policy

**POLICY  
NUMBER 116**

<b>Title:</b>	Trade Adjustment Assistance and Workforce Innovation and Opportunity Act Dislocated Worker Co-enrollment
<b>Program:</b>	Trade Adjustment Assistance Workforce Innovation and Opportunity Act
<b>Effective:</b>	June 9, 2021

### **I. PURPOSE AND SCOPE**

This policy communicates the requirement to co-enroll eligible trade-affected workers in the Workforce Innovation and Opportunity Act (WIOA) Dislocated Worker program as well as the Trade Adjustment Assistance (TAA) program, and the associated procedures.

### **II. BACKGROUND**

The Trade Act of 1974 established the TAA program to assist workers who have been laid off or whose jobs, wages, or hours have been threatened because of foreign trade or competition. To establish eligibility, a group of two or more workers, the trade-affected employer, a union representative, or the Local TAA Coordinator must file a Trade Act petition with the United States Department of Labor (DOL) [Office of Trade Adjustment Assistance](#).

The WIOA Dislocated Worker program offers employment, training, case management, supportive, and follow-up services for eligible workers. Eligible workers are unemployed through no fault of their own or have received an official layoff notice. Trade-affected workers are dislocated workers under WIOA. The services provided to Florida's participants must be seamless and effective in ensuring access to the benefits and services required to return to suitable employment. To ensure the best use of workforce program funds in producing outcomes that benefit Florida's dislocated workers, all eligible trade-affected workers shall be co-enrolled to receive WIOA Dislocated Worker services.

Trade-affected, dislocated workers may be co-enrolled with other partner programs such as WIOA Adult. However, [Training and Employment Guidance Letter \(TEGL\) 01-19](#) encourages co-enrollment between the TAA and WIOA Dislocated Worker programs because the programs are complimentary in nature, provide an additional funding source for dislocated worker services, and an analysis conducted by DOL indicated that TAA participants who were co-enrolled with the WIOA Dislocated Worker program consistently displayed superior results compared to those that were not co-enrolled. These results include significantly improved performance outcomes, earlier intervention such as reduced time to participant training enrollment, and increased access to supportive services facilitating training completion, credential attainment, and obtaining suitable employment. DOL studies indicated co-enrollment leads to higher employment rates second and fourth quarter post- program exit and higher wages post- program exit.

### **III. AUTHORITY**

[Trade Adjustment Assistance Act of 1974, as amended](#)

[Workforce Innovation and Opportunity Act of 2014, Public Law 113-128, Sections 101\(d\)\(2\), 101\(d\)\(8\) and 168\(A\)\(1\)](#)

[Training and Employment Guidance Letter No. 19-16](#)

[TEGL 05-15](#)

[TEGL 01-19](#)

[TEGL 4-20](#)

### **IV. POLICIES AND PROCEDURES**

#### **A. Co-Enrollment**

Co-enrollment occurs when an eligible participant is enrolled in more than one workforce program. Co-enrollment supports and optimizes the participant's success. In accordance with federal requirements, co-enrollment includes the simultaneous enrollment in the WIOA Dislocated Worker program and the TAA programs. Co-enrollment across funding streams helps leverage limited resources to meet the needs of all participants working towards suitable employment. When eligible, all trade-affected workers will be co-enrolled with WIOA Dislocated Worker.

Co-enrollment necessitates a high level of communication and coordination amongst program staff to maximize effectiveness and avoid the duplication of services. Local Workforce Development Boards (LWDBs) must develop a local co-enrollment

procedure documenting the seamless delivery of services to co-enrolled participants. Local procedures shall be readily available for state or federal review.

Local co-enrollment guidance shall address the following:

- The participant's flow through both programs
- Coordinating and sharing assessments and assessment results
- Reporting assessments in Employ Florida
- Coordinating case management services
- Reporting case management services in Employ Florida
- Training services and documenting six TAA training criteria
- Reporting all training costs
- WIOA supportive services
- Post-training employment, financial aid, or pre-vocational services
- WIOA follow-up services
- Common exit procedures

Co-enrollment requires that the WIOA Dislocated Worker program fund a minimum of one service. The service will be collaboratively selected by the Local TAA Coordinator and the participant, in communication with the WIOA staff member, to maximize the utility of benefits and services for participants. For example, the WIOA service may be a career assessment, a supportive service not authorized by TAA, a workshop including resume writing, interviewing and other employment skills, a specialized assessment such as the Test for Adult Basic Education (TABE), or a follow-up service not authorized by TAA. The service or services used to commence participation for WIOA are left to the LWDB's discretion.

Statewide co-enrollment performance outcomes are captured by the quarterly Trade Adjustment Assistance Data Integrity (TAADI) report which requires a minimum of seventy-five percent of all TAA participants be co-enrolled in the WIOA Dislocated Worker program. LWDB co-enrollment levels will be provided on a quarterly basis through the Department of Economic Opportunity (DEO) [Monthly Management Report](#) to track and address regional co-enrollment efforts.

## **B. Eligibility**

Co-enrollment between TAA and WIOA Dislocated Worker must occur for individuals who are determined eligible for both programs. Most trade-affected workers meet the definition of a Dislocated Worker as defined by [Category 1 of WIOA Section 3\(15\)](#). The eligibility requirements for the WIOA Dislocated Worker Program are:

- Registered for selective service,

- National citizen, resident alien, refugee, parolee, or individual authorized by the Office of Attorney General to work in the country,
- Have been terminated, laid off, or notified of layoff,
- Facility was closed or the employer has made a general announcement that the facility will close,
- Be eligible for or have exhausted Unemployment Compensation Benefits or has worked long enough to establish an attachment to the labor market and be unlikely to return to his/her previous occupation or job,
- Are self-employed individuals, farmers, ranchers, and fishermen who are unemployed due to economic conditions or a natural disaster, and;
- Are an unemployed displaced homemaker who was dependent on the income of another family member and is no longer receiving that support.

There may be select cases where a trade-affected worker may not be eligible for WIOA Dislocated Worker services. If a worker is found not eligible for WIOA (e.g., not registered with selective service) the Right to Decline Dislocated Worker Benefits & Services Form must be signed in Employ Florida documenting that the participant was considered but not eligible for co-enrollment. The DOL target measure for co-enrollment performance is seventy-five percent. The target allows for circumstances that may preclude TAA participants from being co-enrolled in WIOA Dislocated Worker.

It is recommended that WIOA conduct orientation in coordination with the TAA informational session required for certified Trade Act petitions as outlined in [Administrative Policy 108: TAA Employment and Case Management Services](#). Co-enrollment of trade-affected workers provides earlier intervention, and orientation may occur prior to certification of the Trade Act petition. If a trade-affected worker is determined eligible for TAA, they must be considered for WIOA Dislocated Worker eligibility as part of the TAA-funded training approval process. Throughout co-enrollment, the Local TAA Coordinator will maintain responsibility for the provision of the training services and primary case management, while WIOA must provide a minimum of one service or activities that meets the needs of the participant as determined by both workforce program partners and the participant. All steps, courses, workshops, certifications, etc. towards suitable employment, whether provided by TAA or WIOA, shall be documented in the participant's Individual Employment Plan. LWDBs shall cross-train staff to build collaborative, informed partnerships and streamline co-enrollment.

For workers who are eligible for WIOA programs and are awaiting the result of a Trade Act petition investigation by DOL, the provision of services should not be delayed while the DOL is conducting their investigation. WIOA Dislocated Worker may fund initial assessment(s) of the participant for later consideration by the Local TAA Coordinator. As indicated by DOL's studies, enrollment of dislocated workers into the

WIOA Dislocated Worker program will reduce the time between their layoff and return to suitable employment.

After DOL certifies the petition and the participant is enrolled in the TAA program, then TAA shall be the primary funder of training and provide the required TAA case management services. Prior to approval of WIOA Dislocated Worker program funded training, WIOA Case Managers must coordinate with Local TAA Coordinators to determine that the training meets the six criteria for the approval of TAA training found under 20 CFR 617.22 and [Administrative Policy 107: Training Services](#) to ensure the seamless transition from WIOA-funded training to TAA-funded training. Once the participant is engaged in TAA-funded training, he or she may continue to be enrolled in WIOA services that meet their needs as determined by the WIOA Case Manager and approved by the Local TAA Coordinator.

### **C. Case Management**

The Local TAA Coordinator will take primary responsibility for case management while the participant is completing his or her TAA-funded training. To ensure case management and employment services between WIOA Case Managers and Local TAA Coordinators are seamless, a coordinated service strategy shall be built into the Individual Employment Plan. During this process, the participant should not experience being frequently passed between various case managers.

Throughout participation, the Local TAA Coordinator must communicate regularly with the WIOA Case Manager to provide updates on the needs of the participant, measurable skills gains, credential attainment, and the need for any appropriate supportive service(s). Upon completion of the TAA-funded training, the TAA Coordinator and the appropriate career center staff should assist the participant with job placement into suitable employment. WIOA Dislocated Worker may support resume writing, financial literacy, computer literacy, interviewing skill development, and other workshops or pre-vocational skills to obtain suitable employment. Upon gaining suitable employment and common program exit of the applications in Employ Florida, all programs will receive credit for the placement and associated outcomes.

### **D. Rapid Response**

[Rapid Response](#) encompasses the strategies and activities necessary to plan for and respond to announcements of a business closure, layoff, or mass job dislocations. In accordance with [20 C.F.R. 682.330](#), Rapid Response delivers services to enable dislocated workers to transition to new employment as quickly as possible. Rapid Response promotes economic recovery by providing layoff aversion services to employers, responding to layoffs and dislocations of any size, and minimizing the impact on workers, businesses, and communities

[Section 221\(a\)\(2\)\(A\)](#) of the Trade Act requires that Rapid Response services are delivered to all affected workers covered by a Trade Act petition. However, Rapid Response services are triggered by separation. Rapid Response is timely, and it does not require the Trade Act petition be officially certified by the DOL to proceed. Rapid Response services must be coordinated during the TAA information session to ensure that all individuals receiving TAA services have received Rapid Response services. Regarding Rapid Response sessions strictly for trade-affected workers, the Local TAA Coordinator may conduct the session or is highly encouraged to attend the session. Documentation that trade-affected workers received Rapid Response services must be present in the worker's Employ Florida profile. Rapid Response services are required, and do not constitute co-enrollment between WIOA and TAA, regardless of whom administers the service.

To ensure that the local coordination is informed and timely, WIOA Dislocated Worker Case Managers and Local TAA Coordinators must be regularly updated on local layoffs, local market changes, local natural disaster and other emergency events, and all Rapid Response activities taking place in their respective areas, including when Trade Act petitions are [filed](#). This shall be completed by LWDBs sharing and/or publishing all scheduled Rapid Response activities in the region. LWDBs may post Rapid Response events on their websites, post event information on social media, or send out regularly e-mails announcing every Rapid Response event. LWDBs shall ensure the appropriate staff are receiving Worker Adjustment and Retraining Notification e-mails. If there is a change in staff, then LWDBs are responsible for submitting a request to the [State Trade and Rapid Response Program Coordinator](#).

#### **E. Eligible Training Provider List**

TAA participants enrolled into the WIOA Dislocated Worker program prior to the certification of a Trade Act petition are required to use the LWDB's Eligible Training Provider List (ETPL) for selection of training providers and programs. If the eligibility status for TAA is understood at the time of the co-enrollment, then the ETPL is not required.

It is recommended that providers be on the Eligible Training Provider List (ETPL) for the approval of a TAA-training application. Training providers not on the ETPL may be utilized if it may be confirmed that the training institution is accredited and that there is a reasonable expectation of employment following the successful completion of such training. TAA does not require that a provider be added to the ETPL for the approval of training.

LWDBs must verify providers not listed on the ETPL are accredited and have met the requirements of the Commission for Independent Education to operate a non-public postsecondary school or college in the state of Florida by using the [Florida Department of Education website](#).

It is encouraged that providers on the ETPL offering comparable training within the local area be given strong consideration over providers not on the ETPL as these providers have been locally verified as offering training programs aligned with the LWDB's local in-demand occupations and sectors. However, LWDB's are not authorized to restrict TAA-funded training exclusively to providers from the ETPL.

## **F. Funds**

WIOA and TAA program funds must be managed in a coordinated manner. Duplication of payment for training costs is prohibited. The TAA program is the primary source of assistance for co-enrolled participants. If a TAA participant requires assistance not authorized under the TAA program or program funds are unavailable or insufficient, then assistance shall be made available through workforce partner programs.

Under certain circumstances, TAA participants may receive WIOA-funded training that would otherwise be provided under the TAA program. The most common circumstance is when a worker has been laid off while a Trade Act petition is awaiting determination from DOL. To facilitate early intervention, WIOA funds must be used for training in the short-term, until the TAA program determines the worker's individual eligibility and approves the training. In the event of a negative eligibility determination, and the petition is denied, the worker may continue as a WIOA participant.

When WIOA training funds have already been expended for a TAA program participant prior to the Trade Act petition certification, then WIOA cannot be reimbursed for funds. Upon the receipt of a Trade Act petition certification, the WIOA participant's training may be modified by the TAA program to allow a worker additional training under the TAA program to satisfy retraining needs as indicated in an Individual Employment Plan. The TAA program participant will remain co-enrolled in WIOA until common program exit.

## **G. On-the-Job Training**

Under WIOA Title I, up to seventy-five percent of the cost of On-the-Job training may be paid for by WIOA. The TAA program may reimburse employers up to fifty percent and, on a case-by-case basis, WIOA may reimburse employers up to an additional twenty-five percent, for a total of seventy-five percent of the individual's wages. The LWDB policy must allow the flexibility to reach the seventy-five percent rate for all co-enrolled participants.

## **H. Reporting**

Upon receiving a new participant covered by the requirements of this policy, LWDBs will utilize the Common Intake Form (Combined Enrollment) feature in Florida's

online labor exchange and case management system, Employ Florida, to create the applications and reduce duplicate efforts. Additional information for the Common Intake Form is available in [Section 3: Manage Individuals of the Employ Florida Virtual OneStop® User Guide for Staff](#).

In accordance with each workforce program's individual reporting requirements, all program activities, service codes, case notes, attachments, and costs will be reported in Employ Florida per the [Employ Florida Service Code Guide](#) and the [Employ Florida Virtual OneStop® User Guide for Staff](#). Upon obtaining suitable employment, participants will exit both applications using a common exit date.

## V. STATE AND LOCAL MONITORING

Federal law requires the services and activities provided under TAA are monitored annually for compliance with TAA program requirements. The Department of Economic Opportunity will conduct monitoring for the requirements outlined in this policy and local operating procedures. Additionally, LWDBs must establish local monitoring policies and procedures that include, at minimum:

- Roles of the TAA participant and LWDB staff; and
- Local monitoring procedures, deliverables, and monitoring schedules for implementation of this and all Administrative Policies.

## VI. DEFINITIONS

**Affected Worker List** - A list of trade-affected workers, typically provided by the trade-impacted employer, who were separated or threatened with separations during the period beginning one year before the petition was filed and ending two years after the date of the certification.

**Dislocated Worker** - An adversely affected individual that has been terminated, laid off, or notified of layoff, and is eligible for or has exhausted Unemployment Compensation benefits, and is unlikely to return to his or her previous occupation.

**Individual Employment Plan** - A negotiated agreement between the TAA participant and the TAA program detailing what the TAA participant will do to return to suitable employment and what the TAA program will do to support his/her efforts. An Individual Employment Plan is required for participants who lack the skills to secure suitable employment in the existing labor market and will be entering training. The plan must precede the approval of any training, or waiver of training requirement, as outlined in [DEO Memorandum: Trade Adjustment Assistance Individual Employment Plan Reporting](#). If any relevant barriers that may hinder the participant's ability to successfully complete training or obtain employment were identified during the comprehensive assessment, then



the steps, objectives, and/or WIOA supportive services necessary to complete training must be included in the participant's plan.

**Layoff Aversion** - strategies and activities, including those provided in §682.320, §682.330, and §682.340, to prevent or minimize the duration of unemployment resulting from layoffs.

**Local TAA Coordinator** - A merit-staff employee designated by the LWDB to determine TAA eligibility and to provide TAA case management and employment services with the goal of leading participants to suitable employment.

**Petition** - A request submitted to DOL to certify an employer as adversely impacted by global trade or competition.

**Suitable Employment** - Work of a substantially equal or higher skill level than the trade-affected worker's past trade-affected employment, with wages no less than 80 percent of the trade-affected worker's average weekly wage from the trade-affected employment.

**TAA Participant** - Any trade-affected worker who completes the initial TAA application and is enrolled in the TAA program by a Local TAA Coordinator by receiving a staff-assisted service.

**Trade Adjustment Assistance Data Integrity (TAADI) Report** - The TAA program has sixteen performance measures that seek to ensure data accuracy and gauge the program's effectiveness. Quarterly, DEO receives a report card from DOL known as the Trade Adjustment Assistance Data Integrity report. It is a standardized review of high-quality data that is essential to evaluating the program's effectiveness and monitoring service delivery.

**Trade-Affected Worker** - An adversely affected individual who has been totally or partially separated from trade-affected employment in a firm or subdivision of a firm that has been certified under TAA.

**On-the-Job Training** - Training provided by employers to incumbent workers. This is an integrated training and layoff aversion strategy that often results in up-skilling, retention, and higher wages.

**Worker Adjustment and Retraining Notification (WARN) Act** - A federal act that helps ensure advance notice in cases of qualified plant closings and mass layoffs per [20 CFR Part 639](#).

**Workforce Innovation and Opportunity Act (WIOA)** - A [federal act](#) that provides direction and guidance for the workforce system in every state. The law prioritizes a

market-driven approach to talent development that prepares people seeking employment for the jobs of today and of the future. WIOA is a transformative law designed to strengthen our nation's public workforce system, helping job seekers, particularly those with barriers to employment, access the education, training, and support services they need to obtain and advance in quality jobs and careers, and to help businesses hire and retain the skilled workers they need to succeed in a global economy.

## VII. REVISION HISTORY

<b>Date</b>	<b>Description</b>
June 9, 2021	Approved by CareerSource Florida Board of Directors.
June 18, 2021	Issued by Florida Department of Economic Opportunity.