



Montana Department of LABOR & INDUSTRY

1
2 Division: Workforce Services Division
3 Category: Programs
4 Effective Date: 04/30/2018
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6 Policy No.: 15-18

7 Trade Adjustment Assistance (TAA) 2015 8 Amendment Policy

9 Background:

10 The purpose of Trade Act legislation is to assist workers, impacted by foreign competition, to return to suitable
11 work as quickly as possible. The Trade Adjustment Assistance (TAA) Program offers a variety of benefits and
12 services to support workers in their search for reemployment. Workers may be eligible for training, a job search
13 allowance, a relocation allowance, and other reemployment services. Workers may be eligible for other benefits;
14 for example, the Trade Readjustment Allowance (TRA) or Reemployment Trade Adjustment Allowance (RTAA).

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16 **Scope:** This policy applies to all service providers operating TAA, TAA program managers, TAA fiscal officers,
17 and the TAA monitoring team. This policy is effective April 1, 2020.

18 19 Policy:

20 A. TAA Outreach and Petition Process

21 To obtain TAA benefits and reemployment services, a petition must be filed with and certified by U.S.
22 Department of Labor (USDOL). Please refer to doleta.gov/tradeact for a variety of information and resources.

23 24 B. TAA Case Management

25 Case management starts when an impacted worker initially seeks services. If a worker living in Montana is
26 covered by a petition certified in another state and has an unemployment insurance (UI) claim in that state,
27 they must contact that state's UI/TRA program and follow that process. If a worker is/was employed by a
28 Montana Trade-certified company and filed a Montana UI claim at the time of layoff, they must apply through
29 Montana despite living in another state. Please refer to Liable State/Agent State for more details. Case
30 management activities and services must be recorded in the MIS and may include:

31 32 1. TAA Program Eligibility

33 a) After a Trade Act petition has been certified, impacted workers may submit a TAA application (ETA-855) to
34 determine if they meet individual eligibility requirements. This document is used only for Montana
35 petitions.

36 b) The application (ETA-855) is completed jointly by the impacted workers and TAA case managers. All
37 questions must be answered carefully and completely. The signed application is submitted to the TRA Unit
38 Coordinator at the Montana Department of Labor & Industry's (MDLI) Unemployment Insurance Division for
39 determination.

- 40 c) The TRA Coordinator will review the employer-provided list of impacted workers and declare the worker
41 TAA/TRA-eligible or ineligible based on whether his/her name appears on the list.
- 42 d) Upon determination, a worker is issued a Determination of Entitlement TAA/TRA (ETA 857).
43 Determination for both TAA and TRA are included in the ETA 857. It is possible that workers may qualify for TAA
44 but not TRA.
- 45 e) Affected workers on the Incumbent Worker list may begin TAA classroom training prior to separation. Clients
46 may not receive subsistence or TRA during this time. In addition, they cannot be approved for OJT or
47 Customized Training.

48

49 2. Comprehensive Assessment:

- 50 a) A complete assessment is an independent, comprehensive evaluation of an individual designed to identify
51 information vital to the development of a service strategy and to set goals and objectives which culminate in
52 gainful employment.
- 53 b) The assessment is a holistic, ongoing process and should not be viewed as a one-time event. It includes a
54 full array of options from which program staff and client make informed decisions and select the appropriate
55 services that enable the client to seek and retain long-term, self-sufficient employment.

56

57 3. Individual Employment Plan (IEP):

58 An IEP is required and is developed in partnership with the client to support a realistic employment goal. The
59 development of the IEP and updates or revisions will be based upon the results of the comprehensive
60 assessment process. The following should be included:

- 61 a) Benchmarks should be established at the beginning of the training and recorded as tasks in the MWorks
62 Employment Plan. Mid-term grades and quarter/semester final grades obtained from the training provider or
63 through the student's portal may be used to document benchmarks. In instances where mid-term or final
64 grades are not available, the case manager must obtain a completed and signed Training Benchmarks Progress
65 Review form. Benchmarks must be monitored and documented at regular intervals, of no more than 60
66 calendar days. The original forms are to be retained in the client's file.
- 67 b) If a client fails a benchmark, a written First Warning TAA Failed Benchmark is issued. If they fail a second
68 benchmark, a Second Warning TAA Failed Benchmark is issued. When the Second Warning is issued, the client
69 may choose to:
- 70 (1) Remain in their initial curriculum and continue with their training; or
71 (2) Modify their training plan. A modified plan includes new benchmarks. Modifying the plan provides
72 the client another opportunity to succeed in training and be eligible to receive completion TRA.
- 73 c) TAA funds may not be used to pay for class retakes.
- 74 d) If a client fails a benchmark in their modified plan, a written First Warning TAA Failed Benchmark is issued.
75 If the client fails a second benchmark, they will not be eligible to receive Completion TRA. Despite ineligibility
76 for Completion TRA, the client may continue in their TAA training provided they will be able to successfully
77 complete it without exceeding their maximum number of TAA training weeks allowed. Reviews of their progress
78 toward successful completion will continue to be conducted at no more than 60 calendar-day intervals.

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80 4. Information on Training

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

85

86 5. Information on How to Apply for Financial Aid

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

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6. Short-term Prevocational Services

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

7. 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.

8. Provision of Employment Statistics Information

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

- (a) Job vacancy listings in local, regional, and national labor markets;
- (b) Information on job skills necessary to obtain the jobs identified in the vacancy listings;
- (c) Information about local, in-demand occupations and their related earnings potential; and
- (d) Skill requirements for local occupations.

9. Referral to Supportive Services

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

10. Co-enrollment in the Dislocated Worker Program and All Applicable Programs

Co-enrollment is a Montana Labor & Industry (MDLI) focus. Every TAA client should receive a Rapid Response service.

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

1. Basic TRA

a) To qualify for TRA for any week of unemployment, an individual must meet the following requirements as detailed in 20 CFR 617.11(a)(2):

- (1) An approved petition
- (2) Separation from qualified employer
- (3) Employment and wages - at least 26 weeks with earnings of at least \$30 per week
- (4) Exhaustion of all entitlement to Unemployment Insurance (UI), Extended Benefits (EB), and any federal extensions
- (5) Participation in TAA training which is met by either:
 - (a) Enrollment in or participating in a training program approved under 617.22 (a); or
 - (b) Completion of a training program approved under 617.22 (a), after a total or partial separation from adversely affected employment within the certification period; or
 - (c) Receipt of a written waiver of the participation in training requirement from the State Agency under 617.19 (a) (2).

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

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

d) The maximum Basic TRA amount payable is 52 times the TRA weekly benefit amount from the parent claim minus the total sum of unemployment insurance the TAA client was entitled to under that claim and, if applicable, any benefit extensions; regardless of whether or not the TAA client actually received the benefits.

e) To receive Basic TRA, the TAA client must:

- (1) Be enrolled in TAA approved training by the later of:
 - (a) The last day of the 26th week after the TAA participant's most recent qualifying layoff;

- 142 (b) The last day of the 26th week after the week DOL issued the certification; or
143 (c) Be participating in or within 30 days of starting TAA approved training; or
144 (d) Be actively seeking work and on a training waiver by the later of:
145 (i) The last day of the 26th week after the TAA participant's most recent qualifying layoff;
146 (ii) The last day of the 26th week after the week DOL issued the certification; or
147 (e) Have completed a TAA approved training plan and be actively seeking work.
148 (2) TAA clients must be fully registered in MWorks and the case manager must take an active role to
149 help the client secure employment.
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151 2. Waivers

152 A worker may still receive Basic TRA even if they are not in training. The three grounds for which states may
153 issue waivers are:

- 154 (1) Health: The worker is unable to participate in or complete training due to a health condition. The
155 worker is not exempt from the availability for work, active work search, or refusal to accept work
156 requirements; or
157 (2) Enrollment Not Available: No enrollment in training is available within 60 days after the date of the
158 determination or if later, there are extenuating circumstances for the delay in enrollment; or
159 (3) Training Not Available: No training program is available in which the worker can enroll. No suitable
160 training is available at a reasonable cost or training funds are not available.
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162 3. Extended Benefits (EB) Work Test

163 The EB work test is a requirement for all TRA eligibility, except when the individual is "actually participating in
164 training." 20 CFR 617.19(a)(1) clarifies that the only basic TRA is payable under a waiver of the TAA training
165 requirement and that additional TRA and completion TRA require "actual participation in TAA training."

166 a) The individual must:

- 167 (1) Complete 2 verifiable work searches per week;
168 (2) Be able to work;
169 (3) Be available for work;
170 (4) Register for work and be referred by the State Agency to suitable work in accordance with provisions
171 in the applicable state law which applies to claimants for Extended Benefits, consistent with 20 CFR
172 615. The EB regulations in 20 CFR 615 apply in their entirety to administration of the EB work test
173 for purposes of TRA eligibility.
174 (5) Accept any offer of suitable work as defined in 617.3 (kk) and apply for any suitable work
175 the individual is referred to by the State Agency.
176 (6) Actively engage in seeking work and furnish the State Agency with tangible evidence of such efforts
177 each week; and
178 (7) If the individual completed TAA training, only basic TRA is payable and the EB work test applies.

179 b) Clients must look for work every week they request benefits, even if they are:

- 180 (1) Working;
181 (2) Returning to work shortly; or
182 (3) A union member.

183 c) Clients do not have to accept work if the job is vacant due to a labor dispute, the working conditions
184 are less favorable than similar work in their labor market, or they are required to join or resign from
185 a union.

186 d) Failing to Actively Seek Work

187 MDLI will deny benefits if the client does not meet the job search requirements or does not report
188 their job search contacts for any week they claim TRA. Unlike regular benefits, clients are denied for the
189 week they do not look for work. The denial continues until the client works at least four (4) weeks and earns
190 four (4) times their weekly benefit amount.

191 (e) Failing to Apply for or to Accept Suitable Work

- 192 (1) If a client refuses to apply for suitable work when referred by the case manager or refuses to accept

193 suitable work when offered during any week they claim TRA, MDLI will deny benefits until the client
194 works at least four (4) weeks and earns four (4) times their weekly benefit amount.
195 (2) If the work was suitable under regular benefit rules and MDLI decides the client did not have good
196 cause to fail to apply for or accept the work, MDLI may also deny benefits for at least seven (7)
197 weeks and until the client earns seven (7) times their weekly benefit amount.

198 (f) Previous Disqualification

199 If the client was previously disqualified from receiving regular benefits, MDLI will deny their TRA unless they
200 return to work and meet the requalification requirements as stated in the original denial.
201

202 **4. Additional TRA**

203 a) TAA clients must be participating in an approved full-time training program, have exhausted Basic TRA, and
204 meet all other requirements for TRA.

205 b) Payments of Additional TRA may be made only for those weeks during the 78-week eligibility period following
206 the last week of entitlement to Basic TRA and during the weeks in which the TAA client is participating in TAA
207 approved training.

208 c) Additional TRA is not available after completion of training or during waivers of training.

209 d) To accommodate breaks in training, the client may collect 65 weeks of Additional TRA benefits during the
210 span of 78 weeks. This enables clients to participate in longer training with possible longer breaks in training.

211 e) The 78-week eligibility period begins with the earlier of:

- 212 (1) The immediate week after the TAA client exhausts Basic TRA and is participating in training; or
- 213 (2) The week that the TAA client begins participating in full-time, TAA approved training (this occurs
214 when training starts; after all rights to UI and Basic TRA are exhausted under waiver.)

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216 **5. Completion TRA**

217 a) Completion TRA (additional period of up to 13 weeks of income support) is payable only if the client is
218 attending TAA approved training and exhausted all rights to Additional TRA. Clients may qualify for Completion
219 TRA when all the following additional criteria are met:

- 220 (1) The requested weeks are necessary for the client to complete a training program that leads to
221 completion of a degree or industry-recognized credential; and
- 222 (2) The client is attending training in each week; and
- 223 (3) The client has substantially met the performance benchmarks established in the approved training
224 plan (must have maintained satisfactory academic standing and be scheduled to complete training
225 within training plan's specified time frame); and
- 226 (4) The client is expected to continue to make progress toward completion of approved training; and
- 227 (5) The client will be able to complete training during the period authorized to receive Completion TRA.

228 (b) Assuming all other requirements are met, clients may qualify for up to 13 weeks of Completion TRA, which
229 is payable during the 20-week period that begins with the first week in which they file a claim for Completion
230 TRA.
231

232 **6. Health Care Tax Credit (HCTC)** - The Internal Revenue Service (IRS) extended the HCTC through December 31,
233 2020. The most up-to-date information on the HCTC Program may be obtained from the IRS HCTC website:
234 www.irs.gov/hctc.
235

236 **7. Breaks in Training**

237 a) Eligibility for Basic and Additional TRA continues during scheduled breaks in training, but only if a scheduled
238 break is no longer than 30 days (not counting weekends and holidays) and all the following additional
239 conditions are met:

- 240 (1) The TAA client was participating in TAA approved training immediately before the beginning of the
241 break;
- 242 (2) The break is preapproved in the published academic schedule; or the previously established
243 schedule of training issued by the training provider; or is indicated in the training program approved

- 244 for the TAA client; and
- 245 (3) The TAA client resumes participation in training immediately after the break.
- 246 b) Payment during the break is allowable using the following formulas to determine a TAA client's eligibility:
- 247 (1) The break begins on the day following the last day of scheduled training and up to the last day of
- 248 the break preceding the next scheduled day of training. Weekend days are not counted unless they
- 249 are normally scheduled for training. Official state and federal holidays are not counted.
- 250 (2) If the number of days is 30 or less, the TAA client can be paid during the entire break.
- 251 (3) If the number of days is more than 30, the TAA client cannot be paid Basic or Additional weeks of
- 252 TRA during the full weeks of the break. This includes summer breaks. However, a TAA client can be
- 253 paid for any week that at least one (1) day of training is scheduled and attended.
- 254 (4) If a training facility closes before a scheduled break because of an emergency situation, any days of
- 255 closure due to the emergency are not counted as part of the break.
- 256

257 8. Overpayments

- 258 a) If MDLI or a court determines an individual received any benefits to which they are not entitled, including
- 259 TRA, the individual is liable to repay those benefits to MDLI.
- 260 b) TRA overpayments may be recovered by deduction from any sums payable under TRA, UI, or other benefits
- 261 paid with respect to unemployment under a program administered by MDLI.
- 262 c) Unless an overpayment is due to fraud, recovery of overpayments of TRA is waived if it would cause a
- 263 financial hardship for the individual and or the individual's household; when taking into consideration the
- 264 income and resources reasonably available to the individual or household and other ordinary living expense of
- 265 the individual.
- 266

267 9 Reemployment Trade Adjustment Assistance (RTAA) Wage Subsidy

- 268 a) RTAA is a wage subsidy for workers 50 years of age or older. Clients receiving RTAA are entitled to receive
- 269 reemployment and case management services and may be eligible to enroll in TAA-approved training. RTAA
- 270 payments are fifty (50) percent of the difference between the new salary and old salary for a two-year eligibility
- 271 period and up to a maximum of \$10,000.
- 272 b) To be eligible for RTAA a client must be:
- 273 (1) At least fifty (50) years of age;
- 274 (2) Reemployed with wages not to exceed \$50,000 annually, excluding overtime and bonuses;
- 275 (3) Employed on a full-time basis and not enrolled in TAA approved training; or
- 276 (a) Employed at least twenty (20) hours per week and enrolled in TAA-approved training, or
- 277 (b) In an OJT program, or
- 278 (c) In an apprenticeship training program.
- 279 c) The worker may be fifty (50) years old at the time of reemployment or reach the age of fifty during such
- 280 employment. Wage subsidy payments may only be made for periods after the worker has reached fifty years
- 281 old and meets all RTAA requirements.
- 282 d) The worker can reapply for RTAA if subsequent employment is obtained within two (2) years from the date of
- 283 original reemployment.
- 284 e) RTAA is not payable during periods of unemployment. However, payments are allowable when the worker is
- 285 on employer-allowed release time; i.e. sick leave or unpaid holidays.
- 286 f) Clients must verify continued employment by submitting pay stubs monthly.
- 287 g) Clients may choose between receiving TRA or RTAA, even if they have received some TRA payments; however
- 288 they may not receive both payments concurrently or receive TRA after receiving a RTAA wage supplement.
- 289 h) Clients may receive TRA and then apply and receive RTAA. Once approved, RTAA payments may be
- 290 retroactive.
- 291 i) For clients who have not received TRA, RTAA eligibility is a period not to exceed two (2) years, 104 weeks; and
- 292 begins the date that the client obtains reemployment. Reemployment must occur within the two-year
- 293 certification period.

- 294 j) Clients who received TRA payments may receive RTAA benefits for a period of the 104-week eligibility period,
295 minus the amount paid through TRA.
296 k) Clients who received TRA payments may receive an amount equal to the product of \$10,000 and the ratio of
297 the number of weeks in the eligibility period.
298

299 8. Eligibility Period

- 300 a) Clients can receive TRA and then apply and receive RTAA. A client cannot apply for and receive RTAA and
301 then go back to TRA. RTAA payments may be retroactive when approved.
302 b) For clients who have not received TRA, RTAA eligibility is a period not to exceed 2 years (104 weeks)
303 beginning the earlier of:
304 (1) The date on which the client exhausts all rights to unemployment insurance based on separation
305 from the adversely affected employment; or
306 (2) The date the client obtains reemployment.
307 c) Clients who have received TRA payments may receive RTAA benefits for a period of 104 weeks beginning
308 the date of reemployment, reduced by the number of weeks they received TRA.
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310 9. Total Amount of Payments

- 311 a) Clients who have not received TRA payments:
312 (1) May receive up to \$10,000 during the 104-week eligibility period.
313 b) Clients who have received TRA payments:
314 (1) May receive an amount equal to the product of \$10,000 and the ratio of the number of weeks in
315 the eligibility period.
316

317 10. Social Security Number Requirements

318 Please reference the WIOA Social Security Number Policy for further details.
319

320 D. Reemployment Services

321 1. Delivery of Reemployment Services

- 322 a) While the worker is receiving UI payments and at the time the individual files an initial TRA claim, MDLI's
323 Unemployment Insurance Division (UID) and Workforce Services Division (WSD) will advise each client to apply
324 for training with their local Job Service Montana office, the bureau responsible for reemployment services.
325 b) If the client has not attained suitable employment following the trade-impacted dislocation or received other
326 TAA benefits that precluded training, TAA training is a "lifetime" benefit, allowing one (1) training per
327 certification.
328

329 2. Reemployment services and allowances:

330 The following services and allowances will be included, as appropriate:

- 331 a) Employment registration
332 b) Employment counseling
333 c) Vocational testing
334 d) Job development
335 e) Supportive services
336 f) OJT
337 g) Classroom training
338 h) Self-directed job search; carefully structured to assist individuals in developing skills for finding a job.
339 i) Job search allowances
340 j) Relocation allowances

341 For additional information about reemployment services and allowances please refer to 20 CFR 617.21.
342

343 3. Approval of training:

344 Training will be approved under the following conditions:

- 345 a) There is no suitable employment (which may include technical and professional employment) available to
346 the worker.
- 347 b) The worker will benefit from the training.
- 348 c) There is a reasonable expectation of employment following completion of the training.
- 349 d) Approved training is reasonably accessible to the worker within the worker's commuting area.
- 350 e) The worker is qualified to undertake and complete training within 130 weeks of the training's start date.
- 351 f) Training is suitable for the worker and available at a reasonable cost.
- 352 g) No individual will be approved for training that is conducted totally or partially outside the United
353 States.
- 354 h) No individual will be approved for training that leads to self-employment.
- 355 i) Documentation is in place prior to approving anyone for TAA training:
- 356 (1) The client completes a training proposal with appropriate assistance from TAA staff.
- 357 (2) The case manager documents that the proposed training meets the six TAA required training
358 criteria.
- 359 (3) A minimum of two (2) training providers must be documented to compare and safeguard training
360 cost and value.
- 361 (4) If the cost of training exceeds \$25,000, please seek approval from the TAA Coordinator.
- 362 j) TAA-approved training may be full-time or part-time. A client participating in part-time training may not receive
363 a TRA allowance.
- 364 k) A copy of the initial TAA Training Authorization and subsequent authorizations that amend training dates
365 must be sent to the TRA Coordinator.
- 366 l) If a training proposal risks formal denial, the case manager should assist the client to reconsider the required
367 criteria and modify their proposal. If a training request is formally denied, please refer to Administration –
368 Denials and Appeals.
- 369 m) In some situations, an approved training plan can be changed or revised. The client may request a change
370 in their approved training plan and the case manager will send a request for approval to the State TAA
371 Coordinator.

372

373 4. Selection of training methods and programs

374 If suitable employment is unavailable to an individual or group of individuals, MDLI will explore, identify,
375 develop, and secure training opportunities and establish partnerships with other public and private agencies to
376 return workers to employment as soon as possible. The following training methods and programs will be
377 considered:

- 378 a) Firm-specific retraining to meet the firm's current staffing needs;
- 379 b) OJT or training in a public, area vocational school;
- 380 c) Apprenticeship;
- 381 d) Standards related to selection of occupations and training is documented and supported by identifiable
382 demand in the local labor market or consultation with local employers, labor organizations, the State Workforce
383 Innovation Board (SWIB), or other workforce development partners.
- 384 e) Certain occupations will be excluded if a lack of employment opportunities exists as substantiated by job
385 orders or other labor market data; or provides no reasonable expectation of permanent employment.

386

387 5. Tools and Equipment for Training

- 388 a) The case manager must approve the purchase of tools, including internet service, if they are required for the
389 training and the cost is obligated in advance as part of the training contract.
- 390 b) The purchase of a personal computer may be approved as a required tool if it is part of the class
391 syllabus. Case managers must request approval from their supervisor prior to a computer purchase. Case
392 managers will submit a completed Computer Purchase Request Questionnaire (WIOA.52).
- 393 c) Students must submit two estimates for required tools/equipment to their case manager. Payments will be
394 made to the vendor. Estimates and receipts must be retained in the client file.
- 395 d) TAA funds will not be used to replace lost or stolen tools.

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6. Liable State/Agent State

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

a) Liable State

- (1) For TAA-certified clients laid off from a firm operating in Montana, Montana is responsible for the administration of all claims for program benefits and providing reemployment services and making related determinations and decisions on appeals, waivers, subsistence, and transportation payments.
- (2) Case managers may make the provision of job search allowances and relocation allowances discretionary benefits rather than entitlements. Montana opted to continue providing these benefits. Individuals who are agent state clients must apply for the benefits with the liable state. If the liable state does not offer these benefits, they will deny the request. Montana's TAA program cannot cover these costs if the liable state denies the benefit.
- (3) When clients are certified in another state and seek TAA services in Montana, the other state is the liable state.

b) Agent State

- (1) This state cooperates with the liable state to deliver TAA program benefits. The agent state's responsibilities include assisting clients with applications and claims; providing reemployment services; providing the liable state with the information necessary to issue determinations, decisions on appeals; and procuring and paying the cost of approved training and related subsistence and transportation costs, according to determinations made by the liable state.
- (2) Montana is the agent state when assisting a client certified for the Trade Act in another state and the client is seeking services in Montana. The other state is the liable state and is responsible for the appropriate final decisions. Montana, the agent state, is responsible for direct contact with the client and specific payments for approved training and subsistence and transportation costs.
- (3) TRA is managed by the state in which the client received the layoff. When the affected client relocates to another state, TRA is managed by the original state. For example, a client who attends TAA training may be case-managed for TRA by one state and case-managed for TAA by another state.

7. Subsistence/Transportation Payments

a) Case Manager responsibilities:

- (1) The case manager may approve a transportation allowance for a client when the training facility is located outside the client's normal commuting area.
- (2) The case manager may not approve a subsistence allowance for a client who is receiving a transportation allowance to attend training outside their normal commuting area. The client must not be receiving living assistance from any other funding source or partner-funded program.
- (3) The case manager may provide subsistence or transportation payments for a maximum of two weeks at a time. Before the client receives payments, the case manager must approve and obligate transportation or subsistence allowances.
- (4) The client will only receive transportation or subsistence allowances for days on which he/she attends training as documented on attendance reports.

b) Transportation payments may not exceed the lesser of:

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

- 447 c) Subsistence payments may not exceed the lesser of:
448 (1) The actual daily cost for temporary lodging and meals in the area of training; or
449 (2) Fifty (50) percent of the prevailing federal rate for lodging and meals for the area.
450

451 8. On-The-Job Training (OJT)

- 452 a) Reimbursement of training costs under an OJT contract of up to 50 percent; with a maximum amount of 130
453 weeks of reimbursement to the employer.
454 b) TAA funds may only be used to reimburse the employer for the costs associated with training the
455 client; and not for benefits, overtime hours, or hours beyond 40 hours per week. In addition, TAA funds cannot
456 be used to pay wages directly to the client.
457 c) If an apprentice is not required to pay for training, TAA funds cannot be used to pay for related classroom
458 instruction.
459

460 9. Apprenticeships

- 461 a) To the extent possible under the TAA program guidelines, case managers should promote apprenticeship
462 programs that provide the skills necessary for the individual to obtain employment in an occupation. Before
463 approving apprenticeship training, case managers must ensure the following conditions are met:
464 b) Because an apprenticeship offers the individual employment and a combination of
465 on-the-job learning and related instruction, attendance in the apprenticeship training is
466 considered full-time.
467

468 10. Customized Training

- 469 a) Customized Training means training that is:
470 (1) Designed to meet the special requirements of an employer or group of employers;
471 (2) Conducted with a commitment by the employer or group of employers to employ an individual upon
472 successful completion of the training; and
473 (3) Funded significantly by the employer (50 percent or greater).
474 b) Businesses may be reimbursed by the TAA program for up to 50 percent of the costs incurred by the
475 providing the training; including staff/instructor time or training materials.
476 c) Customized skills training can be provided after a TAA client is hired or if a business makes a commitment to
477 hire the client upon successful completion of the training.
478

479 E. Allowances:

480 1. Job Search

- 481 a) Certified workers who apply for TAA services may be eligible for Job Search Allowances. Job Search
482 Allowances can cover expenses incurred by clients while seeking employment outside their normal commuting
483 area.
484 b) Clients may receive reimbursement for ninety (90) percent of the necessary out-of-area job search not to
485 cumulatively exceed \$1,250.
486 c) These funds are to assist clients in securing work within the United States when the case manager
487 determines that no suitable work is available in the commuting area in which the worker resides.
488 d) The client must file a job search allowance application no later than one year (365 days) after the date of
489 their last total separation from adversely affected employment or from the date of their certification, whichever
490 is later; or
491 e) A client enrolled in TAA-approved training must file the application not later than six (6) months, 182 days
492 after completion.
493 f) A client must request approval in writing prior to conducting the out-of-area job search. They must have a
494 scheduled and confirmed employment interview in order for the case manager to approve the request.
495 g) The case manager will not reimburse out-of-area job search expenses without receipts as evidence of actual
496 costs.

497 h) The client must complete the out-of-area job search within thirty (30) days from the day when the job search
498 began.

499

500 2. Transportation for Job Search

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

- 502 (1) Ninety (90) percent of the actual cost of a round trip by the most economical public transportation
503 the client can reasonably take from the place of residence to the area of job search; or
- 504 (2) Ninety (90) percent of the cost per mile at the prevailing federal mileage rate for round-trip travel by
505 the usual route from the place of residence to the area of job search.

506

507 3. Lodging and Meals for Job Search

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

- 509 (1) The actual cost to the client for lodging and meals while engaged in the job search; or
- 510 (2) Fifty (50) percent of the prevailing federal rate for lodging and meal for the locality where the job
511 search is being conducted.

512

513 4. Advanced Payments for Job Search

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

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

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

518

519 5. Client Evidence of Job Search

520 a) Upon completion of a job search, the client will certify the following details on the Job Search Allowance
521 Request form:

- 522 (1) Employer contacts made;
- 523 (2) Daily lodging and meals expenditures.

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

527

528 6. Relocation

529 a) Certified clients may be eligible for relocation allowances. If a client obtains employment outside their
530 normal commuting area and provides documented proof, relocation allowances provide reimbursement for
531 moving expenses.

532 b) A totally separated, adversely affected worker covered under a certification may receive a relocation
533 allowance when:

- 534 (1) It is determined that there is no reasonable expectancy that the client can obtain suitable work
535 within their commuting area; or
- 536 (2) The client obtains permanent, full-time suitable work or a bona fide offer of suitable work in the
537 area of intended relocation.

538 c) Clients may receive a relocation allowance for ninety (90) percent of the reasonable and necessary expenses
539 incurred in transporting the client and their family and household effects to the area of relocation.

540 d) The client may also be eligible for a lump sum equal to three times the client's average weekly wage; not to
541 exceed a total of \$1,250.

542 e) The client must request relocation allowances in writing and in advance of relocation.

543 f) The client must file an application for the relocation allowance within 425 days after the date of certification
544 under which the client is covered or the date of the client's last total separation from adversely affected
545 employment, whichever is later; or

546 g) The client enrolled in approved training must file an application no later than 182 days after completion of
547 such training.

- 548 h) Clients must submit receipts for reimbursement.
- 549 i) Clients will not use TAA funds to cover the costs of relocation paid by a prospective employer or other
550 programs.
- 551 j) The case manager will exclude the following items from coverage. The client will assume costs for and
552 personally arrange for transportation of:
- 553 (1) Items of high intrinsic or sentimental value;
 - 554 (2) Jewelry, collector's items, etc.
 - 555 (3) Animals;
 - 556 (4) Boats or personal watercraft;
 - 557 (5) Airplanes;
 - 558 (6) Camping vehicles;
 - 559 (7) Farming vehicles;
 - 560 (8) Explosives or dangerous goods;
 - 561 (9) Outside fuel tanks or similar non-household articles;
 - 562 (10) Cord wood and building materials;
 - 563 (11) Perishable food subject to spoilage; and
 - 564 (12) Mobile/manufactured homes (unless primary residence of employee).
 - 565 (13) Snowmobiles, quads, golf carts, and other vehicles with two or three wheels may be shipped as
566 household goods; i.e. motorcycles, mopeds, segways, etc. The weight of these vehicles will count
567 against the 18,000-pound limit available for reimbursement. A client must pay 100% of the
568 associated costs for the weight of household goods in excess of the 18,000-pound allowance.
- 569 k) If using a commercial carrier, two (2) competitive bids or other adequate justification for the cost of service is
570 required. Except for extenuating circumstances, a client must accept reimbursement at a commercial carrier's
571 lowest bid.
- 572 l) Upon completion of relocation, the client is required to submit receipts within 30 days.
- 573 m) Relocation must be completed within one (1) year. The one-year time limitation may be extended up to one
574 additional year for reasons beyond the client's control and that are acceptable to the State TAA Coordinator.

575

576 7. Transportation for Relocation

- 577 a) The amount allowable for transportation will not exceed the lesser of:
- 578 (1) Ninety (90) percent of the actual cost of the trip for the client and any dependents by the most
579 economical public transportation they can reasonably take from the place of residence to the area
580 of relocation; or
 - 581 (2) Ninety (90) percent of the cost per mile at the prevailing federal mileage rate for relocation of the
582 client and any dependents by the usual route from the place of residence to the area of relocation.
- 583 b) Up to two (2) privately-owned vehicles can be moved by the most direct route at ninety (90) percent of the
584 prevailing federal mileage rate, provided:
- 585 (1) The client and/or dependents travel to the new location in such vehicle;
 - 586 (2) The vehicle is driven rather than towed;
 - 587 (3) Under this move, no other claim for client and/or dependent transportation costs is made; and
 - 588 (4) Other family members and/or household goods will be traveling in the authorized vehicle(s).
- 589

590 8. Lodging and Meals for Relocation

- 591 a) The amount allowable for lodging and meals will not exceed the lesser of:
- 592 (1) Ninety (90) percent of the actual expense for lodging and meals; or
 - 593 (2) Ninety (90) percent of the allowable fifty (50) percent of the prevailing federal rate for lodging and
594 meals.
- 595 b) Payment will be limited to the number of days reasonably necessary to travel to the new location when
596 traveling by personal vehicle. If more than one (1) day of travel is necessary, 425 miles per day will be the
597 standard. When traveling by commercial air, one (1) day is normally allowed for travel. Lodging and meals

598 at the new location may be authorized for a reasonable period when circumstances warrant. Receipts must be
599 submitted by the client, even when the federal rate for lodging and meals is used.

600

601 9. Moving for Relocation

602 a) The amount allowable for moving will not exceed ninety (90) percent of the cost of moving the household
603 goods of the client and dependents; and ninety (90) percent of the reasonable cost of insurance for moving
604 the household goods or moving a mobile home by commercial carrier or other means of transport to the new
605 location.

606 b) The total amount allowable for moving must not exceed the cost of moving a maximum of 18,000 pounds of
607 household goods between the place of residence and the new location by commercial carrier. The client will
608 pay charges for weight in excess of 18,000.

609

610 10. Storage for Relocation

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

614

615 11. Advance Payments for Relocation

616 a) The case manager may advance a client up to fifty (50) percent of the estimated amount that he/she will
617 need for relocation.

618 b) The advance can be made within five (5) days prior to the start of relocation.

619

620 F. Administration

621 1. Denials and Appeals:

622 a) The service provider may issue a written determination denying a TAA activity with the concurrence of the
623 State TAA coordinator; i.e. Job Search Allowance, Relocation Allowance, Classroom Training, OJT, or Customized
624 Training). The service provider must submit the TAA Denial Notice Form.

- 625 (1) Prior to a determination to deny services, the service provider must make every effort to
626 work with the client to modify their request and develop an acceptable training plan.
- 627 (2) Prior to a determination to deny services, the service provider will contact the State TAA Coordinator
628 to discuss and review the denial before issuing a formal decision.
- 629 (3) The service provider will submit the draft determination with the basis for the decision and
630 supporting details to the State TAA Coordinator.
- 631 (4) If the State TAA Coordinator disagrees with the decision to deny services, the Coordinator will
632 request that the service provider submit additional documentation stating the reasons for the
633 denial: identifying the applicable law, federal regulations, state policy and/or directive.
- 634 (5) If the State TAA Coordinator agrees with the decision to deny services, the Coordinator will notify
635 the service provider in writing to proceed with the denial.
- 636 (6) Upon receipt of written concurrence from the State TAA Coordinator, the service provider will send
637 a formal written TAA Denial Notice to the client, including information on the right to appeal.
- 638 (7) The service provider will send a copy of the formal determination to the State TAA Coordinator.

639 b) A client who receives a written determination to deny benefits and does not agree with the decision has
640 the right to appeal. The client must file the appeal within ten (10) days after the date of notification.

641 c) A client must file an appeal with the service provider's office. That office will contact the State TAA
642 Coordinator for guidance on processing the appeal.

643

644 2. Technical Assistance

645 a) Technical assistance and training may be recommended by the monitoring unit or requested by the service
646 provider. It may be the means of improving program operation, implementing corrective action, or providing
647 information. Please coordinate all requests for technical assistance and training with the State TAA Coordinator.

648 b) Requests for minor technical assistance may be made verbally or in writing. For assistance with more
649 complex issues that impact client services significantly, please submit the request in writing, so MDLI staff
650 has enough information to support a successful outcome. Several service providers who request assistance in
651 related areas may be invited to a general training session.

652 c) The State TAA Coordinator may schedule technical assistance visits to service providers to offer information
653 or specific training, discuss areas of concern, evaluate program operation, or a combination thereof.
654

655 G. Program Performance

656 1. Program Participation and Exit Under Common Measures

657 Please see the Performance Reporting Requirements Policy.
658

659 2. Data Validation and Quality Control

660 Please see the Data Validation Policy and the Quality Control Policy.
661

662 H. Fiscal

663 Please see the following for additional details: Cost Principles, Allowable Costs and Unallowable Cost Policy and
664 Cash Management Policy. Requisition and signature forms required in the Cash Management Policy do not
665 apply to the TAA Program.

666 1. Expenditures and Reporting

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

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

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

672 d) Lost and Stolen Check Policy may provide helpful information.
673

674 2. Program Income

675 a) [2 CFR 200.307 Program Income Uniform Guidance](#)
676

677 3. Fiscal Records Retention

678 Additional details are available in the Records Retention Policy.
679

680 I. Management Information System

681 Adult and Dislocated Worker Assessments, IEP, Activities and Services, Case Management and Career Plan.
682

683 Monitoring and Evaluation:

- 684 • A formal quarterly monitoring of the TAA program, including TRA; training services, RTAA, job search and
685 relocation; employment; and case management will be conducted by the entity designated by the SWIB.
686 TAA 2015 program-related regulations specify monitors must review a minimum of twenty files each
687 quarter and must include at least two certifications. Review of the same twenty files is acceptable if
688 only twenty participants are enrolled.
689

690 References:

- 691 • [Trade Act of 1974, as amended](#)
- 692 • [Trade Act of 2002; Public Law 107-210](#)
- 693 • [TEGL 22-08 – Operating Instructions for Implementing the Amendments to the Trade Act of 1974](#)
694 [enacted by the Trade and Globalization Adjustment Assistance Act of 2009](#)
- 695 • [TEGL 22-08 – Attachment A, Section I; State Operations](#)
- 696 • [TEGL 22-08, Change 1 – Change 1 to the Operating Instructions for Implementing the Amendments to](#)
697 [the Trade Act of 1974 enacted by the Trade and Globalization Adjustment Assistance Act of 2009](#)

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- [TEGL 5-15. - Operating Instructions for Implementing the Amendments to the Trade Act of 1974 enacted by the Trade Adjustment Assistance Reauthorization Act of 2015](#)
 - [TEGL 5-15, Change 1 – Change 1 to the Operating Instructions for Implementing the Amendments to the Trade Act of 1974 enacted by the Trade Adjustment Assistance Reauthorization Act of 2015](#)
 - [20 CFR 617 Trade Adjustment Assistance for Workers Under the Trade Act of 1974](#)