



# Montana Department of LABOR & INDUSTRY

1  
2 Division: Workforce Services Division  
3 Category: Programs  
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## 7 Trade Adjustment Assistance (TAA) 2002 Amendment Policy

8 **Background:** Under the Trade Act of 1974, as amended, workers whose employment is adversely affected by  
9 foreign trade may apply for TAA. The Act has been amended several times, most notably in 1993 with the  
10 passage of the North American Free Trade Agreement (NAFTA); the Trade Reform Act of 2002, which among  
11 other measures, repeals NAFTA; and the Trade and Globalization Adjustment Assistance Act of 2009, which  
12 expanded eligible work groups to include the service sector. On February 14, 2011, the 2009 Amendments  
13 expired, and all petitions received and certified after that date reverted to the 2002 Amendments. On October  
14 21, 2011, the President signed the Trade Adjustment Assistance Extension Act (TAAEA) of 2011 into law which  
15 created a new set of provisions that combined some elements from TAA 2002 with some from TAA 2009 and  
16 established some new provisions. On December 31, 2013, the majority of TAA 2011 provisions were allowed to  
17 sunset causing the creation of a new hybrid of provisions. This resulted in TAA Reversion 2014 which combined  
18 aspects of TAA 2002 and TAA 2011. On June 28, 2015, the President signed the Trade Adjustment Assistance  
19 Reauthorization Act (TAARA) of 2015 into law which retained provisions of TAA 2011 and eliminated the TAA  
20 2002 provisions that were in TAA Reversion 2014.

21 TAA includes a variety of benefits and reemployment services to help unemployed workers prepare for and  
22 obtain suitable employment in sustainable occupations. Workers may be eligible for training, job search  
23 allowance, relocation allowances and other reemployment services. Weekly Trade Readjustment Allowances  
24 (TRA) may be payable to eligible workers following the exhaustion of Unemployment Insurance (UI) benefits.  
25 Another benefit that may be available to older TAA eligible workers is a wage subsidy when the worker obtains  
26 new employment that pays less than their previous wage.

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3 **I. Scope:** This policy applies to all service providers operating TAA, TAA program managers, TAA fiscal  
4 officers and the TAA monitoring team. This policy is effective April 30, 2018.

5 **II. Policy:**

6 **A. Outreach and Petition Process:**

7 **1. Eligibility Requirements for TAA Certification:**

- 8 **a)** Group Eligibility must be established for workers whose jobs may be affected. A petition must be filed  
9 with the U.S. Department of Labor, Trade Adjustment Assistance Program (TAAP). Petitions may be filed  
10 by a company representative, a group of three or more workers, their union, or an authorized  
11 representative.
- 12 **b)** Workers must have produced a product or item. Upstream suppliers and downstream producers to a  
13 trade-affected firm may be eligible. Shift in production or increased imports must be from a country  
14 which has a free trade agreement with the United States or is listed on trade promotion acts.
- 15 **c)** TAAP will initiate an investigation to determine whether foreign trade contributed significantly to  
16 decreased sales and/or production and to worker separations. If so, the affected group of workers is  
17 certified as eligible to apply for TAA. The certification will contain an "Impact Date" which may be up to  
18 one year prior to the date of the petition. The certification period begins on the Impact Date and ends  
19 two years after the Certification Date, unless an earlier Termination Date is specified in the certification.
- 20 **d)** The Trade Readjustment Assistance (TRA) Coordinator will notify potentially covered workers that their  
21 employer has been certified. The notice will instruct each worker to contact the One Stop Center to  
22 apply for an individual determination of entitlement to TAA benefits. TAA and TRA entitlements are  
23 determined separately. The notice of entitlement will indicate that the worker is entitled to TRA and/or  
24 TAA.
- 25 **e)** Workers totally or partially separated within the certification period are eligible to apply for TAA.

26 **2. TAA Petition Process and Determinations:**

- 27 **a)** The purpose of Trade Act legislation is to assist workers who have been impacted by foreign competition  
28 to return to suitable work as quickly as possible. The TAA program assists with activities to achieve that  
29 goal. The TRA program may provide income support during that process.
- 30 **b)** Certification is an official authorization by the U.S. Department of Labor (USDOL) for a specified group of  
31 workers to apply for adjustment assistance. Once a company's workers are certified, any of them who  
32 have been laid off or whose hours are cut significantly are eligible to apply for benefits. The certification  
33 process includes the petition process and the notification process.
- 34 **c) Petition Process:**
- 35 **(1)** In circumstances where workers have been partially or fully separated from employment, and  
36 indications exist that the negative actions may have been a result of foreign competition, a  
37 petition may be filed with USDOL Division of Trade Adjustment Assistance (DTAA). A petition is a  
38 request to have the circumstances investigated and for issuance of an eligibility certification for  
39 the impacted workers to apply for assistance. A petition may be filed by one of the following:
- 40 **(a)** A union or other duly authorized representative of such workers;
- 41 **(b)** A group of three or more workers;
- 42 **(c)** The employer; or
- 43 **(d)** One-Stop operators or partners (including state employment security agencies and  
44 dislocated worker units).
- 45 **(2)** If the petition arrives at the Montana Department of Labor & Industry (DLI) and has not been  
46 filed with USDOL, DLI must immediately transmit the petition to USDOL. If a petition is received  
47 by DLI and USDOL on the same day, the petition will be considered to have been simultaneously  
48 filed with both entities. If USDOL and DLI do not receive a petition on the same day the petition  
49 will be considered filed on the later of the two different receipt dates.

1 **d) Who is Covered by a Certification:**

- 2 (1) The certification covers all members of the worker group who are laid off or threatened with  
3 layoff during the three-year period beginning one year before the petition was filed (impact date)  
4 and ending two years after the date of the certification. Each certification specifies the  
5 beginning and ending dates.  
6 (2) Workers who are found to be secondarily impacted, as defined in Trade Act law, are eligible to  
7 apply for the same benefits and services as workers certified as primarily impacted; the benefits  
8 and services for both primarily and secondarily affected workers are paid from TAA funds.

9 **e) Services Available:**

- 10 (1) Services that must be made available are as follows:  
11 (a) Comprehensive and specific assessment of skill levels and service needs;  
12 (b) Development of an employment plan to identify goals, objectives and appropriate  
13 training;  
14 (c) Information on available training and how to apply for it;  
15 (d) Information on how to apply for various forms of financial aid;  
16 (e) Short term prevocational services, including development of learning skills,  
17 communication and interviewing skills;  
18 (f) Individual career counseling, including job search and placement counseling;  
19 (g) Labor Market Information (LMI);  
20 (h) Information and referral to supportive services, including services relating to child care,  
21 transportation, housing assistance, etc.  
22 (2) Other components or partner programs of the Trade Act are listed below. Case managers must  
23 create an Individual Employment Plan (IEP) to assist workers to return to suitable work as soon  
24 as possible.  
25 (a) Training Services  
26 (b) Waiver from Training  
27 (c) Job Search Allowance  
28 (d) Relocation Allowance  
29 (e) TRA  
30 (f) Alternative Trade Adjustment Assistance (ATAA)

31 **3. *Post Determination:***

- 32 **a)** Upon receipt of the secure file by the State TAA Coordinator, the information shall be imported into  
33 MWorks. This establishes each worker on the list as a potential enrollment into TAA under the petition.  
34 **b)** If the individual's name is not on an available list, but the case manager has documentation of TAA  
35 eligibility, then the case manager shall contact the State TAA Coordinator.  
36 **c)** When an individual worker entered under the petition meets the definition of either an incumbent  
37 worker, a liable state worker, or an agent state worker; the case manager must check the appropriate  
38 box in MWorks. This is necessary to ensure accurate federal reporting.

39 **B. Trade Readjustment Allowances (TRA):**

40 Participants under the 2002 amendment are no longer eligible for TRA benefits.

41 **C. Individual Eligibility, Assessment and Case Management:**

42 **1. *Individual Eligibility Determination & Enrollment Process:***

- 43 **a)** After a Trade Act petition has been certified, impacted workers may submit a request to determine if  
44 they meet individual eligibility requirements for TAA.  
45 **b)** The official request for TAA determination is the ETA-855. This document is used only for Montana  
46 petitions. If workers are/were employed by a Montana Trade certified company and filed a Montana  
47 unemployment claim at the time of layoff, they must apply through Montana even if they live in another  
48 state. If workers living in Montana believe they may be covered by a certified petition in another state

1 and have a UI claim in that state, they must follow procedures in that state, beginning with contact with  
2 the others state's UI/TRA program.

- 3 c) The ETA 855 is to be completed jointly by the impacted workers and TAA case managers. All questions  
4 must be answered carefully and completely. The completed and signed ETA 855 is then submitted to  
5 the TRA Unit/Coordinator for determination.

6 **2. TAA Eligibility Determination:**

- 7 a) Upon receipt of the ETA 855, the TRA Coordinator will review the employer provided list of impacted  
8 workers and declare the worker TAA eligible or ineligible based on whether his/her name appears on  
9 the list. The employer list may have two sections:

10 (1) Workers who have been separated from the business, and

11 (2) Threatened workers - those who are still working and have received a layoff letter. The only  
12 service beyond case management that a threatened worker can receive is pre-layoff or  
13 incumbent worker training.

14 **3. Notification of TAA Eligibility:**

- 15 a) Upon determination, a worker is issued an ETA 857 – Determination of Entitlement TAA and TRA.  
16 Determination for both TAA and TRA are included in the ETA 857.

- 17 b) An eligible determination must be made before delivering TAA services to individuals. Case managers  
18 must inform these workers that requests for specific services cannot be considered until the individual  
19 determination is completed.

20 **4. Enrollment in TAA:**

- 21 a) If the worker is determined to be covered by a qualifying petition, her/she may then be enrolled in TAA  
22 as appropriate. The following must be completed by the case manager:

23 (1) The case manager must create the TAA application, enrollment and other appropriate entries in  
24 MWorks.

25 (2) Conduct or schedule appropriate assessments if not already done for WIOA enrollment.

26 (3) Begin development of an [IEP \(WIOA.16\)](#) if one has not already been initiated for WIOA. TAA  
27 requires a separate Client Agreement signature page.

28 (4) Start an Employment Plan in MWorks and enter activities/services as they are provided - or  
29 update the EP started for WIOA.

30 (a) The [WIOA Application \(WIOA.08\)](#) is used for TAA application purposes. Since most TAA  
31 clients are co-enrolled in WIOA, ensure that the WIOA application is properly signed and  
32 all WIOA requirements are met. If enrollment is done within the 45-day application  
33 window, the same application can be used for WIOA and TAA co-enrollment. If the co-  
34 enrollment occurs 45 days after the initial application is completed, a new WIOA  
35 Application must be completed.

- 36 b) Case managers are to follow instruction for WIOA clients regarding when an employment plan must be  
37 printed and signed.

- 38 c) A client file must be started with the proper documents:

39 (1) ETA 855- Request for Trade Act Determination

40 (2) ETA 857- Determination of Entitlement TAA

41 (3) All other documentation needed for eligibility, enrollment and Data Validation as noted on the  
42 [Dislocated Worker Eligibility Verification Worksheet \(WIOA.11\)](#). This includes documentation of  
43 citizenship or legal alien status and Selective Services registration if applicable.

44 **5. Case Management:**

- 45 a) Case management services are to be made available to clients enrolled in TAA. Case managers are  
46 responsible for delivering the following services and information:

47 (1) Comprehensive and specialized assessment of skill levels and service needs through:

48 (a) Diagnostic testing and use of other assessment tools; and

- (b) In-depth interviewing and evaluation to identify employment barriers and appropriate employment goals.
  - (2) Development of an IEP to identify employment goals and objectives, and appropriate training to achieve those goals and objectives.
  - (3) Information on training available in local and regional areas, information on individual counseling to determine which training is suitable training and information on how to apply for such training.
  - (4) Information on how to apply for financial aid, including referring workers to educational opportunity centers, and notifying workers that the workers may request financial aid administrators at institutions of higher education to use the administrators' discretion under section 479A to use current year income data, rather than preceding year income data, for determining the amount of need of the workers for Federal Financial Assistance under Title IV.
  - (5) Short-term prevocational services, including development of learning skills, communications skills, interviewing skills, punctuality, personal maintenance skills, and professional conduct to prepare individuals for employment or training.
  - (6) Individual career counseling, including job search and placement counseling, during the period in which the individual is receiving a trade adjustment allowance or training and after receiving such training for purposes of job placement.
  - (7) Provision of employment statistics information, including the provision of accurate information relating to local, regional, and national labor market areas, including:
    - (a) Job Vacancy listings in such labor market areas;
    - (b) Information on job skills necessary to obtain jobs identified in job vacancy listings;
    - (c) Information relating to local occupations that are in demand and earnings potential of such occupations; and
    - (d) Skill requirements for local occupations.
  - (8) Information relating to the availability of supportive services, including services relating to child care, transportation, dependent care, housing assistance, and need-related payments that are necessary to enable an individual to participate in training.
  - (9) Co-enrolling in all applicable programs as appropriate.
  - (10) Process application for training, job search, and relocation allowances.
  - (11) Process applications for waivers from training, performing required reviews of waivers, and issuing written denials when appropriate.
  - (12) Coordinating joint training plans and reemployment services as appropriate.
  - (13) Monitor the progress of workers in approved training.
  - (14) Terminating individuals from the program at the appropriate time.
- b) Client responsibilities are as follows:
- (1) Obtaining prior approval for any type of service or assistance from the Trade Program;
  - (2) Informing case manager of progress;
  - (3) Informing case manager of changes (address, phone number, classes or training, personal situations, etc.) in a timely manner (as it is happening, not weeks/months later);
  - (4) Informing case manager of problems in any area (training, personal, financial, etc.) that could impact successful completion of training;
  - (5) Informing case manager of work status (if client quits it can cause UI issues);
  - (6) Timely submission of copies of grades, certifications, diplomas, registration schedule, bills, receipts, etc.
6. *Comprehensive Assessment:*
- a) A complete assessment is an independent, comprehensive evaluation of an individual, designed to identify information vital to the development of a service strategy and to set goals and objectives, which culminate in gainful employment.
  - b) The IEP shall be revised on a regular basis and amended, as appropriate, when additional needs are identified, or goals are achieved. The assessment is a holistic, ongoing, process and should not be

1 viewed as a one-time event. It shall include a full array of options for the client from which program  
2 staff, together with the client, make informed decisions and select the appropriate services, which will  
3 best enable the client to seek and retain long-term self-sufficient employment.

- 4 (1) Assessment means an examination of the capabilities, needs and vocational potential of an  
5 applicant or client.
- 6 (2) An assessment indicates that additional services are appropriate and triggers the completion of  
7 an IEP and registration. A comprehensive assessment is completed upon enrollment in TAA. The  
8 comprehensive assessment provides specific information for the development of the IEP.
- 9 (3) TAA case managers must use the assessment tools provided through the Montana Career  
10 Information System (MCIS) when working with their clients in the comprehensive assessment  
11 process. Using this tool, the client will create a customized electronic portfolio, if one hasn't  
12 already been established, which will guide their career planning and be accessible to partner  
13 program operators such as Adult Basic Education and Vocational Rehabilitation in the event the  
14 client needs to be referred to these partners for services. Providers shall use the LMI and MCIS  
15 tools that are most appropriate to assess the needs of the individual client. If a portfolio has  
16 previously been established, the service provider must review the tools and assessments  
17 available with the client to determine if additional activities are needed.

#### 18 *7. Individual Employment Plan (IEP):*

- 19 a) An IEP is required for TAA clients. It is both a form and a continual process. The IEP is developed in  
20 partnership with the client. The IEP identifies where the client is, where the client wants to be and the  
21 appropriate mix and sequence of services and support to reach a realistic employment goal. The  
22 development of the IEP and updates or revisions shall be based upon the results of the comprehensive  
23 assessment process.
- 24 b) Initially the IEP shall be the basic instrument, which documents:
  - 25 (1) That the client has had an comprehensive assessment; and
  - 26 (2) The decisions made regarding the mix and combination of services for the client, including  
27 referrals.
- 28 c) The IEP form shall include a description of:
  - 29 (1) Short and long term goals(s) and objectives;
  - 30 (2) Appropriate, measurable achievement objectives to meet those goals;
  - 31 (3) Mix and sequence of services and other resources needed;
  - 32 (4) Organizations and/or individuals who will provide those services or resources; and
  - 33 (5) The twelve-months of supplemental follow-up contact with clients who have exited to  
34 unsubsidized employment for performance purposes; and the twelve months of follow-up  
35 services which may be provided to clients who have entered unsubsidized employment to help  
36 them with employment retention, wage gains, and their career progress. The extent of the  
37 follow-up services provided may be based on the availability of funding.
- 38 d) Case managers must use the [IEP Form](#).
- 39 e) A signed copy (signed by program staff and client) must be provided to the client and maintained in the  
40 client's file.
- 41 f) Once the IEP form is complete and the client is enrolled in TAA, case managers must open an MWorks  
42 Employment Plan for that client. The goals, objectives and potential services based on the information  
43 on the IEP Form shall be set up in the MWorks Employment Plan and from that point on, case managers  
44 will use the MWorks Employment Plan as a continuance of the IEP. The MWorks Employment Plan shall  
45 be reviewed regularly, updated quarterly, and documented in case or progress notes.
- 46 g) The client will not be required to sign the MWorks Employment Plan each time the plan is updated  
47 unless there are major changes in the goals.

#### 48 *8. IEP Goals and Objectives:*

- 49 a) Goals and objectives are the desired short and long-term program goals and outcomes and the steps  
50 established between program staff and the client which, when reached, represent successful  
51 completion of that portion of the service plan. For each employment goal there shall be one or more  
52 interim objectives. These objectives should be achievable in manageable steps, enabling the client to  
53 attain success.

1 b) Not every agency can provide all the services indicated by the comprehensive assessment and noted in  
2 the IEP. The expectation is that if the needed services exist and are accessible in a community the  
3 agency will make a reasonable, concerted effort to link clients with those services. However, it is  
4 recognized that enrollment in TAA is neither an entitlement nor legal right to services, nor automatic  
5 access to limited resources. Therefore, it is expected that if needed services are not available, it shall be  
6 documented on the IEP, and alternative plans shall be developed.

7 **9. *Selective Service Registration Requirements:***

8 Please reference the [WIOA Selective Service Registration Requirements Policy](#) for further details.

9 **10. *Social Security Number Requirements:***

10 Please reference the [WIOA Social Security Number Policy](#) for further details.

11 **11. *Liable State/Agent State:***

12 Montana collaborates with other states in assisting eligible workers with the services and benefits  
13 under TAA. This includes eligible Montana residents seeking services in other state or workers from  
14 other states seeking services here. Montana is considered the liable state or agent state depending on  
15 the specific situation.

16 **a) Liable State:**

- 17 (1) This is the state responsible for the administration and delivery of services under the Trade Act  
18 certification. The liable state is responsible for making all determinations for program benefits  
19 and services. In addition, the liable state pays for the following TAA benefits: job search  
20 allowances, relocation allowances and ATAA/RTAA wage subsidy payments.  
21 (2) Montana is the liable state for certified workers laid off from a firm operating in Montana.  
22 Montana makes appropriate final determinations on benefits and services from workers, no  
23 matter where they live at the time of request.  
24 (3) Another state is the liable state when workers are certified in that state and are seeking Trade  
25 Act services in Montana.  
26 (4) MWorks input for federal reporting: on the Utility-Petitions screen, Montana petition clients who  
27 are being served by another state must have the “L” box to the right of their entry checked.

28 **b) Agent State:**

- 29 (1) This is the state assisting the liable state with the delivery of program benefits. The agent state  
30 is responsible for cooperating with the liable state in taking applications and claims for Trade  
31 Act program benefits as well as procuring and paying the cost of any approved training,  
32 including subsistence and transportation costs, according to determinations made by the liable  
33 state.  
34 (2) Montana is the agent state when assisting a worker certified for Trade Act in another state and  
35 the worker is seeking services in Montana. The other state is the liable state and therefore  
36 responsible for the appropriate final decisions. Montana, the agent state, is responsible for  
37 direct contact with the worker and specific payments for approved training, subsistence and  
38 transportation costs.  
39 (3) Another state is the liable state when workers are certified in that state and are seeking Trade  
40 Act services in Montana.  
41 (4) Montana case managers may submit copies of approved Waivers from training directly to  
42 another state. Montana case managers must record the Waiver from training activity in MWorks.  
43 Case managers may encounter rare exceptions to this policy. Contact the State TAA Coordinator  
44 for guidance in these situations.  
45 (5) MWorks input for federal reporting: on the Utility-Petitions screen, Montana petition clients who  
46 are being served by another state must have the “A” box to the right of their entry checked.

1 **D. Reemployment Services:**

2 **1. Training and Approval:**

- 3 **a)** TAA law allows for the following training methods: classroom training, OJT, registered apprenticeship  
4 and customized training.
- 5 **b)** TAA training is a “lifetime” benefit in that, as long as the worker has not attained suitable employment  
6 following the trade impacted dislocation or received other TAA benefits that precluded training, the  
7 worker may access the training benefit several years after the trade impacted layoff and expiration of  
8 the TAA certified petition. However, it can be difficult for DLI to determine TAA eligibility many years after  
9 the dislocation. In those cases where records have been purged in keeping with record retention  
10 regulations, the worker must be able to provide documentation to show they worked for and were laid  
11 off from the trade impacted company during the period noted in the certified petition.

12 **2. Prerequisites for Training Considerations:**

- 13 **a)** The following must be in place prior to approving anyone for TAA training:
- 14 (1) Assessment of the affected worker’s basic skills and other assessments (interest, aptitudes,  
15 etc.) necessary to assist the worker in selecting an appropriate occupational training program.
- 16 (2) Development of an IEP with the affected worker.
- 17 (3) Affected worker must be enrolled in TAA with these services entered in MWorks:
- 18 (a) Rapid Response
- 19 (b) Comprehensive Assessment
- 20 (c) Development of IEP
- 21 (d) Case Management
- 22 (4) The worker completes a training proposal with appropriate assistance from TAA staff.
- 23 (5) The case manager documents that the proposed training meets the six TAA required training  
24 criteria.

25 **3. Training Prohibitions:**

- 26 **a)** The Trade program is designed to move workers into new jobs as quickly and effectively as possible.  
27 The program focuses on early intervention, assessment, and reemployment services. Training strategies  
28 are intended to direct workers to suitable and long-term employment as soon as possible. It should not  
29 be assumed that long-term training combined with income support is the best strategy.
- 30 (1) No individual shall be approved for training for which the individual is required to pay or  
31 reimburse a fee or tuition.
- 32 (2) No individual shall be entitled to more than one training program under a single certification. An  
33 individual may be approved for sequential types of training leading to a specific occupational  
34 outcome. TAA may only pay for one training the leads to credential.
- 35 (3) No individual shall be approved for remedial or prerequisite training as stand-alone training  
36 activities. Remedial or prerequisite training must be followed by TAA occupational training. Often  
37 remedial training is done concurrently with occupational training.
- 38 (4) No individual shall be approved for training that is conducted totally or partially outside the  
39 United States.
- 40 (5) No individual shall be approved for training that leads to self-employment.
- 41 (6) No individual shall be approved to begin a 4-year degree program under TAA. However, TAA may  
42 be used to assist individuals with completing a 4-year degree provided it meets the six TAA  
43 required training criteria, has already been started, can be completed within the maximum  
44 number of weeks allowed by TAA, and the worker can demonstrate they have the financial ability  
45 to complete the training.

46 **4. Required Criteria for Training:**

- 47 **a)** Training (Classroom, OJT, Customized or Registered Apprenticeships) may be considered for eligible  
48 individuals if it is consistent with the assessments, employability plan, and the availability of suitable



1 employment. The purpose of training is to assist the worker with a return to employment as quickly as  
2 possible.

3 **b)** Consideration for approval of any training is based on the six following criteria:

- 4 **(1)** There is no suitable employment available for an adversely affected worker.
- 5 **(2)** The worker would benefit from appropriate training. This means there must be a direct  
6 relationship between the need of the worker for skills training, the program of training, and that  
7 the worker would be job ready upon completion of the training.
- 8 **(3)** There is a reasonable expectation of employment following completion of the training. This  
9 expectation does not require that employment opportunities are immediately available on  
10 completion of the training but rather a fair and objective projection of job market conditions  
11 expected to exist at the time of completion.
- 12 **(4)** Approved training is reasonably available to the worker. This means training is reasonably  
13 accessible within the normal commuting area, including OJT or Customized training. This does  
14 not preclude training outside of the normal commuting area if suitable training is not available  
15 within the area.
- 16 **(5)** The worker is qualified to undertake and complete the training.
  - 17 **(a)** This emphasizes the workers personal qualification including mental and physical  
18 capabilities, education background, work experience and financial resources.
  - 19 **(b)** Testing and use of other assessment tools are strongly recommended. In federal audits,  
20 USDOL seeks testing to justify training. If case managers use tests administered by the  
21 training facility, such as the Acuplacer, documented results must be retained in the  
22 client file.
  - 23 **(c)** Evaluation of financial resources includes an analysis of remaining weeks of UI  
24 payments in relation to the duration of the training. If the worker's UI payments will be  
25 exhausted before the end of the training, the client must provide his/her written and  
26 signed detailed plan of income support to ensure completion of training. This statement  
27 must be retained in the client file.
  - 28 **(d)** Training is to be denied when adequate financial resources are not available to the  
29 worker to complete training that exceeds the duration of UI and TRA. Consideration must  
30 then be given to other training opportunities.
- 31 **(6)** Training is suitable for the worker and available at a reasonable cost.
  - 32 **(a)** Suitable means the training is appropriate given the workers capabilities, background  
33 and experience.
  - 34 **(b)** Costs of training include tuition and related expenses (books, tools, fees, travel or  
35 transportation expenses, and subsistence expenses).
  - 36 **(c)** Considerations for reasonable cost include the following:
    - 37 **(i)** The lowest cost training available in the commuting area.
    - 38 **(ii)** Training outside the normal commuting area that involves transportation or  
39 subsistence costs, which add substantially to the total cost, shall not be  
40 approved if other appropriate training is available.
    - 41 **(iii)** On-line training (distance learning) may be less expensive than in-person training  
42 when subsistence is involved.

#### 43 **5. *Process for Training Approval/Denial:***

44 **a)** Case managers must document that the client's proposed training meets the six required criteria before  
45 training can be approved. Training will be considered approved when the case manager has, based on  
46 the Training Proposal submitted by the client, documented the proposed training meets the six TAA  
47 required criteria for training approval through completion of the Appropriateness Tab in the Client's  
48 MWorks Employment Plan; and has signed both the proposal and a printed copy of the completed  
49 Appropriateness Tab. In classroom training situations, the case manager will also complete both a TAA  
50 Approved **Training Authorization form** and a **UI411**. Both forms must be sent to UI. In the case of OJT,

1 the case manager may proceed to negotiate and sign a training contract/agreement with the employer  
2 and the individual may start work.

- 3 **b)** After documenting that a training proposal meets all six of the TAA required criteria through completion  
4 and printing of the Appropriateness Tab, the case manager must request approval from the State TAA  
5 Coordinator for proposals where the estimated training costs (not including subsistence or  
6 transportation) will exceed \$25,000. When the case manager approves training, which costs the  
7 program nothing (it may be paid by a partner program such as Voc Rehab or VA/GI Bill), the case  
8 manager must still document that the training meets the six TAA required criteria, complete the same  
9 forms, distribute them appropriately, continue to provide case management and monitor the student's  
10 progress.
- 11 **c)** If the training request is denied, the case manager shall issue a Denial Notice containing appeal rights.  
12 The Denial Notice must be sent via certified mail and a copy sent the State TAA Coordinator. A copy  
13 must be sent to UI and retained in the client file. If a worker wishes to appeal, they are directed to send  
14 their appeal letters to the State TAA Coordinator. Before a training proposal is formally denied, the case  
15 manager will work with the client to assist them in coming up with a proposal that will meet the required  
16 criteria.

17 **6. *Benchmarks and Monitoring of Satisfactory Progress:***

- 18 **a)** All TAA approved training plans regardless of duration, method or applicable TAA law must have  
19 benchmarks established at the beginning of the training. Benchmarks must be recorded as tasks in the  
20 MWorks Employment Plan, and a printed and signed copy included in the client's file. Benchmarks must  
21 be monitored and documented at regular intervals. Case managers must obtain completed and signed  
22 Training Benchmarks Progress Review forms from the client or the school at no more than 30 calendar  
23 day intervals. The original forms are to be retained in the clients file.

24 **7. *Attaining Benchmarks:***

- 25 **a)** The impacted worker must attain benchmarks developed for their individual employment. If they fail a  
26 benchmark, a written First Warning TAA Failed Benchmark will be issued. If they fail a second  
27 benchmark, a Second Warning TAA Failed Benchmark will be issued. When the Second Warning is  
28 issued, the worker may choose to:
- 29 (1) Remain in their initial curriculum and continue with their training, or  
30 (2) Modify their training plan. With the modified plan, comes new benchmarks that must be met.

31 **8. *Training Plan Changes:***

- 32 **a)** There may be some situations when an approved training plan can be changed or revised. Changes to  
33 approved plans must have prior approval from the State TAA Coordinator. If the client requests a change  
34 to their approved plan, the case manager must send a request for training plan change to the State TAA  
35 Coordinator that includes the following information:
- 36 (1) Client Name and Client ID  
37 (2) Summary of original training plan (provider, program state/end, number of weeks, total cost)  
38 (3) Proposed change & reason for change  
39 (4) Case manager recommendation
- 40 **b)** When approved, a copy of the approval must be placed in the client's file and a new TAA Training  
41 Approval form shall be completed and distributed accordingly. If a request for change is denied, then  
42 the case manager must send the client a denial letter explaining the reason for the denial.
- 43 **c)** If a change/modification is approved, the MWorks Employment Plan must be updated accordingly  
44 including the addition of benchmarks in the task function under the training service.
- 45 **d)** A change request that increases the cost of the original training will not be approved, unless there are  
46 other factors that outweigh the increased cost – such as a quicker completion of training and/or ability  
47 to become reemployed. Requests for change will not be approved if the change would exceed the  
48 maximum allowed number of weeks of TAA approved training.

1 **9. TAA Approved Training Plan – Defined:**

- 2 **a)** Once the impacted worker has been determined eligible for TAA and is enrolled in MWorks as a TAA  
3 client, the case manager can include any weeks of participation in remedial classes in the TAA approved  
4 training plan. Weeks of attendance prior to MWorks enrollment in TAA cannot be counted toward  
5 remedial time. The clock on TAA allowable weeks of training (aside from remedial) starts with the first  
6 week of attendance in training after the TAA institutional training proposal has been approved, signed  
7 and dated by the case manager. A TAA approved training plan may be funded totally or partially from  
8 TAA funds or may be funded totally or partially through partner program funds.
- 9 **b)** Participation in an internship may or may not be considered part of the TAA Approved Training Plan  
10 depending on the circumstances.

11 **E. Classroom Training:**

12 **1. Classroom Training Criteria:**

- 13 **a)** Approved training shall be of suitable duration to achieve the desired skill level in the shortest possible  
14 time. Training may take place at any bona fide training facility. While training is not limited to facilities  
15 and courses on the [WIOA Eligible Training Provider List](#), case managers are strongly encouraged to use  
16 these schools and courses when available.
- 17 **b)** TAA is obligated to use the least expensive training facility unless facts clearly demonstrate that a  
18 comparably more expensive training plan has higher quality and better placement results than the less  
19 expensive one. In calculating costs of various education plans, case managers must include the  
20 corresponding amounts of UI and subsistence, if applicable.
- 21 **c)** If clients are weighing two education plans of different costs, students may volunteer to apply for Pell  
22 grants to cover the difference between the two. In this case, the school is authorized to apply the Pell to  
23 tuition/books and then bill TAA for the remaining costs. TAA clients cannot be required to apply for Pell  
24 or loans.
- 25 **d)** Case managers have the responsibility of advising clients of the benefits of Pell grants, especially since  
26 TAA cannot offer support services.

27 **2. Length of Classroom Training:**

- 28 **a)** For petitions numbered below 50,000, case managers can approve classroom training up to 104  
29 instructional weeks (including any pre-vocational training or remedial education).
- 30 **b)** For petitions numbered 50,000 and above, case managers can approve classroom training up to a  
31 maximum of 104 instructional weeks and up to an additional 26 weeks, if remedial training is required  
32 for the client, for a maximum of 130 instructional weeks.
- 33 **c)** The case manager can only approve the amount of time necessary (104 weeks of classroom training)  
34 for the clients to gain the skills needed to effectively compete in the local labor market. As determined  
35 by an assessment of the worker's skills, the case manager must encourage clients possessing some  
36 existing marketable skills to enter short-term training such as skill upgrades or certificate programs.

37 **3. Tools and Equipment for Training:**

- 38 **a)** The case manager must approve the purchase of tools if they are required for the training and the cost  
39 is obligated in advance as part of the training contract.
- 40 **b)** In some cases, the purchase of a computer may be approved as a required tool. Case managers must  
41 request approval from the State TAA Coordinator prior to a computer purchase to ensure it meets the  
42 requirements. Case managers shall submit a completed [Computer Purchase Request Questionnaire](#)  
43 [\(WIOA.52\)](#).
- 44 **c)** Internet service is considered an allowable requirement for students in distance learning situations.  
45 Payment for internet service must be requested and have prior authorization and may only be paid on a  
46 month-to-month basis.
- 47 **d)** The client is responsible for all tools issued while in training. TAA funds shall not be used to replace lost  
48 or stolen tools.

- 1 e) Students must submit two estimates for required tools/equipment to their case manager. Payments will  
2 be made to the vendor. Estimates and receipts must be retained in the client file.
- 3 **4. Remedial Training:**
- 4 a) Remedial education is training in which workers gain the basic or elementary skills needed for  
5 reemployment.
- 6 b) Remedial education may include:
- 7 (1) Basic writing and mathematical skills (Adult Basic Education)  
8 (2) English as a second language  
9 (3) Courses leading to a HiSET or GED
- 10 c) Remedial education is included as part of an occupational skills training program. It may be conducted  
11 before skills training begins or conducted concurrently with skills training whenever possible.
- 12 d) A training plan consisting of stand-alone remedial education classes may be approved when a  
13 comprehensive assessment indicates the participant possesses marketable job skills, however, needs  
14 remedial education.
- 15 e) The need for remedial education must be included in the MWorks plan.
- 16 f) College pre-requisite classes are not remedial education.
- 17 **5. Distance Learning:**
- 18 a) Distance learning may be approved if the student is required to interact with an instructor and take  
19 periodic tests.
- 20 b) Clients enrolled in distance learning must provide documentation of their progress to their case  
21 manager every 30 days.
- 22 c) Case managers must have a release of information form in place with the school to enable access to  
23 the student's rate of participation/attendance and academic progress in each course.
- 24 **6. Full-Time/Part-Time:**
- 25 a) TAA approved training must be full-time.
- 26 b) Students may, but are not required to, take more than the full-time credit load as defined by the school.
- 27 **7. TAA Approved Training Authorizations and Obligations:**
- 28 a) The Approved Training Authorizations explain to the training provider the costs that the program agrees  
29 to pay. TAA authorizations must be issued one semester at a time; subsequent authorizations need to  
30 be initiated upon receipt of prior semester grades and upcoming class schedules. A copy of the  
31 authorization must be maintained in the client file.
- 32 b) A copy of the initial TAA Training Authorization and any subsequent authorizations that amend the  
33 training dates must be sent to the TRA Coordinator.
- 34 c) Obligations must be entered in the MIS every semester/quarter at the time case managers verify that  
35 clients are enrolled for classes. When adding funds for subsequent semesters, case managers must  
36 ensure that only necessary estimated amounts for tuition and books are added to obligations.
- 37 **8. Retakes of Required Classes:**
- 38 a) TAA funds may not be used to retake classes.
- 39 **9. Pre-Layoff Training:**
- 40 a) Eligible clients who are under threat of separation but still working at the certified business may begin  
41 TAA classroom training prior to separation. This can shorten the time that the affected worker will be  
42 laid off prior to securing new employment. Clients may not receive subsistence during this time.
- 43 b) Case managers must monitor their situations carefully because if/when the threat of separation is  
44 removed, training must be terminated as soon as the individual finishes the current semester.
- 45 **10. Subsistence/Transportation Payments:**
- 46 a) Case Manager Responsibilities

- 1 (1) The case manager may approve transportation allowances for clients when the training facility is  
2 located outside the client's normal commuting area.
- 3 (2) The case manager may also approve subsistence allowance for a client who is receiving  
4 transportation allowance to attend training outside their normal commuting area. The client may not  
5 be receiving living assistance from any other funding source or partner funded program.
- 6 (3) The case manager may provide subsistence and/or transportation payments for a maximum of 2  
7 weeks at a time. The case manager must approve and obligate transportation and/or subsistence  
8 allowances for the client before they begin claiming allowances.
- 9 (4) The client shall only receive transportation and/or subsistence allowance for days in which the  
10 client attends training as shown by attendance reports.

11 *11. Transportation payments may not exceed the lesser of:*

- 12 a) The actual cost for travel by the least expensive means of transportation reasonably available between  
13 the client's home and the training facility; or
- 14 b) The cost per mile at the prevailing federal mileage rate.

15 *12. Subsistence payments may not exceed the lesser of:*

- 16 a) The actual daily cost for temporary lodging and meals in the area of training; or
- 17 b) 50% of the prevailing federal rate for lodging and meals for the area.

18 **F. On-The-Job Training (OJT):**

19 *1. General Guidance:*

- 20 a) OJTs funded by TAA follow the **WIOA OJT Policy** with two exceptions. The exceptions are a higher  
21 maximum number of weeks for an OJT and restrictions on OJTs in Registered Apprenticeships.
- 22 b) Maximum number of weeks for an OJT:
  - 23 (1) The number of weeks of training that are between 104 and 130 cannot be more than the  
24 number of weeks of the remedial training. Even if the remedial training is more than 26 weeks,  
25 the maximum number of weeks for the total retraining plan cannot exceed 130.
- 26 c) Registered Apprenticeships:
  - 27 (1) If the proposed OJT is for an apprenticeable occupation, TAA funds cannot be used if the  
28 position will be participating in a Registered Apprenticeship. In these situations, the wage  
29 reimbursement aspect of the OJT must be funded by another source. TAA may only cover those  
30 costs associated with the related instruction aspects of the apprenticeship.

31 *2. Registered Apprenticeships:*

- 32 a) Case managers should promote apprenticeship programs to the extent possible under TAA program  
33 guidelines. Case managers must ensure the following conditions are met before approving any  
34 apprenticeship training:
  - 35 (1) The apprenticeship must be a Registered Apprenticeship in the state of Montana or in the state  
36 the client is participating in the apprenticeship.
  - 37 (2) The client completes a comprehensive assessment and develops an appropriate training plan  
38 that justifies the need for apprenticeship training. The client must realize that apprenticeships  
39 are long-term commitments and be willing to thoroughly research the scope and commitment  
40 they need to make to complete the apprenticeship training program.
  - 41 (3) The client can achieve the vocational goal as identified and within the term of the approved  
42 training plan.
  - 43 (4) The apprenticeship training meets the six conditions for the approval of training. [Required](#)  
44 [Criteria for Training](#)
  - 45 (5) The client's attendance in the apprenticeship training is considered full time.
  - 46 (6) The length of the apprenticeship, in its entirety, is within 104 weeks of training allowable under  
47 TAA.
- 48 b) TAA funds for transportation and/or subsistence are allowed while the client is undertaking an  
49 apprenticeship training program.

- c) TAA funds may only be used to reimburse the employer for the costs associated with training the client. TAA funds cannot be used to pay wages directly to the client.
- d) The case manager shall not reimburse the employer for fringe benefits, overtime hours, or hours more than 40 hours per week.
- e) The cost for classroom training (books, tuition & supplies) or other required occupational training provided to the clients as part of an apprenticeship may only be reimbursed directly to the employer or the school.
- f) The purchase of tools and/or equipment to complete the apprenticeship is allowed only when an itemized list of required tools is provided by the apprenticeship or training provider.

### 3. *Customized Training:*

- a) Customized Training means training that is:
  - (1) Designed to meet the special requirements of an employer or group of employers;
  - (2) Conducted with a commitment by the employer or group of employers to employ an individual upon successful completion of the training; and
  - (3) For which the employer pays for a significant portion (but in no case less than 50 percent) of the cost of such training.
- b) Businesses may be reimbursed by the TAA program for no more than 50 percent of the costs incurred in providing the training including staff/instructor time or training materials.
- c) Customized skills training can be provided after a TAA client is hired or if a business makes a commitment to hire the client upon successful completion of the training.

### G. *Supportive Services:*

TAA funding is limited to the specific benefits included in the law and regulations. Subsistence and/or transportation are the only allowable “supportive services” TAA will cover as these are considered training-related expenses.

#### 1. *Job Search Allowance:*

- a) Certified workers who apply for TAA services may be eligible for Job Search Allowances. Job Search Allowances can cover expenses incurred by clients while seeking employment outside their normal commuting area.
- b) Clients may receive reimbursement for 90% of the necessary out-of-area job search not to cumulatively exceed \$1,250. Cumulative expenses for clients with certification numbers below 50,000 shall not exceed \$800.
- c) These funds are to assist clients in securing work within the United States when the case manager determines that no suitable work is available in the commuting area in which the worker resides.

#### 2. *Conditions and Requirements for Job Search Allowance:*

- a) A comprehensive assessment must be completed prior to the approval of any request for job search allowances.
- b) The client must file a job search allowance application no later than one year (365 days) after the date of their last total separation from adversely affected employment or from the date of their certification, whichever is later.
- c) Clients enrolled in TAA approved training must file the application no later than 6 months (182 days) after completion.
- d) A client must request approval in writing prior to conducting the out-of-area job search and they must have a scheduled and confirmed employment interview in order for the case manager to approve the request.
- e) The case manager shall not reimburse out-of-area job search expenses without original receipts as evidence of actual costs.
- f) The client must complete the out-of-area job search within 30 days from the day on which the job search began.

- 1        **3. *Transportation for Job Search:***
- 2        **a)** The amount allowable for transportation will not exceed the lesser of:
- 3                **(1)** 90% of the actual cost of a round trip by the most economical public transportation the worker
- 4                reasonably can be expected to take from the place of residence to the area of the job search; or
- 5                **(2)** 90% of the cost per mile at the prevailing federal mileage rate for such round-trip travel by the
- 6                usual route from the place of residence to the area of the job search.
- 7        **4. *Lodging and Meals for Job Search:***
- 8        **a)** The amount allowable for lodging and meals will not exceed the lesser of:
- 9                **(1)** The actual cost to the worker for lodging and meals while engaged in the job search; or
- 10                **(2)** 50% of the prevailing federal rate for lodging and meals for the locality where the job search is
- 11                being conducted.
- 12        **5. *Advanced Payments for Job Search:***
- 13        **a)** A case manager may advance an individual up to 50% of the amount it is estimated the individual will
- 14        need for their allowed job search expense.
- 15        **b)** The advance can be made within 5 days prior to commencement of a job search.
- 16        **c)** Such advances shall be deducted from any remaining payment made in compliance with this policy.
- 17        **6. *Worker Evidence for Job Search:***
- 18        **a)** On completion of a job search, the individual shall certify on the Job Search Allowance Request form as
- 19        to employer contacts made and amounts expended daily for lodging and meals. Receipts shall be
- 20        required for all lodging and purchased transportation expenses incurred by the individual pursuant to
- 21        the job search. An adjustment shall be made if the amount of an advance is less or more than the
- 22        amount to which the individual is entitled.
- 23        **7. *Relocation Allowances:***
- 24        **a)** Certified workers who apply for TAA services may be eligible for Relocation Allowances. Relocation
- 25        Allowances can provide reimbursement for moving expenses to clients who are successful in obtaining
- 26        employment outside their normal commuting area.
- 27        **b)** A totally separated adversely affected worker covered under a certification may receive a relocation
- 28        allowance when:
- 29                **(1)** It is determined that there is no reasonable expectancy that the client can obtain suitable work
- 30                within the client's commuting area; and
- 31                **(2)** The client has obtained "suitable work", permanent and full-time in nature, or a bona fide offer
- 32                of suitable work, in the area of intended relocation.
- 33        **c)** Clients may receive relocation allowance for 90% of the reasonable and necessary expenses incurred in
- 34        transporting the worker and family, if any, and the household effects to the area of relocation, plus a
- 35        lump sum equal to three times the worker's average weekly wage.
- 36        **d)** The lump sum payment must not exceed a maximum of \$800 for certifications numbered below 50,000
- 37        and \$1,250 for certifications 50,000 and above.
- 38        **8. *Conditions and Requirements for Relocation:***
- 39        **a)** The client must receive an Initial Assessment prior to the approval of any request for relocation
- 40        allowances.
- 41        **b)** The client must request relocation allowances in writing and in advance of the relocation.
- 42        **c)** The client must file an application for relocation allowance within 425 days after the date of the
- 43        certification under which the client is covered, or the date of the client's last total separation from
- 44        adversely affected employment, whichever is later.
- 45        **d)** The client enrolled in approved training must file an application no later than 182 days after completion
- 46        of such training.
- 47        **e)** Actual reimbursement of expenses by the case manager will not be made until and unless a certification
- 48        has been issued and the worker has been determined to be eligible for TAA benefits.

- 1 f) The client must verify to the case manager that they have obtained suitable work or a bona fide offer of  
2 suitable work. Clients enrolled in training are not eligible for relocation assistance until they complete  
3 their training component and obtain a bona fide offer of suitable work.  
4 g) Clients must submit receipts for reimbursement.  
5 h) Clients shall not use TAA funds to cover the costs of relocation paid by a prospective employer or other  
6 programs.  
7 i) The case manager shall exclude the following items from coverage. The client will assume costs for and  
8 personally arrange for transportation of:  
9 (1) Items of high intrinsic or sentimental value;  
10 (2) Jewelry, collector's items, etc.;  
11 (3) Animals;  
12 (4) Boats;  
13 (5) Airplanes;  
14 (6) Camping Vehicles;  
15 (7) Mobile Homes (unless primary residence of employee);  
16 (8) Explosives;  
17 (9) Building Materials;  
18 (10) Dangerous Goods;  
19 (11) Perishable food subject to spoilage; and  
20 (12) Fuel or similar non-household articles.  
21 j) The client is required to submit receipts within 30 days upon completion of the relocation.  
22 k) Using a commercial carrier will require at least two competitive bids or other adequate justification for  
23 the cost of service. Except for extenuating circumstances, a worker must accept reimbursement at the  
24 lowest bid on a move by commercial carrier.  
25 l) The relocation must be completed within one year; and, the one-year time limitation may be extended  
26 for up to one additional year for reasons that are beyond the individual's control and are acceptable to  
27 the State TAA Coordinator.

#### 28 9. *Transportation for Relocation:*

- 29 a) The amount allowable for transportation will not exceed the lesser of:  
30 (1) 90% of the actual cost of the trip for the worker and any dependents by the most economical  
31 public transportation they reasonably can be expected to take from the place of residence to the  
32 area of relocation; or  
33 (2) 90% of the cost per mile at the prevailing federal mileage rate for such a trip for the worker and  
34 any dependents by the usual route from the place of residence to the area of relocation.  
35 b) Up to two privately owned vehicles can be moved by the most direct route at 90% of the prevailing  
36 federal mileage rate provided:  
37 (1) The worker and/or dependent travel to the new location in such vehicle;  
38 (2) The vehicle is driven rather than towed;  
39 (3) No other claim under this move for transportation costs for such worker and/or dependent is  
40 made; and  
41 (4) Other family members and/or household goods will be traveling in the authorized vehicles(s).

#### 42 10. *Lodging and Meals for Relocation:*

- 43 a) The amount allowable for lodging and meals will not exceed the lesser of:  
44 (1) 90% of the actual expense for lodging and meals; or  
45 (2) 90% of the allowable 50% of the prevailing federal rate for lodging and meals.  
46 b) Payment will be limited to the number of days reasonably necessary to travel to the new location when  
47 traveling by personal vehicle. If more than one day of travel is necessary, 425 miles per day will be the  
48 standard. When traveling by commercial air, one day is normally allowed for travel. Lodging and meals  
49 at the new location may be authorized for a reasonable period when circumstances warrant. Receipts  
50 must be submitted by the worker, even when the federal rate for lodging and meals is used.



1 **11. Moving for Relocation:**

- 2 a) The amount allowable for moving will not exceed 90% of the cost of moving the household goods of the  
3 worker and family and 90% of the reasonable cost of insurance for moving such household goods or  
4 moving a mobile home by commercial carrier or other means of transport to the new location.  
5 b) The total amount allowable for moving must not exceed the cost of moving a maximum of 18,000  
6 pounds of household goods between the same origin and destination points by commercial carrier. The  
7 client will pay charges for weights in excess of 18,000 pounds.

8 **12. Storage for Relocation:**

- 9 a) The case manager shall allow storage costs for up to 60 days at either the origin or destination, but not  
10 both. The request for storage must be approved prior to the move and cost for storage must be  
11 identified.

12 **13. Advanced Payments for Relocation:**

- 13 a) A case manager may advance an individual up to 50% of the amount it is estimated the individual will  
14 need for their relocation.  
15 b) The advance can be made within 5 days prior to commencement of the relocation.  
16 c) Such advances shall be deducted from any remaining payment made in compliance with this policy.

17 **H. Administration:**

18 **1. Denials and Appeals:**

- 19 a) The service provider may issue a written determination denying a TAA activity (Job Search Allowances,  
20 Relocation Allowances, Classroom Training, On the Job Training, or Customized Training) with the  
21 concurrence of the State TAA Coordinator. The service provider must submit the **TAA Denial Notice**  
22 **Form.**
- 23 (1) Prior to making a determination to deny services, the service provider must make every effort to  
24 work with the client to modify their request to develop an approvable training plan.
  - 25 (2) Prior to making a determination to deny services, the service provider shall contact the State  
26 TAA Coordinator to discuss and review the denial prior to issuing a formal decision.
  - 27 (3) The service provider shall submit the draft determination along with the basis for the decision  
28 and supporting information to the State TAA Coordinator.
  - 29 (4) If the State TAA Coordinator disagrees with the decision to deny benefits, the State TAA  
30 Coordinator shall request that the service provider provide additional documentation stating the  
31 reason(s) for the denial, identifying the law, Federal Regulations, State Policy, or directive  
32 justifying the decision.
  - 33 (5) When the State TAA Coordinator agrees with the decision to deny benefits, the State TAA  
34 Coordinator shall notify the service provider in writing to proceed with the denial.
  - 35 (6) Upon receipt of the written concurrence from the State TAA Coordinator to deny benefits, the  
36 service provider shall send a formal written **TAA Denial Notice** determination to the client that  
37 includes information on the client's appeal rights.
  - 38 (7) The service provider will send a copy of the formal determination to the State TAA Coordinator.
- 39 b) A client who receives a written determination denying benefits and does not agree with the decision has  
40 the right to file an appeal. The client must file the appeal within 10 days after the date of notification.  
41 c) The client must file the appeal with the service provider's office that will then contact the State TAA  
42 Coordinator for guidance on processing the appeal.

43 **2. Technical Assistance:**

- 44 a) Technical assistance and training may be recommended by the monitoring unit or requested by the  
45 service provider. Technical assistance may be the means of improving program operation, facilitating  
46 the implementation of corrective action or providing information. The State TAA Coordinator may  
47 provide technical assistance and training directly or outside sources may be used. Such requests  
48 should be coordinated through the State TAA Coordinator.

- 1 b) Requests for minor technical assistance may be submitted verbally or in writing. If major assistance or  
2 assistance in several areas is requested, the request should be in writing, so staff has sufficient  
3 information to decide on the most appropriate form and level of assistance to provide. If several  
4 service providers request assistance in related areas, a general training session may be scheduled.  
5 c) The State TAA Coordinator may schedule technical assistance visits to service providers to provide  
6 information or special training, discuss areas of concern, evaluate program operation, or any  
7 combination thereof.

8 I. Program Performance:

9 1. Program Participation and Exit Under Common Measures:

10 Please reference the [Performance Reporting Requirements Policy](#) for further details.

11 2. Data Validation and Quality Control:

12 Please reference the [Quality Control Policy](#) for further details.

13 J. Fiscal:

14 Please reference the [Cost Principles, Allowable Costs and Unallowable Costs Policies](#) for further details.

15 Please reference the [Cash Management Policy](#) for further details. The requisition and signature forms  
16 required in the Cash Management Policy do not apply to the TAA program.

17 1. Expenditures and Reporting:

18 a) Program costs include training, job search assistance, and relocation allowances.

19 b) All TAA funds must be expended in accordance with the provisions of this policy. Any expenditure of  
20 funds which does not comply with these provisions will be deemed disallowed and subject to repayment  
21 by a non-federal source.

22 c) Reimbursements made directly to a client can only be made when presented with receipts.

23 d) [Lost and Stolen Check Policy](#)

24 2. Program Income:

25 a) [2 CFR 200.307 Program Income Uniform Guidance](#)

26 3. Fiscal Record Retention:

27 a) [Records Retention Policy](#)

28 K. Management Information System:

29 [Adult and Dislocated Worker Assessments, IEP \(WIOA.16\), Activities and Services, Case Management  
30 and Career Plan](#)

31 III. Monitoring and Evaluation:

32 A formal monitoring will be conducted on an annual basis.

33 IV. References:

- 34 • [Trade Act of 1974, as amended](#)  
35 • [Trade Act of 2002; Public Law 107-210](#)  
36 • [TEGL 11-02 Operating Instruction for Implement the Amendments to the Trade Act of 1974 Enacted by  
37 the Trade Act of 2002](#)  
38 • [TEGL 11-02, Change 1 Operating Instruction for Implement the Amendments to the Trade Act of 1974  
39 Enacted by the Trade Act of 2002](#)  
40 • [TEGL 11-02, Change 3 Operating Instruction for Implement the Amendments to the Trade Act of 1974  
41 Enacted by the Trade Act of 2002](#)  
42 • [TEGL 10-11 Operating Instructions for Implementing the Amendments to the Trade Act of 1974 Enacted  
43 by the Trade Adjustment Assistance Extension Act of 2011 \(TAAEA\)](#)