



Montana Department of LABOR & INDUSTRY

1
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3 Category: Programs
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Trade Adjustment Assistance (TAA) Reversion 2021 Policy

Background:

10 The Trade Adjustment Assistance (TAA) program assists U.S. workers, adversely impacted by foreign trade, to
11 return to reemployment as quickly as possible. The TAA program offers a variety of benefits and services to
12 support workers in their search for reemployment. Workers may be eligible for training, a job search allowance,
13 a relocation allowance, and other reemployment services. Workers may be eligible for other benefits; for
14 example, the Trade Readjustment Allowance (TRA) or Alternative Trade Adjustment Allowance (ATAA). If the
15 worker has not attained suitable employment following the trade-impacted dislocation or received other TAA
16 benefits that precluded training, TAA training is a “lifetime” benefit, allowing one (1) training per certification.

17
18 Prior to July 1, 2021, trade-affected workers covered by a certified TAA petition were eligible to apply for TAA
19 benefits and services under one of the amended versions: 2002, 2009, 2011 or 2015. Workers receiving TAA
20 Program benefits and services under any of these versions of the TAA program will continue to receive the
21 applicable benefits and services.

22
23 The TAA Reauthorization Act of 2015 includes reversion and sunset provisions effective July 1, 2021, and July
24 1, 2022, respectively. The reversion provisions require the TAA program to revert to a prior version of itself, with
25 some changes, on July 1, 2021. TAA Reversion 2021 is the outcome of the requirements. Any workers covered
26 under a petition for TAA filed and certified **on or after** July 1, 2021, will be covered under this policy.

27
28 **Scope:** This policy applies to all service providers operating TAA, TAA program managers, TAA fiscal officers,
29 and the TAA monitoring team. This policy is effective January 1, 2023.

Policy:

A. TAA Petition Process

- During reversion, the petition process outlined in the TAA 2015 Policy will apply.

B. Employment and Case Management Services and Outreach Activities

- A recent interpretation of Section 235 of the Trade Act, as amended, provides that TAA program funding may be utilized for employment and case management services.
- The provisions in 20 CFR 618 Subpart C: Employment and Case Management Services apply to outreach activities.

41 C. Comprehensive Assessment

- 42 • During reversion, a comprehensive assessment is required for all trade-affected workers, not just those
43 interested in training. It must be scheduled to ensure compliance with enrollment deadlines and
44 administered with the worker’s cooperation. A partner program assessment may be used if compliant
45 with 20 CFR 618.335 or .345. Components already completed do not need to be replicated. The
46 results of the assessment will help determine the best path to the worker’s reemployment. The
47 following should be considered:
- 48 ○ Labor market information;
 - 49 ○ Worker knowledge, skills, and abilities;
 - 50 ○ Transferrable skills;
 - 51 ○ Evaluation of skill levels; and
 - 52 ○ Barriers to employment.

53
54 D. Individual Employment Plan (IEP)

- 55 • Development of an individual employment plan (IEP) to identify the employment goals; appropriate
56 achievement objectives; and appropriate combination of services for the participant to achieve his or
57 her employment goals, including a list of and information about Eligible Training Providers (ETP)

58
59 E. Referral to Supportive Services

- 60 • Including services to assist with childcare, transportation, and dependent care; housing assistance, and
61 need-related payments that are necessary to enable an individual to participate in training

62
63 F. Co-enrollment in the National Dislocated Worker Grants Program and Priority of Service for Veterans

- 64 • Federal regulations require that TAA-eligible workers must be co-enrolled in the WIOA National
65 Dislocated Worker Grants Program if they are eligible.
- 66 • Service provider staff must give priority for approval and funding of TAA Program benefits (including
67 training when training criteria are met) to a trade-affected worker meeting the veterans’ priority of
68 service criteria established under 38 U.S.C. 4215

69 G. TAA Program Eligibility

- 70 • After a Trade Act petition has been certified, impacted workers may submit a TAA application (ETA-855)
71 to determine if they meet individual eligibility requirements.
- 72 • The application (ETA-855) is completed jointly by the impacted worker and TAA service provider. All
73 questions must be answered carefully and completely. The signed application is submitted to the TRA
74 Unit Coordinator at the Montana Department of Labor & Industry’s (MDLI) Unemployment Insurance
75 Division for determination.
- 76 • The TRA Coordinator will review the employer-provided list of impacted workers and declare the worker
77 TAA/TRA-eligible or ineligible based on whether his/her name appears on the list.
- 78 • Upon determination, a worker is issued a Determination of Entitlement TAA/TRA (ETA 857).
- 79 • Determination for both TAA and TRA are included in the ETA 857. It is possible that workers may qualify
80 for TAA but not TRA.

81
82 During reversion, TAA 2002 Policy benefits and services apply to sections F – J.

83 H. Information on Training

84 Information on individual counseling to determine which training is suitable training and information on how to
85 apply for such training is available in local and regional areas. The individual must be notified in writing of the
86 training determination, the reasoning behind the determination, and the right to reconsideration or appeal.
87 State TAA Coordinator approval is required for training plans that cost \$25,000 or more.

88
89 I. Information on How to Apply for Financial Aid

90 Referring workers to educational opportunity centers and notifying them that they may request that financial aid
91 administrators at institutions of higher education use their discretion under section 479A of the Higher
92 Education Act when determining the worker's need for federal financial assistance under Title IV. For example,
93 current year income data may be considered in place of the preceding year's income data.

94

95 J. Short-term Prevocational Services

96 Including development of learning skills, communication skills, interviewing skills, punctuality, personal care
97 skills, and professional conduct to prepare individuals for employment or training.

98

99 K. Individual and Group Career Counseling

100 Including job search and placement counseling, during the period in which the individual is receiving a trade
101 adjustment allowance or training; and after receiving such training for purposes of job placement.

102

103 L. Provision of Employment Statistics Information

104 Including accurate information related to the local, regional, and national labor markets and:

- 105 • Job vacancy listings in local, regional, and national labor markets;
- 106 • Information on job skills necessary to obtain the jobs identified in the vacancy listings;
- 107 • Information about local, in-demand occupations and their related earnings potential; and
- 108 • Skill requirements for local occupations.

109

110

111 M. Trade Readjustment Allowances (TRA) – Requirements, Duration, and Benefits

112 During reversion;

- 113 • The maximum number of weeks of TRA for which a worker may be eligible is 130 weeks.
- 114 • Reversion eliminates the requirement that the first week of TRA eligibility is the first week following the
115 TAA certification date. The first week of TRA eligibility is the week that begins more than 60 days after
116 the date that a petition was certified.
- 117 • While a worker is in part-time training, payment of TRA is allowed.

118

119 1. Basic TRA

120 a) To qualify for TRA for any week of unemployment, an individual must meet the following requirements as
121 detailed in 20 CFR 618.720:

- 122 (1) An approved petition
- 123 (2) Separation from qualified employer
- 124 (3) Employment and wages - at least 26 weeks with earnings of at least \$30 per week
- 125 (4) Exhaustion of all entitlement to Unemployment Insurance (UI), Extended Benefits (EB), and any
126 federal extensions
- 127 (5) Participation in TAA training which is met by either:
 - 128 (a) Enrollment in or participating in a training program approved under 618.610; or
 - 129 (b) Completion of a training program approved under 618.610, after a total or partial separation
130 from adversely affected employment within the certification period; or
 - 131 (c) Receipt of a written waiver of the participation in training requirement from the State Agency
132 under 618.735.

133 b) The eligibility period for Basic TRA is the 104-week period following the week of the worker's last total
134 qualifying layoff from trade-impacted employment. A total qualifying layoff for TRA purposes is a layoff of seven
135 (7) days or more. The eligibility period is reset following each subsequent qualified layoff, provided the TAA
136 worker meets the criteria for a TRA claim.

137 c) The TRA weekly benefit amount is always the same as the UI weekly benefit amount from the parent claim,
138 even if the 104-week eligibility period is reset.

- 139 d) The maximum Basic TRA amount payable is 52 times the TRA weekly benefit amount from the parent claim
140 minus the total sum of unemployment insurance the TAA worker was entitled to under that claim and, if
141 applicable, any benefit extensions; regardless of whether or not the TAA worker actually received the benefits.
142 e) To receive Basic TRA, the TAA worker must:
- 143 (1) Be enrolled in or waived from TAA-approved training by the later of:
 - 144 (a) The last day of the 8th week after the TAA participant's most recent qualifying layoff; or
 - 145 (b) The 16th week following the day in which the participant was totally separated from
146 employment.
 - 147 (c) Be participating in or within 30 days of starting TAA-approved training or
148 receive an extension to within 45 days under justifiable circumstances, such as training
149 cancelation, illness, or injury; or
 - 150 (d) Be actively seeking work and on a training waiver; or
 - 151 (e) Have completed a TAA-approved training plan and be actively seeking work.
 - 152 (2) TAA workers must be fully registered in MWorks and the case manager must take an active role to
153 help the worker secure employment.

154 2. Waivers

- 155 • During reversion, the three reasons for issuing waivers outlined in the TAA 2015 Policy apply.

156 3. Extended Benefits (EB) Work Test

- 157 • During reversion, the EB Work Test requirements outlined in the TAA 2015 Policy apply.

158 4. Additional TRA

- 159 a) During reversion, TAA workers must apply for training within 210 days to be eligible for additional TRA.
- 160 a) TAA workers must be participating in an approved training program, have exhausted Basic TRA, and meet all
161 other requirements for TRA.
- 162 b) After exhaustion of Basic TRA, Additional TRA is payable for up to 65 weeks.
- 163 c) To accommodate breaks in training, the worker may collect 65 weeks of Additional TRA benefits during the
164 span of 78 weeks. This enables workers to participate in longer training with possible longer breaks in training.
- 165 d) Payments of Additional TRA may be made only for those weeks during the 78-week eligibility period following
166 the last week of entitlement to Basic TRA and during the weeks in which the TAA worker is participating in TAA
167 approved training.
- 168 e) Additional TRA is not available after completion of training or during waivers of training.
- 169 f) The 65-week eligibility period begins with the earlier of:
- 170 (1) The immediate week after the TAA worker exhausts Basic TRA and is participating in training; or
 - 171 (2) The week that the TAA worker begins participating in full-time, TAA approved training (this occurs
172 when training starts; after all rights to UI and Basic TRA are exhausted under waiver.)

173 During reversion, the guidelines outlined in the TAA 2015 Policy apply to sub-sections 5 - 7.

174 5. Completion TRA

175 6. Health Care Tax Credit (HCTC)

176 7. Breaks in Training

177 8. Overpayments

- 178 a) If MDLI or a court determines an individual received any benefits to which they are not entitled, including
179 TRA, the individual is liable to repay those benefits to MDLI. Repayment may be waived by MDLI under the
180 following circumstances:
- 181 (1) the payment was made without fault on the part of the individual worker; and

- 190 (2) requiring such payment is contrary to equity and good conscience.
191 b) TRA overpayments may be recovered by deduction from any sums payable under TRA, UI, or other benefits
192 paid with respect to unemployment under a program administered by MDLI.
193 c) Unless an overpayment is due to fraud, recovery of overpayments of TRA is waived if it would cause a
194 financial hardship for the individual and or the individual's household; when taking into consideration the
195 income and resources reasonably available to the individual or household and other ordinary living expense of
196 the individual.

197

198 9 Alternative Trade Adjustment Assistance (ATAA)

199 During reversion, ATAA is the wage subsidy for workers who are 50 years of age or older and are part of a group
200 certified as ATAA-eligible. Workers in an OJT or an apprenticeship are not eligible for ATAA. Unlike RTAA, ATAA is
201 a choice between training and the wage insurance benefit. If the worker prefers the ATAA program, they should
202 be encouraged to take advantage of reemployment services and assistance to reach the goal of returning to
203 work within 26 weeks of their qualifying separation. ATAA payments supplement a portion of the wage
204 difference between their new wage and their old wage.

205 a) To be eligible for ATAA a worker:

- 206 • Must be at least fifty (50) years of age. The worker may be fifty (50) years old at the time of
207 reemployment or reach the age of fifty during such employment. Wage subsidy payments may only be
208 made for periods after the worker has reached fifty years old and meets all ATAA requirements.
- 209 • Must be reemployed within 26 weeks of separation and with wages not to exceed \$50,000 annually,
210 excluding overtime and bonuses.
- 211 • Must be employed on a full-time basis and not enrolled in TAA-approved training.
- 212 • Cannot work part-time and be enrolled in training.
- 213 • Cannot return to the same division or facility from which they separated. In addition, they
214 cannot do the same or similar work for the employer.

215 b) ATAA payments are allowed for employer-allowed release time; i.e. sick leave or unpaid holidays.

216 c) Workers must verify continued employment by submitting pay stubs monthly.

217 d) ATAA is not payable during periods of unemployment. Once reemployed, the worker must notify their TAA
218 case manager, to determine if eligibility requirements are met.

219 e) Workers may not receive TRA and ATAA at the same time.

220 f) Workers may receive some TRA payments and then apply and receive ATAA. However, a worker cannot apply
221 for and receive ATAA, then return to TRA. Once approved, ATAA payments may be retroactive.

222 g) Workers who received TRA payments may receive an amount equal to the product of \$10,000 and the ratio
223 of the number of weeks in the eligibility period.

224 h) Employment must be covered employment and legal under local, state, and federal regulations.

225

226 10. Total Amount of Payments

- 227 • During reversion, the regulations codified at 20 CFR 618.750 apply unless otherwise indicated.

228

229 11. Social Security Number Requirements

230 Please reference the WIOA Social Security Number Policy for further details.

231

232 During reversion, the regulations codified at 20 CFR 618.600 apply to Section N unless otherwise indicated.

233

234 L. Reemployment Services

235 1. Reemployment services and allowances:

236 During reversion, the following services will be included, as appropriate, and must be funded under another
237 source:

- 238 • Employment registration
- 239 • Employment counseling

- 240 • Vocational testing
- 241 • Job development
- 242 • Referral to Supportive Services
- 243 • Self-directed job search; carefully structured to assist individuals in developing skills for finding a job.
- 244 a job.
- 245 • Case Management

246
247 During reversion, the following allowances may be funded by the TAA Program:

- 248 a) Job search allowances
- 249 b) Relocation allowances

250

251 2. Criteria for Approval of Training

252 Work-based Learning is the preferred method of training and must be ruled out before enrollment in another
253 type of training. Training will be approved based on the following six (6) criteria:

- 254 1. There is no suitable employment (which may include technical and professional employment) available to
255 the worker.
- 256 2. The worker will benefit from the training.
- 257 3. There is a reasonable expectation of employment following completion of the training.
- 258 4. Approved training is reasonably accessible to the worker from either governmental agencies or private
259 sources. Local training opportunities must be explored first. If none is available, training outside the worker's
260 commuting area may be approved.
- 261 5. The worker is qualified to undertake and complete training within 130 weeks of the training's start date.
- 262 6. Training is suitable for the worker and available at a reasonable cost.

263

264 3. Selection of Training Providers

265 A provider can be chosen from the ETPL. Training by a provider who is not on the ETPL must be reviewed with
266 the TAA Coordinator.

267

268 4. Types of Training

269 A training program may be full-time or part-time and include multiple types of training and multiple providers. If
270 the criteria are met, prior training approved under a partner program may be approved.

- 271 • Work-based Learning is the preferred method of training:
 - 272 ○ Apprenticeships
 - 273 ○ OJT
 - 274 ○ Customized Training
- 275 • Institutional, including distance learning
- 276 • Other – not limited to remedial, career and technical, prerequisite
- 277 • Training that leads to advance degrees (Master's, Ph.D. etc.), subsequent to a four-year degree
- 278 • Training Reemployed Workers
 - 279 ○ An adversely affected worker who obtains new employment and who has been approved for a
280 training program may elect to terminate the employment, reduce their hours worked, or
281 continue in full- or part-time employment.
 - 282 ○ If the adversely affected worker becomes reemployed while attending TAA-approved training,
283 they may continue with and complete training, even if the training plan is modified to part-time.
 - 284 ○ An adversely affected worker who is totally separated may also be eligible for job search and
285 relocation allowances.

286

287 5. Limitations

- 288 a) Length of training
 - 289 1) Appropriate to skill level needed to facilitate employment.

- 290 2) Could be impacted by extent of income support (or 130 weeks).
291 3) OJT limited to 104 weeks and must lead to suitable employment.
292 4) Apprenticeship limited to work-based learning guideline of 130 weeks with no limit on related instruction.
293 b) Exceptions:
294 1) U.S. Armed Forces reservists called to active duty.
295 2) Incumbent workers are not eligible for OJT until after separation.
296

297 6. Documentation

- 298 • Documentation must be in place prior to approving anyone for TAA training.
- 299 • If the cost of training exceeds \$25,000, it must be approved by the TAA Coordinator.
- 300 • A copy of the initial TAA Training Authorization and subsequent authorizations that amend training dates
301 must be sent to the TRA Coordinator.
- 302 • If a training proposal risks formal denial, the service provider should assist the participant to reconsider
303 the required criteria and modify their proposal. If a training request is formally denied, please refer to
304 Administration – Denials and Appeals.
- 305 • In some situations, an approved training plan can be changed or revised. The participant may request a
306 change in their approved training plan and the service provider will send a request for approval to the
307 State TAA Coordinator.
308

309 7. Selection of training methods and programs

310 If suitable employment is unavailable to an individual or group of individuals, the service provider staff will
311 explore, identify, develop, and secure training opportunities and establish partnerships with other public and
312 private agencies to return workers to employment as soon as possible. The following training methods and
313 programs will be considered:

- 314 • Firm-specific retraining to meet the firm's current staffing needs;
- 315 • OJT or training in a public, area vocational school;
- 316 • Apprenticeship;
- 317 • Standards related to selection of occupations and training is documented and supported by identifiable
318 demand in the local labor market or consultation with local employers, labor organizations, the State
319 Workforce Innovation Board (SWIB), or other workforce development partners.
- 320 • Certain occupations will be excluded if a lack of employment opportunities exists as substantiated by
321 job orders or other labor market data; or provides no reasonable expectation of permanent
322 employment.
323

324 8. Tools and Equipment for Training

- 325 • The service provider must approve the purchase of tools, including internet service, if they are required
326 for the training and the cost is obligated in advance as part of the training contract.
- 327 • The purchase of a personal computer may be approved as a required tool if it is part of the class
328 syllabus. Service providers must request approval from their supervisor prior to a computer purchase.
329 Service providers will submit a completed Computer Purchase Request Questionnaire (WIOA.52).
- 330 • Students must submit two estimates for required tools/equipment to their service providers. Payments
331 will be made to the vendor. Estimates and receipts must be retained in the participant file.
- 332 • TAA funds will not be used to replace lost or stolen tools.
333

334 9. Liable State/Agent State

335 Montana collaborates with other states in assisting eligible participants with access to TAA reemployment
336 services and benefits. This includes eligible Montana residents seeking services in other states or participants
337 from other states seeking services here. Depending on the specific situation, Montana is considered the liable
338 state or agent state.
339

340 **Liabile State**

- 341 • For TAA-certified participants laid off from a firm operating in Montana, Montana is responsible for
- 342 the administration of all claims for program benefits and providing reemployment services and
- 343 making related determinations and decisions on appeals, waivers, subsistence, and transportation
- 344 payments.
- 345 • Provides workers with information and assistance related to benefit allowances, training, and other
- 346 services available; the application process and the appropriate filing dates for such
- 347 allowances, training, and other services.
- 348 • Provides Rapid Response and career services using another funding source.
- 349 • Provides information to the IRS for Health Coverage Tax Credit purposes.
- 350 • Service providers may make the provision of job search allowances and relocation allowances
- 351 discretionary benefits rather than entitlements. Montana opted to continue providing these
- 352 benefits. Individuals who are agent state participants must apply for the benefits with the liable state.
- 353 If the liable state does not offer these benefits, they will deny the request. Montana's TAA program
- 354 cannot cover these costs if the liable state denies the benefit.
- 355 • When participants are certified in another state and seek TAA services in Montana, the other state is
- 356 the liable state.

357
358 **Agent State**

- 359 • This state cooperates with the liable state to deliver TAA program benefits. The agent state's
- 360 responsibilities include assisting participants with applications and claims; providing reemployment
- 361 and case management services using another funding source; providing the liable state with the
- 362 information necessary to issue determinations; decisions on appeals; and procuring and paying the cost
- 363 of approved training and related subsistence and transportation costs, according to determinations
- 364 made by the liable state.
- 365 • Montana is the agent state when assisting a participant certified for the Trade Act in another state and
- 366 the participant is seeking services in Montana. The other state is the liable state and is responsible for
- 367 the appropriate final decisions. Montana, the agent state, is responsible for direct contact with the
- 368 participant and specific payments for approved training and subsistence and transportation costs.
- 369 • TRA is managed by the state in which the participant received the layoff. When the affected participant
- 370 relocates to another state, TRA is managed by the original state. For example, a participant who
- 371 attends TAA training may be case-managed for TRA by one state and case-managed for TAA
- 372 by another state.

373
374 **10. Subsistence/Transportation Payments**

- 375 • Service Provider responsibilities:
 - 376 ○ Advance payments are optional, but strongly encouraged to help participants stay in training.
 - 377 ○ The service provider may approve a transportation allowance for a participant when the training
 - 378 facility is located outside the participant's normal commuting area.
 - 379 ○ The service provider may not approve a subsistence allowance for a participant who is receiving
 - 380 a
 - 381 transportation allowance to attend training outside their normal commuting area. The
 - 382 participant must not be receiving living assistance from any other funding source or partner-
 - 383 funded program.
 - 384 ○ The service provider may provide subsistence or transportation payments for a maximum of
 - 385 two weeks at a time. Before the participant receives payments, the service provider must
 - 386 approve and
 - 387 obligate transportation or subsistence allowances.
 - 388 ○ The participant will only receive transportation or subsistence allowances for days on which
 - 389 he/she

- 390 attends training as documented on attendance reports.
- 391 ○ Subsistence payments may be advanced
- 392 ● Transportation payments may not exceed the lesser of:
 - 393 ○ The actual cost for travel by the least expensive means of transportation reasonably available
 - 394 between the participant's home and the training facility; or
 - 395 ○ The cost per mile at the prevailing federal mileage rate.
- 396 ● Subsistence payments may not exceed the lesser of:
 - 397 ○ The actual daily cost for temporary lodging and meals in the area of training; or
 - 398 ○ Fifty (50) percent of the prevailing federal rate for lodging and meals for the area.

399

400 11. Work-based Learning

- 401 ● On-The-Job Training (OJT)
 - 402 ○ Reimbursement of training costs under an OJT contract of up to 50 percent; with a maximum
 - 403 amount of 104 weeks of reimbursement to the employer.
 - 404 ○ TAA funds may only be used to reimburse the employer for the costs associated with training the
 - 405 participant; and not for benefits, overtime hours, or hours beyond 40 hours per week. In
 - 406 addition, TAA funds cannot be used to pay wages directly to the participant.
 - 407 ○ If an apprentice is not required to pay for training, TAA funds cannot be used to pay for related
 - 408 classroom instruction.
- 409 ● Apprenticeships—To the extent possible under the TAA program guidelines, service providers should
- 410 promote apprenticeship programs that provide the skills necessary for the individual to obtain
- 411 employment in an occupation. Before approving apprenticeship training, service providers must ensure
- 412 the following conditions are met:
 - 413 ○ Reimbursement to the employer, up to 50 percent of the apprentice's regular wage for the cost
 - 414 of providing training and supervision. It is not a wage subsidy.
 - 415 ■ The rate is based on the worker's wage and may be adjusted per the rules of the
 - 416 apprenticeship.
 - 417 ○ The length of the paid work-based learning component must not exceed 130 weeks. However,
 - 418 the length of the educational or instructional training component of the apprenticeship may
 - 419 exceed 130 weeks and continue through the scheduled completion of that specific
 - 420 apprenticeship training.
 - 421 ○ Apprentice expenses associated with the educational or instructional component (e.g.,
 - 422 classroom and distance learning, tools, uniforms, equipment, and books) may be paid for with
 - 423 TAA program funds.
 - 424 ○ Because an apprenticeship offers the individual employment and a combination of
 - 425 on-the-job learning and related instruction, attendance in the apprenticeship training is
 - 426 considered full-time.
- 427 ● Customized Training
 - 428 ○ Customized Training means training that is:
 - 429 ■ Designed to meet the special requirements of an employer or group of employers;
 - 430 ■ Conducted with a commitment by the employer or group of employers to employ an
 - 431 individual upon successful completion of the training; and
 - 432 ■ Funded significantly by the employer (50 percent or greater).
 - 433 ○ Businesses may be reimbursed by the TAA program for up to 50 percent of the costs incurred by
 - 434 the providing the training; including staff/instructor time or training materials.
 - 435 ○ Customized skills training can be provided after a TAA participant is hired or if a business makes
 - 436 a commitment to hire the participant upon successful completion of the training.

437

438

439

Under reversion, all provisions at 20 CFR 618, Subpart D, apply to section M.

440

441 M. Allowances:

442 Payment in advance is encouraged to ease the burden on the participant. If payment is not made in advance,
443 reimbursement must be weekly.

444 1. Job Search

445 a) Certified workers who apply for TAA services may be eligible for Job Search Allowances. Job Search
446 Allowances can cover expenses incurred by workers while seeking employment outside their normal commuting
447 area.

448 b) Workers may receive reimbursement for ninety (90) percent of the necessary out-of-area job search not to
449 cumulatively exceed \$1,250.

450 c) These funds are to assist workers in securing work within the United States when the case manager
451 determines that no suitable work is available in the commuting area in which the worker resides.

452 d) The worker must file a job search allowance application no later than one year (365 days) after the date of
453 their last total separation from adversely affected employment or from the date of their certification, whichever
454 is later; or

455 e) A worker enrolled in TAA-approved training must file the application not later than six (6) months, 182 days
456 after completion.

457 f) A worker must request approval in writing prior to conducting the out-of-area job search. They must have a
458 scheduled and confirmed employment interview in order for the case manager to approve the request.

459 g) The case manager will not reimburse out-of-area job search expenses without receipts as evidence of actual
460 costs.

461 h) The worker must complete the out-of-area job search within thirty (30) days from the day when the job
462 search began.

463

464 2. Transportation for Job Search

465 a) The amount allowable for transportation will not exceed the lesser of:

466 (1) Ninety (90) percent of the actual cost of a round trip by the most economical public transportation
467 the worker can reasonably take from the place of residence to the area of job search; or

468 (2) Ninety (90) percent of the cost per mile at the prevailing federal mileage rate for round-trip travel by
469 the usual route from the place of residence to the area of job search.

470

471 3. Lodging and Meals for Job Search

472 a) The amount allowable for lodging and meals will not exceed the lesser of:

473 (1) The actual cost to the worker for lodging and meals while engaged in the job search; or

474 (2) Fifty (50) percent of the prevailing federal rate for lodging and meal for the locality where the job
475 search is being conducted.

476

477 4. Advanced Payments for Job Search

478 a) A case manager may advance an individual up to fifty (50) percent of the amount estimated that the worker
479 will need for their approved job search.

480 b) The advance can be made within 5 days prior to the start of the job search.

481 c) Such advances will be deducted from remaining payments that comply with this policy.

482

483 5. Worker Evidence of Job Search

484 a) Upon completion of a job search, the worker will certify the following details on the Job Search Allowance
485 Request form:

486 (1) Employer contacts made;

487 (2) Daily lodging and meals expenditures.

488 b) Receipts are required for all lodging and paid transportation expenses incurred during the job search. An
489 adjustment will be made if the amount of an advance is less or more than the amount to which the individual is
490 entitled.

491

492 **6. Relocation**

- 493 a) Certified workers may be eligible for relocation allowances. If a worker obtains employment outside their
494 normal commuting area and provides documented proof, relocation allowances provide reimbursement for
495 moving expenses.
- 496 b) A totally separated, adversely affected worker covered under a certification may receive a relocation
497 allowance when:
- 498 (1) It is determined that there is no reasonable expectancy that the worker can obtain suitable work
499 within their commuting area; or
 - 500 (2) The worker obtains permanent, full-time suitable work or a bona fide offer of suitable work in the
501 area of intended relocation.
- 502 c) Workers may receive a relocation allowance for ninety (90) percent of the reasonable and necessary
503 expenses incurred in transporting the worker and their family and household effects to the area of relocation.
- 504 d) The worker may also be eligible for a lump sum equal to three times the worker's average weekly wage; not
505 to exceed a total of \$1,250.
- 506 e) The worker must request relocation allowances in writing and in advance of relocation.
- 507 f) The worker must file an application for the relocation allowance within 425 days after the date of certification
508 under which the worker is covered or the date of the worker's last total separation from adversely affected
509 employment, whichever is later; or
- 510 g) The worker enrolled in approved training must file an application no later than 182 days after completion of
511 such training.
- 512 h) Workers must submit receipts for reimbursement.
- 513 i) Workers will not use TAA funds to cover the costs of relocation paid by a prospective employer or other
514 programs.
- 515 j) The case manager will exclude the following items from coverage. The worker will assume costs for and
516 personally arrange for transportation of:
- 517 (1) Items of high intrinsic or sentimental value;
 - 518 (2) Jewelry, collector's items, etc.
 - 519 (3) Animals;
 - 520 (4) Boats or personal watercraft;
 - 521 (5) Airplanes;
 - 522 (6) Camping vehicles;
 - 523 (7) Farming vehicles;
 - 524 (8) Explosives or dangerous goods;
 - 525 (9) Outside fuel tanks or similar non-household articles;
 - 526 (10) Cord wood and building materials;
 - 527 (11) Perishable food subject to spoilage; and
 - 528 (12) Mobile/manufactured homes (unless primary residence of employee).
 - 529 (13) Snowmobiles, quads, golf carts, and other vehicles with two or three wheels may be shipped as
530 household goods; i.e. motorcycles, mopeds, segways, etc. The weight of these vehicles will count
531 against the 18,000-pound limit available for reimbursement. A worker must pay 100% of the
532 associated costs for the weight of household goods in excess of the 18,000-pound allowance.
- 533 k) If using a commercial carrier, two (2) competitive bids or other adequate justification for the cost of service is
534 required. Except for extenuating circumstances, a worker must accept reimbursement at a commercial carrier's
535 lowest bid.
- 536 l) Upon completion of relocation, the worker is required to submit receipts within 30 days.
- 537 m) Relocation must be completed within one (1) year. The one-year time limitation may be extended up to one
538 additional year for reasons beyond the worker's control and that are acceptable to the State TAA Coordinator.

540 **7. Transportation for Relocation**

- 541 a) The amount allowable for transportation will not exceed the lesser of:
542 (1) Ninety (90) percent of the actual cost of the trip for the worker and any dependents by the most

- 543 economical public transportation they can reasonably take from the place of residence to the area
544 of relocation; or
- 545 (2) Ninety (90) percent of the cost per mile at the prevailing federal mileage rate for relocation of the
546 worker and any dependents by the usual route from the place of residence to the area of relocation.
- 547 b) Up to two (2) privately-owned vehicles can be moved by the most direct route at ninety (90) percent of the
548 prevailing federal mileage rate, provided:
- 549 (1) The worker and/or dependents travel to the new location in such vehicle;
550 (2) The vehicle is driven rather than towed;
551 (3) Under this move, no other claim for worker and/or dependent transportation costs is made; and
552 (4) Other family members and/or household goods will be traveling in the authorized vehicle(s).

553

554 8. Lodging and Meals for Relocation

- 555 a) The amount allowable for lodging and meals will not exceed the lesser of:
- 556 (1) Ninety (90) percent of the actual expense for lodging and meals; or
557 (2) Ninety (90) percent of the allowable fifty (50) percent of the prevailing federal rate for lodging and
558 meals.
- 559 b) Payment will be limited to the number of days reasonably necessary to travel to the new location when
560 traveling by personal vehicle. If more than one (1) day of travel is necessary, 425 miles per day will be the
561 standard. When traveling by commercial air, one (1) day is normally allowed for travel. Lodging and meals
562 at the new location may be authorized for a reasonable period when circumstances warrant. Receipts must be
563 submitted by the worker, even when the federal rate for lodging and meals is used.

564

565 9. Moving for Relocation

- 566 a) The amount allowable for moving will not exceed ninety (90) percent of the cost of moving the household
567 goods of the worker and dependents; and ninety (90) percent of the reasonable cost of insurance for moving
568 the household goods or moving a mobile home by commercial carrier or other means of transport to the new
569 location.
- 570 b) The total amount allowable for moving must not exceed the cost of moving a maximum of 18,000 pounds of
571 household goods between the place of residence and the new location by commercial carrier. The worker will
572 pay charges for weight in excess of 18,000.

573

574 10. Storage for Relocation

- 575 a) The case manager will allow storage costs for up to sixty (60) days at either the point of origin or destination,
576 but not both. The request for storage must be approved prior to the move; with the specific storage costs
577 identified.

578

579 11. Advance Payments for Relocation

- 580 a) The case manager may advance a worker up to fifty (50) percent of the estimated amount that he/she will
581 need for relocation.
- 582 b) The advance can be made within five (5) days prior to the start of relocation.

583

584 N. Administration

585 1. Denials and Appeals:

- 586 • A service provider may issue a written determination denying a TAA activity with the concurrence of the
587 State TAA coordinator; i.e., Job Search Allowance, Relocation Allowance, Classroom Training, OJT, or
588 Customized Training). The service provider must submit the TAA Denial Notice Form.
- 589 ○ Prior to a determination to deny services, the service provider must make every effort to
590 work with the participant to modify their request and develop an acceptable training plan.
- 591 ○ Prior to a determination to deny services, the service provider will contact the State TAA
592 Coordinator to discuss and review the denial before issuing a formal decision.
- 593 ○ The service provider will submit the draft determination with the basis for the decision and

- 594 supporting details to the State TAA Coordinator.
- 595 ○ If the State TAA Coordinator disagrees with the decision to deny services, the Coordinator will
- 596 request that the service provider submit additional documentation stating the reasons for the
- 597 denial: identifying the applicable law, federal regulations, state policy and/or directive.
- 598 ○ If the State TAA Coordinator agrees with the decision to deny services, the Coordinator will notify
- 599 the service provider in writing to proceed with the denial.
- 600 ○ Upon receipt of written concurrence from the State TAA Coordinator, the service provider will
- 601 send a formal written TAA Denial Notice to the participant, including information on the right to
- 602 appeal.
- 603 ○ The service provider will send a copy of the formal determination to the State TAA Coordinator.
- 604 ● A participant who receives a written determination to deny benefits and does not agree with the
- 605 decision has
- 606 the right to appeal. The participant must file the appeal within ten (10) days after the date of
- 607 notification.
- 608 ● A participant must file an appeal with the service provider's office. That office will contact the State TAA
- 609 Coordinator for guidance on processing the appeal.

610 2. Technical Assistance

- 612 ● Technical assistance and training may be recommended by the monitoring unit or requested by the
- 613 service provider. It may be the means of improving program operation, implementing corrective action,
- 614 or providing information. Please coordinate all requests for technical assistance and training with the
- 615 State TAA Coordinator.
- 616 ● Requests for minor technical assistance may be made verbally or in writing. For assistance with more
- 617 complex issues that impact participant services significantly, please submit the request in writing, so
- 618 MDLI staff has enough information to support a successful outcome. Several service providers who
- 619 request assistance in related areas may be invited to a general training session.
- 620 ● The State TAA Coordinator may schedule technical assistance visits to service providers to offer
- 621 information or specific training, discuss areas of concern, evaluate program operation, or a combination
- 622 thereof.

623 O. Program Performance

624 1. Program Participation and Exit Under Common Measures

625 Please see the Performance Reporting Requirements Policy.

626 2. Data Validation

627 Please see the Data Validation Policy.

628 P. Fiscal

629 Please see the following for additional details: Cost Principles, Allowable Costs and Unallowable Cost Policy and

630 Cash Management Policy. Requisition and signature forms required in the Cash Management Policy do not

631 apply to the TAA Program.

632 1. Expenditures and Reporting

- 633 ● Program costs include training, job search assistance, and relocation allowances.
- 634 ● All TAA funds must be expended in accordance with the provisions of this policy. Any expenditure of
- 635 funds which does not comply with these provisions will be deemed disallowed and subject to repayment
- 636 by a non-federal source.
- 637 ● Reimbursements made directly to a participant can only be made when presented with receipts.
- 638 ● Lost and Stolen Check Policy may provide helpful information.

644 2. Program Income
645 a) [2 CFR 200.307 Program Income Uniform Guidance](#)

646
647 3. Fiscal Records Retention
648 Additional details are available in the Records Retention Policy.
649

650 Q. Management Information System
651 Adult and Dislocated Worker Assessments, IEP, Activities and Services
652

653 R. Non-Discrimination and Equal Opportunity
654 Additional details are available in the Non-Discrimination and Equal Opportunity Policy.
655

656 Monitoring and Evaluation:

- 657 • A formal quarterly review of up to 20 TAA program files, including TRA; training services, RTAA, job
658 search and relocation; employment; and case management will be conducted by the entity designated
659 by the SWIB.

660

661 References:

- 662 • [Trade Act of 2002; Public Law 107-210](#)
- 663 • [TEGL 5-15, Operating Instructions for Implementing the Amendments to the Trade Act of 1974 enacted
664 by the Trade Adjustment Assistance Reauthorization Act of 2015](#)
- 665 • [TEGL 5-15, Change 1 – Change 1 to the Operating Instructions for Implementing the Amendments to
666 the Trade Act of 1974 enacted by the Trade Adjustment Assistance Reauthorization Act of 2015](#)
- 667 • [20 CFR 618 Trade Adjustment Assistance under the Trade Act of 1974, as Amended](#)
- 668 • [TEGL 24-20, Operating Instruction for Implementing the Reversion Provisions of the Amendments to the
669 Trade Act of 1974, enacted by TAA Reauthorization Act of 2015](#)
- 670 • [TEN 01-21, Frequently Asked Questions relating to Trade Adjustment Assistance Program Reversion
671 2021](#)
- 672 • [TEGL 24-20, Change 1 – to Operating Instructions for Implementing the Reversion Provisions](#)