



Montana Department of LABOR & INDUSTRY

1
2 **Division: Workforce Services Division**
3 **Category: Programs**
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7 Trade Adjustment Assistance (TAA) 2011 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 an article or item; produced component parts of finished articles
13 produced by customer(s); supplied testing, packaging, maintenance & transportation services to
14 companies with TAA certification; supplied a service; or been identified in an Internal Trade Commission
15 (TIC) “injury” determination. Shift in production or increased imports can be from any foreign country.
- 16 **c)** TAAP will initiate an investigation to determine whether foreign trade contributed significantly to
17 decreased sales and/or production and to worker separations. If so, the affected group of workers is
18 certified as eligible to apply for TAA. The certification will contain an “Impact Date” which may be up to
19 one year prior to the date of the petition. The certification period begins on the Impact Date and ends
20 two years after the Certification Date, unless an earlier Termination Date is specified in the certification.
- 21 **d)** The Trade Readjustment Assistance (TRA) Coordinator will notify potentially covered workers that their
22 employer has been certified. The notice will instruct each worker to contact the One Stop Center to
23 apply for an individual determination of entitlement to TAA benefits. TAA and TRA entitlements are
24 determined separately. The notice of entitlement will indicate that the worker is entitled to TRA and/or
25 TAA.
- 26 **e)** Workers totally or partially separated, as well as workers who receive a threat of separation, within the
27 certification period are eligible to apply for TAA.

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

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

1 filed with both entities. If USDOL and DLI do not receive a petition on the same day the petition
2 will be considered filed on the later of the two different receipt dates.

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

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

11 **e) Services Available:**

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

33 **3. *Post Determination:***

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

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

42 Participants under the 2011 amendment are no longer eligible for TRA benefits.

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

44 **3. *Individual Eligibility Determination & Enrollment Process:***

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

1 state. If workers living in Montana believe they may be covered by a certified petition in another state
2 and have a UI claim in that state, they must follow procedures in that state, beginning with contact with
3 the others state's UI/TRA program.

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

7 **4. TAA Eligibility Determination:**

- 8 a) Upon receipt of the ETA 855, the TRA Coordinator will review the employer provided list of impacted
9 workers and declare the worker TAA eligible or ineligible based on whether or not his/her name appears
10 on the list. The employer list may have two sections:

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

15 **5. Notification of TAA Eligibility:**

- 16 a) Upon determination, a worker is issued an ETA 857 – Determination of Entitlement TAA. Determination
17 for both TAA and TRA are included in the ETA 857.
18 b) An eligible determination must be made before delivering TAA services to individuals. Case managers
19 must inform these workers that requests for specific services cannot be considered until the individual
20 determination is completed.

21 **6. Enrollment in TAA:**

- 22 a) If the worker is determined to be covered by a qualifying petition, her/she may then be enrolled in TAA
23 as appropriate. The following must be completed by the case manager:
24 (1) The case manager must create the TAA application, enrollment and other appropriate entries in
25 MWorks.
26 (2) Conduct or schedule appropriate assessments if not already done for WIOA enrollment.
27 (3) Begin development of an [IEP \(WIOA.16\)](#) if one has not already been initiated for WIOA. TAA
28 requires a separate Client Agreement signature page.
29 (4) Start an Employment Plan in MWorks and enter activities/services as they are provided - or
30 update the EP started for WIOA.
31 (a) The [WIOA Application \(WIOA.08\)](#) is used for TAA application purposes. Since most TAA
32 clients are co-enrolled in WIOA, ensure that the WIOA application is properly signed and
33 all WIOA requirements are met. If enrollment is done within the 45-day application
34 window, the same application can be used for WIOA and TAA co-enrollment. If the co-
35 enrollment occurs 45 days after the initial application is completed, a new WIOA
36 Application must be completed.
37 b) Case managers are to follow instruction for WIOA clients regarding when an employment plan must be
38 printed and signed.
39 c) A client file must be started with the proper documents:
40 (1) ETA 855- Request for Trade Act Determination
41 (2) ETA 857- Determination of Entitlement TAA
42 (3) All other documentation needed for eligibility, enrollment and Data Validation as noted on the
43 [Dislocated Worker Eligibility Verification Worksheet \(WIOA.11\)](#). This includes documentation of
44 citizenship or legal alien status and Selective Services registration if applicable.

45 **7. Case Management:**

- 46 a) Case management services are to be made available to clients enrolled in TAA. Case managers are
47 responsible for delivering the following services and information:
48 (1) Comprehensive and specialized assessment of skill levels and service needs through:
49 (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.

8. *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 9. *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 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 10. *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 **11. Selective Service Registration Requirements:**

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

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

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

11 **13. 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) Case managers may make the provision of job search allowances and relocation allowances
22 discretionary benefits rather than entitlements. Montana has opted to continue providing these
23 benefits. Individuals who are agent state clients must apply for the benefits with the liable state.
24 If the liable state does not offer these benefits, they will deny the request. Montana's TAA
25 program cannot cover these costs if the liable state denies the benefit.
26 (3) Montana is the liable state for certified workers laid off from a firm operating in Montana.
27 Montana makes appropriate final determinations on benefits and services from workers, no
28 matter where they live at the time of request.
29 (4) Another state is the liable state when workers are certified in that state and are seeking Trade
30 Act services in Montana.
31 (5) MWorks input for federal reporting: on the Utility-Petitions screen, Montana petition clients who
32 are being served by another state must have the "L" box to the right of their entry checked.

33 **b) Agent State:**

- 34 (1) This is the state assisting the liable state with the delivery of program benefits. The agent state
35 is responsible for cooperating with the liable state in taking applications and claims for Trade
36 Act program benefits as well as procuring and paying the cost of any approved training,
37 including subsistence and transportation costs, according to determinations made by the liable
38 state.
39 (2) Montana is the agent state when assisting a worker certified for Trade Act in another state and
40 the worker is seeking services in Montana. The other state is the liable state and therefore
41 responsible for the appropriate final decisions. Montana, the agent state, is responsible for
42 direct contact with the worker and specific payments for approved training, subsistence and
43 transportation costs.
44 (3) Another state is the liable state when workers are certified in that state and are seeking Trade
45 Act services in Montana.
46 (4) Montana case managers may submit copies of approved Waivers from training directly to
47 another state. Montana case managers must record the Waiver from training activity in MWorks.
48 Case managers may encounter rare exceptions to this policy. Contact the State TAA Coordinator
49 for guidance in these situations.

- 1 (5) MWorks input for federal reporting: on the Utility-Petitions screen, Montana petition clients who
2 are being served by another state must have the “A” box to the right of their entry checked.

3 **D. Reemployment Services:**

4 **1. Training and Approval:**

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

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

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

27 **3. Training Prohibitions:**

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

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

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

46 **5. Process for Training Approval/Denial:**

- 47 **a)** Case managers must document that the client's proposed training meets the six required criteria before
48 training can be approved. Training will be considered approved when the case manager has, based on
49 the Training Proposal submitted by the client, documented the proposed training meets the six TAA
50 required criteria for training approval through completion of the Appropriateness Tab in the Client's
51 MWorks Employment Plan; and has signed both the proposal and a printed copy of the completed

1 Appropriateness Tab. In classroom training situations, the case manager will also complete both a TAA
2 Approved **Training Authorization** form and a **UI411**. Both forms must be sent to UI. In the case of OJT,
3 the case manager may proceed to negotiate and sign a training contract/agreement with the employer
4 and the individual may start work.

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

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

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

26 **7. *Attaining Benchmarks:***

- 27 **a)** The impacted worker must attain benchmarks developed for their individual employment. If they fail a
28 benchmark, a written First Warning TAA Failed Benchmark will be issued. If they fail a second
29 benchmark, a Second Warning TAA Failed Benchmark will be issued. When the Second Warning is
30 issued, the worker may choose to:
- 31 (1) Remain in their initial curriculum and continue with their training, or
32 (2) Modify their training plan. With the modified plan, comes new benchmarks that must be met.
- 33 **b)** Modifying the plan provides the worker another opportunity to succeed in training. If they fail a
34 benchmark in their modified plan, a written First Warning TAA Failed Benchmark will be issued.
- 35 **c)** Even though the worker will not receive a Completion TRA after a second failure on their modified
36 training plan, they may continue in their TAA training provided they will be able to successfully complete
37 without exceeding their maximum number of TAA training weeks allowed. Reviews of their progress
38 toward successful completion will continue to be conducted at no more than 30 calendar day intervals.

39 **8. *Training Plan Changes:***

- 40 **a)** There may be some situations when an approved training plan can be changed or revised. Changes to
41 approved plans must have prior approval from the State TAA Coordinator. If the client requests a change
42 to their approved plan, the case manager must send a request for training plan change to the State TAA
43 Coordinator that includes the following information:
- 44 (1) Client Name and Client ID
45 (2) Summary of original training plan (provider, program state/end, number of weeks, total cost)
46 (3) Proposed change & reason for change
47 (4) Case manager recommendation

- 1 b) When approved, a copy of the approval must be placed in the clients file and a new TAA Training
2 Approval form shall be completed and distributed accordingly. If a request for change is denied, then
3 the case manager must send the client a denial letter explaining the reason for the denial.
4 c) If a change/modification is approved, the MWorks Employment Plan must be updated accordingly
5 including the addition of benchmarks in the task function under the training service.
6 d) A change request that increases the cost of the original training will not be approved, unless there are
7 other factors that outweigh the increased cost – such as a quicker completion of training and/or ability
8 to become reemployed. Requests for change will not be approved if the change would exceed the
9 maximum allowed number of weeks of TAA approved training.

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

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

21 **E. Classroom Training:**

22 **1. Classroom Training Criteria:**

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

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

- 38 a) Case managers can approve classroom training up to 117 instructional weeks.
39 b) Case managers can approve classroom training up to a maximum of 117 instructional weeks and up to
40 an additional 13 weeks of completion, if needed, for a maximum of 130 instructional weeks.
41 c) As determined by an assessment of the worker's skills, the case manager must encourage clients
42 possessing some existing marketable skills to enter short-term training such as skill upgrades or
43 certificate programs.

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

- 45 a) The case manager must approve the purchase of tools if they are required for the training and the cost
46 is obligated in advance as part of the training contract.
47 b) The purchase of a personal computer may be approved as a required tool if it is part of the class
48 syllabus. Case managers must request approval from the State TAA Coordinator prior to a computer

- 1 purchase. Case managers shall submit a completed [Computer Purchase Request Questionnaire](#)
2 [\(WIOA.52\)](#).
- 3 c) Internet service is considered an allowable requirement for students in distance learning situations.
4 Payment for internet service must be requested and have prior authorization and may only be paid on a
5 month-to-month basis.
- 6 d) The client is responsible for all tools issued while in training. TAA funds shall not be used to replace lost
7 or stolen tools.
- 8 e) Students must submit two estimates for required tools/equipment to their case manager. Payments will
9 be made to the vendor. Estimates and receipts must be retained in the client file.
- 10 **4. Remedial Training:**
- 11 a) Remedial education is training in which workers gain the basic or elementary skills needed for
12 reemployment.
- 13 b) Remedial education may include:
14 (1) Basic writing and mathematical skills (Adult Basic Education)
15 (2) English as a second language
16 (3) Courses leading to a HiSET or GED
- 17 c) Remedial education is included as part of an occupational skills training program. It may be conducted
18 before skills training begins or conducted concurrently with skills training whenever possible.
- 19 d) A training plan consisting of stand-alone remedial education classes may be approved when a
20 comprehensive assessment indicates the participant possesses marketable job skills, however, needs
21 remedial education.
- 22 e) The need for remedial education must be included in the MWorks plan.
- 23 f) College pre-requisite classes are not remedial education.
- 24 **5. Distance Learning:**
- 25 a) Distance learning may be approved if the student is required to interact with an instructor and take
26 periodic tests.
- 27 b) Clients enrolled in distance learning must provide documentation of their progress to their case
28 manager every 30 days.
- 29 c) Case managers must have a release of information form in place with the school to enable access to
30 the student's rate of participation/attendance and academic progress in each course.
- 31 **6. Full-Time/Part-Time:**
- 32 a) TAA approved training may be full-time.
- 33 b) Part-time training is allowable if a client is working full-time.
- 34 c) Students may, but are not required to, take more than the full-time credit load as defined by the school.
- 35 **7. TAA Approved Training Authorizations and Obligations:**
- 36 a) The Approved Training Authorizations explain to the training provider the costs that the program agrees
37 to pay. TAA authorizations must be issued one semester at a time; subsequent authorizations need to
38 be initiated upon receipt of prior semester grades and upcoming class schedules. A copy of the
39 authorization must be maintained in the client file.
- 40 b) A copy of the initial TAA Training Authorization and any subsequent authorizations that amend the
41 training dates must be sent to the TRA Coordinator.
- 42 c) Obligations must be entered in the MIS every semester/quarter at the time case managers verify that
43 clients are enrolled for classes. When adding funds for subsequent semesters, case managers must
44 ensure that only necessary estimated amounts for tuition and books are added to obligations.
- 45 **8. Retakes of Required Classes:**
- 46 a) TAA funds may not be used to retake classes.

1 **9. *Pre-Layoff Training:***

- 2 **a)** Eligible clients who are under threat of separation but still working at the certified business may begin
3 TAA classroom training prior to separation. This can shorten the time that the affected worker will be
4 laid off prior to securing new employment. Clients may not receive subsistence during this time. Pre-
5 separation training cannot be approved for:
6 (1) OJT, or
7 (2) Customized training.
8 **b)** Case managers must monitor their situations carefully because if/when the threat of separation is
9 removed, training must be terminated as soon as the individual finishes the current semester.

10 **14. *Subsistence/Transportation Payments:***

- 11 **a)** Case Manager Responsibilities:
12 (1) The case manager may approve transportation allowances for clients when the training facility is
13 located outside the client's normal commuting area.
14 (2) The case manager may also approve subsistence allowance for a client who is receiving
15 transportation allowance to attend training outside their normal commuting area. The client may
16 not be receiving living assistance from any other funding source or partner funded program.
17 (3) The case manager may provide subsistence and/or transportation payments for a maximum of
18 2 weeks at a time. The case manager must approve and obligate transportation and/or
19 subsistence allowances for the client before they begin claiming allowances.
20 (4) The client shall only receive transportation and/or subsistence allowance for days in which the
21 client attends training as shown by attendance reports.

22 **15. *Transportation payments may not exceed the lesser of:***

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

26 **16. *Subsistence payments may not exceed the lesser of:***

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

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

30 **1. *General Guidance:***

- 31 **a)** OJTs funded by TAA follow the **WIOA OJT Policy** with two exceptions. The exceptions are a higher
32 maximum number of weeks for an OJT and restrictions on OJTs in Registered Apprenticeships.
33 **b)** Maximum number of weeks for an OJT:
34 (1) A maximum of 117 weeks of training may be approved.
35 **c)** Registered Apprenticeships:
36 (1) If the proposed OJT is for an apprenticeable occupation, TAA funds cannot be used if the
37 position will be participating in a Registered Apprenticeship. In these situations, the wage
38 reimbursement aspect of the OJT must be funded by another source. TAA may only cover those
39 costs associated with the related instruction aspects of the apprenticeship.

40 **2. *Registered Apprenticeships:***

- 41 **a)** Case managers should promote apprenticeship programs to the extent possible under TAA program
42 guidelines. Case managers must ensure the following conditions are met before approving any
43 apprenticeship training:
44 (1) The apprenticeship must be a Registered Apprenticeship in the state of Montana or in the state
45 the client is participating in the apprenticeship.
46 (2) The client completes a comprehensive assessment and develops an appropriate training plan
47 that justifies the need for apprenticeship training. The client must realize that apprenticeships

1 are long-term commitments and be willing to thoroughly research the scope and commitment
2 they need to make to complete the apprenticeship training program.

- 3 (3) The client can achieve the vocational goal as identified and within the term of the approved
4 training plan.
- 5 (4) The apprenticeship training meets the six conditions for the approval of training. [Required](#)
6 [Criteria for Training](#)
- 7 (5) The client's attendance in the apprenticeship training is considered full time.
- 8 (6) The length of the apprenticeship, in its entirety, is within 117 weeks of training allowable under
9 TAA.

- 10 b) No TAA payments or funds for transportation and/or subsistence are allowed while the client is
11 undertaking an apprenticeship training program.
- 12 c) TAA funds may only be used to reimburse the employer for the costs associated with training the client.
13 TAA funds cannot be used to pay wages directly to the client.
- 14 d) The case manager shall not reimburse the employer for fringe benefits, overtime hours, or hours more
15 than 40 hours per week.
- 16 e) The cost for classroom training (books, tuition & supplies) or other required occupational training
17 provided to the clients as part of an apprenticeship may only be reimbursed directly to the employer or
18 the school.
- 19 f) The purchase of tools and/or equipment to complete the apprenticeship is allowed only when an
20 itemized list of required tools is provided by the apprenticeship or training provider.

21 3. *Customized Training:*

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

32 G. *Supportive Services:*

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

36 1. *Job Search Allowance:*

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

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

- 45 a) An assessment must be completed prior to the approval of any request for job search allowances.
- 46 b) The client must file a job search allowance application no later than one year (365 days) after the date
47 of their last total separation from adversely affected employment or from the date of their certification,
48 whichever is later.

- 1 c) Clients enrolled in TAA approved training must file the application no later than 6 months (182 days)
2 after completion.
3 d) A client must request approval in writing prior to conducting the out-of-area job search and they must
4 have a scheduled and confirmed employment interview in order for the case manager to approve the
5 request.
6 e) The case manager shall not reimburse out-of-area job search expenses without original receipts as
7 evidence of actual costs.
8 f) The client must complete the out-of-area job search within 30 days from the day on which the job
9 search began.

10 **3. *Transportation for Job Search:***

- 11 a) The amount allowable for transportation will not exceed the lesser of:
12 (1) 90% of the actual cost of a round trip by the most economical public transportation the worker
13 reasonably can be expected to take from the place of residence to the area of the job search; or
14 (2) 90% of the cost per mile at the prevailing federal mileage rate for such round-trip travel by the
15 usual route from the place of residence to the area of the job search.

16 **4. *Lodging and Meals for Job Search:***

- 17 a) The amount allowable for lodging and meals will not exceed the lesser of:
18 (1) The actual cost to the worker for lodging and meals while engaged in the job search; or
19 (2) 50% of the prevailing federal rate for lodging and meals for the locality where the job search is
20 being conducted.

21 **5. *Advanced Payments for Job Search:***

- 22 a) A case manager may advance an individual up to 50% of the amount it is estimated the individual will
23 need for their allowed job search expense.
24 b) The advance can be made within 5 days prior to commencement of a job search.
25 c) Such advances shall be deducted from any remaining payment made in compliance with this policy.

26 **6. *Worker Evidence for Job Search:***

- 27 a) On completion of a job search, the individual shall certify on the Job Search Allowance Request form as
28 to employer contacts made and amounts expended daily for lodging and meals. Receipts shall be
29 required for all lodging and purchased transportation expenses incurred by the individual pursuant to
30 the job search. An adjustment shall be made if the amount of an advance is less or more than the
31 amount to which the individual is entitled.

32 **7. *Relocation Allowances:***

- 33 a) Certified workers who apply for TAA services may be eligible for Relocation Allowances. Relocation
34 Allowances can provide reimbursement for moving expenses to clients who are successful in obtaining
35 employment outside their normal commuting area.
36 b) A totally separated adversely affected worker covered under a certification may receive a relocation
37 allowance when:
38 (1) It is determined that there is no reasonable expectancy that the client can obtain suitable work
39 within the client's commuting area; and
40 (2) The client has obtained "suitable work", permanent and full-time in nature, or a bona fide offer
41 of suitable work, in the area of intended relocation.
42 c) Clients may receive relocation allowance for 90% of the reasonable and necessary expenses incurred in
43 transporting the worker and family, if any, and the household effects to the area of relocation, plus a
44 lump sum equal to three times the worker's average weekly wage.
45 d) The lump sum payment must not exceed \$1,250.

46 **8. *Conditions and Requirements for Relocation:***

- 47 a) The client must receive an Assessment prior to the approval of any request for relocation allowances.
48 b) The client must request relocation allowances in writing and in advance of the relocation.

- 1 c) The client must file an application for relocation allowance within 425 days after the date of the
2 certification under which the client is covered, or the date of the client's last total separation from
3 adversely affected employment, whichever is later.
- 4 d) The client enrolled in approved training must file an application no later than 182 days after completion
5 of such training.
- 6 e) Actual reimbursement of expenses by the case manager will not be made until and unless a certification
7 has been issued and the worker has been determined to be eligible for TAA benefits.
- 8 f) The client must verify to the case manager that they have obtained suitable work or a bona fide offer of
9 suitable work. Clients enrolled in training are not eligible for relocation assistance until they complete
10 their training component and obtain a bona fide offer of suitable work.
- 11 g) Clients must submit receipts for reimbursement.
- 12 h) Clients shall not use TAA funds to cover the costs of relocation paid by a prospective employer or other
13 programs.
- 14 i) The case manager shall exclude the following items from coverage. The client will assume costs for and
15 personally arrange for transportation of:
- 16 (1) Items of high intrinsic or sentimental value;
17 (2) Jewelry, collector's items, etc.;
18 (3) Animals;
19 (4) Boats or personal water craft;
20 (5) Airplanes;
21 (6) Camping Vehicles;
22 (7) Farming Vehicles;
23 (8) Explosives or dangerous goods;
24 (9) Outside fuel tanks or similar non-household articles;
25 (10) Cord Wood and building materials;
26 (11) Perishable food subject to spoilage; and
27 (12) Mobile/manufactured homes (unless primary residence of employee).
28 (13) Snowmobiles, quads, golf carts and other vehicles with two or three wheels (e.g.
29 motorcycles, mopeds, Segways, etc.) may be shipped as household goods. The weight of these
30 vehicles will count against the 18,000-pound limit for which reimbursement is available. A client
31 must pay for 100% of the associated costs for the weight of household goods in excess of the
32 18,000-pound allowance.
- 33 j) The client is required to submit receipts within 30 days upon completion of the relocation.
- 34 k) Using a commercial carrier will require at least two competitive bids or other adequate justification for
35 the cost of service. Except for extenuating circumstances, a worker must accept reimbursement at the
36 lowest bid on a move by commercial carrier.
- 37 l) The relocation must be completed within one year; and, the one-year time limitation may be extended
38 for up to one additional year for reasons that are beyond the individual's control and are acceptable to
39 the State TAA Coordinator.

40 **9. *Transportation for Relocation:***

- 41 a) The amount allowable for transportation will not exceed the lesser of:
- 42 (1) 90% of the actual cost of the trip for the worker and any dependents by the most economical
43 public transportation they reasonably can be expected to take from the place of residence to the
44 area of relocation; or
- 45 (2) 90% of the cost per mile at the prevailing federal mileage rate for such a trip for the worker and
46 any dependents by the usual route from the place of residence to the area of relocation.
- 47 b) Up to two privately owned vehicles can be moved by the most direct route at 90% of the prevailing
48 federal mileage rate provided:
- 49 (1) The worker and/or dependent travel to the new location in such vehicle;
50 (2) The vehicle is driven rather than towed;

- 1 (3) No other claim under this move for transportation costs for such worker and/or dependent is
2 made; and
3 (4) Other family members and/or household goods will be traveling in the authorized vehicles(s).

4 **10. Lodging and Meals for Relocation:**

- 5 a) The amount allowable for lodging and meals will not exceed the lesser of:
6 (1) 90% of the actual expense for lodging and meals; or
7 (2) 90% of the allowable 50% of the prevailing federal rate for lodging and meals.
8 b) Payment will be limited to the number of days reasonably necessary to travel to the new location when
9 traveling by personal vehicle. If more than one day of travel is necessary, 425 miles per day will be the
10 standard. When traveling by commercial air, one day is normally allowed for travel. Lodging and meals
11 at the new location may be authorized for a reasonable period when circumstances warrant. Receipts
12 must be submitted by the worker, even when the federal rate for lodging and meals is used.

13 **11. Moving for Relocation:**

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

20 **12. Storage for Relocation:**

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

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

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

29 **H. Administration:**

30 **1. Denials and Appeals:**

- 31 a) The service provider may issue a written determination denying a TAA activity (Job Search Allowances,
32 Relocation Allowances, Classroom Training, On the Job Training, or Customized Training) with the
33 concurrence of the State TAA Coordinator. The service provider must submit the **TAA Denial Notice**
34 **Form**.
35 (1) Prior to making a determination to deny services, the service provider must make every effort to
36 work with the client to modify their request to develop an approvable training plan.
37 (2) Prior to making a determination to deny services, the service provider shall contact the State
38 TAA Coordinator to discuss and review the denial prior to issuing a formal decision.
39 (3) The service provider shall submit the draft determination along with the basis for the decision
40 and supporting information to the State TAA Coordinator.
41 (4) If the State TAA Coordinator disagrees with the decision to deny benefits, the State TAA
42 Coordinator shall request that the service provider provide additional documentation stating the
43 reason(s) for the denial, identifying the law, Federal Regulations, State Policy, or directive
44 justifying the decision.
45 (5) When the State TAA Coordinator agrees with the decision to deny benefits, the State TAA
46 Coordinator shall notify the service provider in writing to proceed with the denial.

1 (6) Upon receipt of the written concurrence from the State TAA Coordinator to deny benefits, the
2 service provider shall send a formal written **TAA Denial Notice** determination to the client that
3 includes information on the client's appeal rights.

4 (7) The service provider will send a copy of the formal determination to the State TAA Coordinator.

- 5 b) A client who receives a written determination denying benefits and does not agree with the decision has
6 the right to file an appeal. The client must file the appeal within 10 days after the date of notification.
7 c) The client must file the appeal with the service provider's office that will then contact the State TAA
8 Coordinator for guidance on processing the appeal.

9 **2. Technical Assistance:**

- 10 a) Technical assistance and training may be recommended by the monitoring unit or requested by the
11 service provider. Technical assistance may be the means of improving program operation, facilitating
12 the implementation of corrective action or providing information. The State TAA Coordinator may provide
13 technical assistance and training directly or outside sources may be used. Such requests should be
14 coordinated through the State TAA Coordinator.
15 b) Requests for minor technical assistance may be submitted verbally or in writing. If major assistance or
16 assistance in several areas is requested, the request should be in writing, so staff has sufficient
17 information to decide on the most appropriate form and level of assistance to provide. If several service
18 providers request assistance in related areas, a general training session may be scheduled.
19 c) The State TAA Coordinator may schedule technical assistance visits to service providers to provide
20 information or special training, discuss areas of concern, evaluate program operation, or any
21 combination thereof.

22 **I. Program Performance:**

23 **1. Program Participation and Exit Under Common Measures:**

24 **Performance Reporting Requirements Policy**

25 **2. Data Validation and Quality Control:**

26 **Quality Control Policy**

27 **J. Fiscal:**

28 Please reference the **Cost Principles, Allowable Costs and Unallowable Costs Policies** for further details.

29 Please reference the **Cash Management Policy** for further details. The requisition and signature forms
30 required in the Cash Management Policy do not apply to the TAA program.

31 **1. Expenditures and Reporting:**

- 32 a) Program costs include training, job search assistance, and relocation allowances.
33 b) All TAA funds must be expended in accordance with the provisions of this policy. Any expenditure of
34 funds which does not comply with these provisions will be deemed disallowed and subject to repayment
35 by a non-federal source.
36 c) Reimbursements made directly to a client can only be made when presented with receipts.
37 d) **Lost and Stolen Check Policy**

38 **2. Program Income:**

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

40 **3. Fiscal Record Retention**

- 41 a) [Records Retention Policy](#)

42 **K. Management Information System:**

43 **Adult and Dislocated Worker Assessments, IEP, Activities and Services, Case Management and Career**
44 **Plan**

1 **III. Monitoring and Evaluation:**

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

3 **IV. References:**

- 4 • [Trade Act of 1974, as amended](#)
- 5 • [Trade Act of 2002: Public Law 107-210](#)
- 6 • [TEGL 22-08 – Operating Instructions for Implementing the Amendments to the Trade Act of 1974](#)
- 7 [enacted by the Trade and Globalization Adjustment Assistance Act of 2009](#)
- 8 • [TEGL 22-08, Change 1 – Change 1 to the Operating Instructions for Implementing the Amendments to](#)
- 9 [the Trade Act of 1974 enacted by the Trade and Globalization Adjustment Assistance Act of 2009](#)
- 10 • [TEGL 10-11 – Operating Instructions for Implementing the Amendments to the Trade Act of 1974](#)
- 11 [Enacted by the Trade Adjustment Assistance Extension Act of 2011 \(TAAEA\)](#)
- 12 • [TEGL 10-11, Change 1 – Change 1 to the Operating Instructions for Implementing the Amendments to](#)
- 13 [the Trade Act of 1974 Enacted by the Trade Adjustment Assistance Extension Act of 2011 \(TAAEA\)](#)