



Montana Department of LABOR & INDUSTRY

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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.
46 Participants may not receive subsistence or TRA during this time. In addition, they cannot be approved for OJT
47 or Customized Training.

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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 participant make informed decisions and select the
55 appropriate services that enable the participant to seek and retain long-term, self-sufficient employment.

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57 3. Individual Employment Plan (IEP):

58 An IEP is required and is developed in partnership with the participant to support a realistic employment goal.
59 The 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 participant's file.
- 67 b) If a participant fails a benchmark, a written First Warning TAA Failed Benchmark is issued. If they fail a
68 second benchmark, a Second Warning TAA Failed Benchmark is issued. When the Second Warning is issued,
69 the participant 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 participant 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 participant fails a benchmark in their modified plan, a written First Warning TAA Failed Benchmark is
75 issued.

76 If the participant fails a second benchmark, they will not be eligible to receive Completion TRA. Despite
77 ineligibility for Completion TRA, the participant may continue in their TAA training provided they will be able to
78 successfully complete it without exceeding their maximum number of TAA training weeks allowed. Reviews of
79 their progress toward successful completion will continue to be conducted at no more than 60 calendar-day
80 intervals.

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82 4. Information on Training

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

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88 5. Information on How to Apply for Financial Aid

89 Referring workers to educational opportunity centers and notifying them that they may request that financial aid
90 administrators at institutions of higher education use their discretion under section 479A of the Higher

91 Education Act when determining the participant's need for federal financial assistance under Title IV. For
92 example, current year income data may be considered in place of the preceding year's income data.

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94 6. Short-term Prevocational Services

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

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98 7. Individual Career Counseling

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

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102 8. Provision of Employment Statistics Information

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

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

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109 9. Referral to Supportive Services

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

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

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

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

118 1. Basic TRA

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

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

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

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

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

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

154 2. Waivers

155 A worker may still receive Basic TRA even if they are not in training. The three grounds for which states may

156 issue waivers are:

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

164 3. Extended Benefits (EB) Work Test

165 The EB work test is a requirement for all TRA eligibility, except when the individual is "actually participating in

166 training." 20 CFR 617.19(a)(1) clarifies that the only basic TRA is payable under a waiver of the TAA training

167 requirement and that additional TRA and completion TRA require "actual participation in TAA training."

- 168 a) The individual must:
- 169 (1) Complete 2 verifiable work searches per week;
- 170 (2) Be able to work;
- 171 (3) Be available for work;
- 172 (4) Register for work and be referred by the State Agency to suitable work in accordance with provisions
- 173 in the applicable state law which applies to claimants for Extended Benefits, consistent with 20 CFR
- 174 615. The EB regulations in 20 CFR 615 apply in their entirety to administration of the EB work test
- 175 for purposes of TRA eligibility.
- 176 (5) Accept any offer of suitable work as defined in 617.3 (kk) and apply for any suitable work
- 177 the individual is referred to by the State Agency.
- 178 (6) Actively engage in seeking work and furnish the State Agency with tangible evidence of such efforts
- 179 each week; and
- 180 (7) If the individual completed TAA training, only basic TRA is payable and the EB work test applies.
- 181 b) Participants must look for work every week they request benefits, even if they are:
- 182 (1) Working;
- 183 (2) Returning to work shortly; or
- 184 (3) A union member.
- 185 c) Participants do not have to accept work if the job is vacant due to a labor dispute, the working conditions
- 186 are less favorable than similar work in their labor market, or they are required to join or resign from
- 187 a union.
- 188 d) Failing to Actively Seek Work
- 189 MDLI will deny benefits if the participant does not meet the job search requirements or does not report
- 190 their job search contacts for any week they claim TRA. Unlike regular benefits, participants are denied for the
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193 week they do not look for work. The denial continues until the participant works at least four (4) weeks and
194 earns
195 four (4) times their weekly benefit amount.

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

197 (1) If a participant refuses to apply for suitable work when referred by the case manager or refuses to
198 accept
199 suitable work when offered during any week they claim TRA, MDLI will deny benefits until the
200 participant
201 works at least four (4) weeks and earns four (4) times their weekly benefit amount.

202 (2) If the work was suitable under regular benefit rules and MDLI decides the participant did not have
203 good
204 cause to fail to apply for or accept the work, MDLI may also deny benefits for at least seven (7)
205 weeks and until the participant earns seven (7) times their weekly benefit amount.

206 (f) Previous Disqualification

207 If the participant was previously disqualified from receiving regular benefits, MDLI will deny their TRA unless
208 they
209 return to work and meet the requalification requirements as stated in the original denial.

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211 4. Additional TRA

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

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

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

218 d) To accommodate breaks in training, the participant may collect 65 weeks of Additional TRA benefits during
219 the span of 78 weeks. This enables participants to participate in longer training with possible longer breaks in
220 training.

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

222 (1) The immediate week after the TAA participant exhausts Basic TRA and is participating in training; or

223 (2) The week that the TAA participant begins participating in full-time, TAA approved training (this
224 occurs

225 when training starts; after all rights to UI and Basic TRA are exhausted under waiver.)
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227 5. Completion TRA

228 a) Completion TRA (additional period of up to 13 weeks of income support) is payable only if the participant is
229 attending TAA approved training and exhausted all rights to Additional TRA. Participants may qualify for
230 Completion TRA when all the following additional criteria are met:

231 (1) The requested weeks are necessary for the participant to complete a training program that leads to
232 completion of a degree or industry-recognized credential; and

233 (2) The participant is attending training in each week; and

234 (3) The participant has substantially met the performance benchmarks established in the approved
235 training

236 plan (must have maintained satisfactory academic standing and be scheduled to complete training
237 within training plan's specified time frame); and

238 (4) The participant is expected to continue to make progress toward completion of approved training;

239 and

240 (5) The participant will be able to complete training during the period authorized to receive Completion
241 TRA.

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

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246 **6. Health Care Tax Credit (HCTC)** – The HCTC program expired on December 31, 2021. The IRS is officially
247 closing this program and will no longer receive files pertaining to HCTC.

248

249 **7. Breaks in Training**

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

253 (1) The TAA participant was participating in TAA approved training immediately before the beginning of
254 the

255 break;

256 (2) The break is preapproved in the published academic schedule; or the previously established
257 schedule of training issued by the training provider; or is indicated in the training program approved
258 for the TAA participant; and

259 (3) The TAA participant resumes participation in training immediately after the break.

260 b) Payment during the break is allowable using the following formulas to determine a TAA participant's
261 eligibility:

262 (1) The break begins on the day following the last day of scheduled training and up to the last day of
263 the break preceding the next scheduled day of training. Weekend days are not counted unless they
264 are normally scheduled for training. Official state and federal holidays are not counted.

265 (2) If the number of days is 30 or less, the TAA participant can be paid during the entire break.

266 (3) If the number of days is more than 30, the TAA participant cannot be paid Basic or Additional weeks
267 of

268 TRA during the full weeks of the break. This includes summer breaks. However, a TAA participant
269 can be

270 paid for any week that at least one (1) day of training is scheduled and attended.

271 (4) If a training facility closes before a scheduled break because of an emergency situation, any days of
272 closure due to the emergency are not counted as part of the break.

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274 **8. Overpayments**

275 a) If MDLI or a court determines an individual received any benefits to which they are not entitled, including
276 TRA, the individual is liable to repay those benefits to MDLI.

277 b) TRA overpayments may be recovered by deduction from any sums payable under TRA, UI, or other benefits
278 paid with respect to unemployment under a program administered by MDLI.

279 c) Unless an overpayment is due to fraud, recovery of overpayments of TRA is waived if it would cause a
280 financial hardship for the individual and or the individual's household; when taking into consideration the
281 income and resources reasonably available to the individual or household and other ordinary living expense of
282 the individual.

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284 **9 Reemployment Trade Adjustment Assistance (RTAA) Wage Subsidy**

285 a) RTAA is a wage subsidy for workers 50 years of age or older. Participants receiving RTAA are entitled to
286 receive

287 reemployment and case management services and may be eligible to enroll in TAA-approved training. RTAA
288 payments are fifty (50) percent of the difference between the new salary and old salary for a two-year eligibility
289 period and up to a maximum of \$10,000.

290 b) To be eligible for RTAA a participant must be:

291 (1) At least fifty (50) years of age;

292 (2) Reemployed with wages not to exceed \$50,000 annually, excluding overtime and bonuses;

- 293 (3) Employed on a full-time basis and not enrolled in TAA approved training; or
294 (a) Employed at least twenty (20) hours per week and enrolled in TAA-approved training, or
295 (b) In an OJT program, or
296 (c) In an apprenticeship training program.
- 297 c) The worker may be fifty (50) years old at the time of reemployment or reach the age of fifty during such
298 employment. Wage subsidy payments may only be made for periods after the worker has reached fifty years
299 old and meets all RTAA requirements.
- 300 d) The worker can reapply for RTAA if subsequent employment is obtained within two (2) years from the date of
301 original reemployment.
- 302 e) RTAA is not payable during periods of unemployment. However, payments are allowable when the worker is
303 on employer-allowed release time; i.e. sick leave or unpaid holidays.
- 304 f) Participants must verify continued employment by submitting pay stubs monthly.
- 305 g) Participants may choose between receiving TRA or RTAA, even if they have received some TRA payments;
306 however they may not receive both payments concurrently or receive TRA after receiving a RTAA wage
307 supplement.
- 308 h) Participants may receive TRA and then apply and receive RTAA. Once approved, RTAA payments may be
309 retroactive.
- 310 i) For participants who have not received TRA, RTAA eligibility is a period not to exceed two (2) years, 104
311 weeks; and begins the date that the participant obtains reemployment. Reemployment must occur within the
312 two-year certification period.
- 313 j) Participants who received TRA payments may receive RTAA benefits for a period of the 104-week eligibility
314 period, minus the amount paid through TRA.
- 315 k) Participants who received TRA payments may receive an amount equal to the product of \$10,000 and the
316 ratio of the number of weeks in the eligibility period.

317

318 8. Eligibility Period

- 319 a) Participants can receive TRA and then apply and receive RTAA. A participant cannot apply for and receive
320 RTAA and then go back to TRA. RTAA payments may be retroactive when approved.
- 321 b) For participants who have not received TRA, RTAA eligibility is a period not to exceed 2 years (104 weeks)
322 beginning the earlier of:
- 323 (1) The date on which the participant exhausts all rights to unemployment insurance based on
324 separation
325 from the adversely affected employment; or
326 (2) The date the participant obtains reemployment.
- 327 c) Participants who have received TRA payments may receive RTAA benefits for a period of 104 weeks
328 beginning
329 the date of reemployment, reduced by the number of weeks they received TRA.

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331 9. Total Amount of Payments

- 332 a) Participants who have not received TRA payments:
- 333 (1) May receive up to \$10,000 during the 104-week eligibility period.
- 334 b) Participants who have received TRA payments:
- 335 (1) May receive an amount equal to the product of \$10,000 and the ratio of the number of weeks in
336 the eligibility period.

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338 10. Social Security Number Requirements

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

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341 D. Reemployment Services

342 1. Delivery of Reemployment Services

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

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350 2. Reemployment services and allowances:

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

- 352 a) Employment registration
353 b) Employment counseling
354 c) Vocational testing
355 d) Job development
356 e) Supportive services
357 f) OJT
358 g) Classroom training
359 h) Self-directed job search; carefully structured to assist individuals in developing skills for finding a job.
360 i) Job search allowances
361 j) Relocation allowances

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

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364 3. Approval of training:

365 Training will be approved under the following conditions:

- 366 a) There is no suitable employment (which may include technical and professional employment) available to
367 the worker.
368 b) The worker will benefit from the training.
369 c) There is a reasonable expectation of employment following completion of the training.
370 d) Approved training is reasonably accessible to the worker within the worker's commuting area.
371 e) The worker is qualified to undertake and complete training within 130 weeks of the training's start date.
372 f) Training is suitable for the worker and available at a reasonable cost.
373 g) No individual will be approved for training that is conducted totally or partially outside the United
374 States.
375 h) No individual will be approved for training that leads to self-employment.
376 i) Documentation is in place prior to approving anyone for TAA training:
377 (1) The participant completes a training proposal with appropriate assistance from TAA staff.
378 (2) The case manager documents that the proposed training meets the six TAA required training
379 criteria.
380 (3) A minimum of two (2) training providers must be documented to compare and safeguard training
381 cost and value.
382 (4) If the cost of training exceeds \$25,000, please seek approval from the TAA Coordinator.
383 j) TAA-approved training may be full-time or part-time. A participant participating in part-time training may not
384 receive
385 a TRA allowance.
386 k) A copy of the initial TAA Training Authorization and subsequent authorizations that amend training dates
387 must be sent to the TRA Coordinator.
388 l) If a training proposal risks formal denial, the case manager should assist the participant to reconsider the
389 required criteria and modify their proposal. If a training request is formally denied, please refer to
390 Administration – Denials and Appeals.
391 m) In some situations, an approved training plan can be changed or revised. The participant may request a
392 change in their approved training plan and the case manager will send a request for approval to the State TAA
393 Coordinator.

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4. Selection of training methods and programs

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

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

5. Tools and Equipment for Training

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

6. Liable State/Agent State

Montana collaborates with other states in assisting eligible participants with access to TAA reemployment services and benefits. This includes eligible Montana residents seeking services in other states or participants 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 participants 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 participants 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 participants 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 participants 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

445 state.
446 (2) Montana is the agent state when assisting a participant certified for the Trade Act in another state
447 and
448 the participant is seeking services in Montana. The other state is the liable state and is responsible
449 for
450 the appropriate final decisions. Montana, the agent state, is responsible for direct contact with the
451 participant and specific payments for approved training and subsistence and transportation costs.
452 (3) TRA is managed by the state in which the participant received the layoff. When the affected
453 participant
454 relocates to another state, TRA is managed by the original state. For example, a participant who
455 attends TAA training may be case-managed for TRA by one state and case-managed for TAA
456 by another state.

458 7. Subsistence/Transportation Payments

459 a) Case Manager responsibilities:

- 460 (1) The case manager may approve a transportation allowance for a participant when the training
461 facility is
462 located outside the participant's normal commuting area.
463 (2) The case manager may not approve a subsistence allowance for a participant who is receiving a
464 transportation allowance to attend training outside their normal commuting area. The participant
465 must
466 not be receiving living assistance from any other funding source or partner-funded program.
467 (3) The case manager may provide subsistence or transportation payments for a maximum of
468 two weeks at a time. Before the participant receives payments, the case manager must approve
469 and
470 obligate transportation or subsistence allowances.
471 (4) The participant will only receive transportation or subsistence allowances for days on which he/she
472 attends training as documented on attendance reports.
- 473 b) Transportation payments may not exceed the lesser of:
- 474 (1) The actual cost for travel by the least expensive means of transportation reasonably available
475 between the participant's home and the training facility; or
476 (2) The cost per mile at the prevailing federal mileage rate.
- 477 c) Subsistence payments may not exceed the lesser of:
- 478 (1) The actual daily cost for temporary lodging and meals in the area of training; or
479 (2) Fifty (50) percent of the prevailing federal rate for lodging and meals for the area.

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

- 482 a) Reimbursement of training costs under an OJT contract of up to 50 percent; with a maximum amount of 130
483 weeks of reimbursement to the employer.
- 484 b) TAA funds may only be used to reimburse the employer for the costs associated with training the
485 participant; and not for benefits, overtime hours, or hours beyond 40 hours per week. In addition, TAA funds
486 cannot be used to pay wages directly to the participant.
- 487 c) If an apprentice is not required to pay for training, TAA funds cannot be used to pay for related classroom
488 instruction.

490 9. Apprenticeships

- 491 a) To the extent possible under the TAA program guidelines, case managers should promote apprenticeship
492 programs that provide the skills necessary for the individual to obtain employment in an occupation. Before
493 approving apprenticeship training, case managers must ensure the following conditions are met:
- 494 b) Because an apprenticeship offers the individual employment and a combination of
495 on-the-job learning and related instruction, attendance in the apprenticeship training is

496 considered full-time.

497

498 10. Customized Training

499 a) Customized Training means training that is:

- 500 (1) Designed to meet the special requirements of an employer or group of employers;
- 501 (2) Conducted with a commitment by the employer or group of employers to employ an individual upon
- 502 successful completion of the training; and
- 503 (3) Funded significantly by the employer (50 percent or greater).

504 b) Businesses may be reimbursed by the TAA program for up to 50 percent of the costs incurred by the

505 providing the training; including staff/instructor time or training materials.

506 c) Customized skills training can be provided after a TAA participant is hired or if a business makes a

507 commitment to hire the participant upon successful completion of the training.

508

509 E. Allowances:

510 1. Job Search

511 a) Certified workers who apply for TAA services may be eligible for Job Search Allowances. Job Search

512 Allowances can cover expenses incurred by participants while seeking employment outside their normal

513 commuting area.

514 b) Participants may receive reimbursement for ninety (90) percent of the necessary out-of-area job search not

515 to cumulatively exceed \$1,250.

516 c) These funds are to assist participants in securing work within the United States when the case manager

517 determines that no suitable work is available in the commuting area in which the worker resides.

518 d) The participant must file a job search allowance application no later than one year (365 days) after the date

519 of their last total separation from adversely affected employment or from the date of their certification,

520 whichever is later; or

521 e) A participant enrolled in TAA-approved training must file the application not later than six (6) months, 182

522 days after completion.

523 f) A participant must request approval in writing prior to conducting the out-of-area job search. They must have

524 a scheduled and confirmed employment interview in order for the case manager to approve the request.

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

526 costs.

527 h) The participant must complete the out-of-area job search within thirty (30) days from the day when the job

528 search began.

529

530 2. Transportation for Job Search

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

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

536

537 3. Lodging and Meals for Job Search

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

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

542

543 4. Advanced Payments for Job Search

544 a) A case manager may advance an individual up to fifty (50) percent of the amount estimated that the

545 participant will need for their approved job search.

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

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

548

549 5. Participant Evidence of Job Search

550 a) Upon completion of a job search, the participant will certify the following details on the Job Search Allowance
551 Request form:

552 (1) Employer contacts made;

553 (2) Daily lodging and meals expenditures.

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

557

558 6. Relocation

559 a) Certified participants may be eligible for relocation allowances. If a participant obtains employment outside
560 their normal commuting area and provides documented proof, relocation allowances provide reimbursement for
561 moving expenses.

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

564 (1) It is determined that there is no reasonable expectancy that the participant can obtain suitable work
565 within their commuting area; or

566 (2) The participant obtains permanent, full-time suitable work or a bona fide offer of suitable work in
567 the

568 area of intended relocation.

569 c) Participants may receive a relocation allowance for ninety (90) percent of the reasonable and necessary
570 expenses

571 incurred in transporting the participant and their family and household effects to the area of relocation.

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

574 e) The participant must request relocation allowances in writing and in advance of relocation.

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

578 g) The participant enrolled in approved training must file an application no later than 182 days after completion
579 of such training.

580 h) Participants must submit receipts for reimbursement.

581 i) Participants will not use TAA funds to cover the costs of relocation paid by a prospective employer or other
582 programs.

583 j) The case manager will exclude the following items from coverage. The participant will assume costs for and
584 personally arrange for transportation of:

585 (1) Items of high intrinsic or sentimental value;

586 (2) Jewelry, collector's items, etc.

587 (3) Animals;

588 (4) Boats or personal watercraft;

589 (5) Airplanes;

590 (6) Camping vehicles;

591 (7) Farming vehicles;

592 (8) Explosives or dangerous goods;

593 (9) Outside fuel tanks or similar non-household articles;

594 (10) Cord wood and building materials;

595 (11) Perishable food subject to spoilage; and

596 (12) Mobile/manufactured homes (unless primary residence of employee).

597 (13) Snowmobiles, quads, golf carts, and other vehicles with two or three wheels may be shipped as

598 household goods; i.e. motorcycles, mopeds, segways, etc. The weight of these vehicles will count
599 against the 18,000-pound limit available for reimbursement. A participant must pay 100% of the
600 associated costs for the weight of household goods in excess of the 18,000-pound allowance.
601 k) If using a commercial carrier, two (2) competitive bids or other adequate justification for the cost of service is
602 required. Except for extenuating circumstances, a participant must accept reimbursement at a commercial
603 carrier's lowest bid.
604 l) Upon completion of relocation, the participant is required to submit receipts within 30 days.
605 m) Relocation must be completed within one (1) year. The one-year time limitation may be extended up to one
606 additional year for reasons beyond the participant's control and that are acceptable to the State TAA
607 Coordinator.

609 7. Transportation for Relocation

610 a) The amount allowable for transportation will not exceed the lesser of:
611 (1) Ninety (90) percent of the actual cost of the trip for the participant and any dependents by the most
612 economical public transportation they can reasonably take from the place of residence to the area
613 of relocation; or
614 (2) Ninety (90) percent of the cost per mile at the prevailing federal mileage rate for relocation of the
615 participant and any dependents by the usual route from the place of residence to the area of
616 relocation.
617 b) Up to two (2) privately-owned vehicles can be moved by the most direct route at ninety (90) percent of the
618 prevailing federal mileage rate, provided:
619 (1) The participant and/or dependents travel to the new location in such vehicle;
620 (2) The vehicle is driven rather than towed;
621 (3) Under this move, no other claim for participant and/or dependent transportation costs is made; and
622 (4) Other family members and/or household goods will be traveling in the authorized vehicle(s).

624 8. Lodging and Meals for Relocation

625 a) The amount allowable for lodging and meals will not exceed the lesser of:
626 (1) Ninety (90) percent of the actual expense for lodging and meals; or
627 (2) Ninety (90) percent of the allowable fifty (50) percent of the prevailing federal rate for lodging and
628 meals.
629 b) Payment will be limited to the number of days reasonably necessary to travel to the new location when
630 traveling by personal vehicle. If more than one (1) day of travel is necessary, 425 miles per day will be the
631 standard. When traveling by commercial air, one (1) day is normally allowed for travel. Lodging and meals
632 at the new location may be authorized for a reasonable period when circumstances warrant. Receipts must be
633 submitted by the participant, even when the federal rate for lodging and meals is used.

635 9. Moving for Relocation

636 a) The amount allowable for moving will not exceed ninety (90) percent of the cost of moving the household
637 goods of the participant and dependents; and ninety (90) percent of the reasonable cost of insurance for
638 moving
639 the household goods or moving a mobile home by commercial carrier or other means of transport to the new
640 location.
641 b) The total amount allowable for moving must not exceed the cost of moving a maximum of 18,000 pounds of
642 household goods between the place of residence and the new location by commercial carrier. The participant
643 will pay charges for weight in excess of 18,000.

645 10. Storage for Relocation

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

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11. Advance Payments for Relocation

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

F. Administration

1. Denials and Appeals:

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

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

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

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

2. Technical Assistance

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

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

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

G. Program Performance

1. Program Participation and Exit Under Common Measures

Please see the Performance Reporting Requirements Policy.

2. Data Validation and Quality Control

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

H. Fiscal

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

701 [1. Expenditures and Reporting](#)

- 702 a) Program costs include training, job search assistance, and relocation allowances.
703 b) All TAA funds must be expended in accordance with the provisions of this policy. Any expenditure of funds
704 which does not comply with these provisions will be deemed disallowed and subject to repayment by a non-
705 federal source.
706 c) Reimbursements made directly to a participant can only be made when presented with receipts.
707 d) Lost and Stolen Check Policy may provide helpful information.

708

709 [2. Program Income](#)

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

711

712 [3. Fiscal Records Retention](#)

713 Additional details are available in the Records Retention Policy.

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715 [I. Management Information System](#)

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

717

718 **Monitoring and Evaluation:**

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

724

725 **References:**

- 726 • [Trade Act of 1974, as amended](#)
727 • [Trade Act of 2002; Public Law 107-210](#)
728 • [TEGL 22-08 – Operating Instructions for Implementing the Amendments to the Trade Act of 1974](#)
729 [enacted by the Trade and Globalization Adjustment Assistance Act of 2009](#)
730 • [TEGL 22-08 – Attachment A, Section I: State Operations](#)
731 • [TEGL 22-08, Change 1 – Change 1 to the Operating Instructions for Implementing the Amendments to](#)
732 [the Trade Act of 1974 enacted by the Trade and Globalization Adjustment Assistance Act of 2009](#)
733 • [TEGL 5-15, - Operating Instructions for Implementing the Amendments to the Trade Act of 1974](#)
734 [enacted by the Trade Adjustment Assistance Reauthorization Act of 2015](#)
735 • [TEGL 5-15, Change 1 – Change 1 to the Operating Instructions for Implementing the Amendments to](#)
736 [the Trade Act of 1974 enacted by the Trade Adjustment Assistance Reauthorization Act of 2015](#)
737 • [TEGL 04-24 Discontinuation of IRS Data Submissions for the Health Care Tax Credit \(HCTC\)](#)
738 • [20 CFR 617 Trade Adjustment Assistance for Workers Under the Trade Act of 1974](#)

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