

Trade Adjustment Assistance

TAA Manual

April 2022

(Revised May 2023)



Trade Adjustment Assistance Program



Trade Adjustment Assistance Program Manual

Tennessee Department of Labor & Workforce
Development

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12000 Trade Adjustment Assistance (TAA)

12100 TAA Program Information

12101 Program Overview

The Trade Adjustment Assistance (TAA) Program is a federal program that assists U.S. workers who have lost their jobs as a result of foreign trade. The TAA program seeks to provide these adversely affected workers with opportunities to obtain the skills, resources, and support they need to become reemployed.

12102 Background of the Program

The TAA for Workers Program (TAA program) was first established at the U.S. Department of Labor (Department) under chapter 2 of title II of the Trade Act of 1974 (1974 Act). The TAA program has a two-step process for workers to obtain program benefits. First, a group of workers, or other specified entities, must file a petition for certification of eligibility to apply for TAA benefits and services with Office of Trade Adjustment Assistance (OTAA) in the Department's Employment and Training Administration (ETA) and the state in which the workers' firm is located. A petition will be certified by a Certifying Officer in OTAA after finding that the statutory criteria that test whether the group of workers was adversely affected by international trade have been met. Second, workers who are part of a group covered under a certified petition may apply individually to a state for TAA benefits and services. States administer the TAA program as agents of the Secretary of Labor (Secretary) through a state agency or agencies designated as the CSA in an agreement between the Governor and the Secretary (the Governor-Secretary Agreement). The CSA is responsible for both the determination of adversely affected worker eligibility to receive TAA and the provision of benefits and services to TAA-eligible workers.

The 2002 Amendments (TEGL 11-02)

The 1974 Act has been amended numerous times. The Trade Adjustment Assistance Reform Act of 2002 reauthorized and expanded the scope of the TAA program and increased benefit amounts, repealed the North American Free Trade Agreement Transitional Adjustment Assistance (NAFTA-TAA) program, added to the TAA program in 1993 to provide benefits to workers who lost their jobs because of trade with Mexico and Canada after NAFTA, created the Health Coverage Tax Credit (HCTC), and initiated a pilot program for Alternative Trade Adjustment Assistance for older workers (ATAA program). The NAFTA-TAA program was no longer necessary because the 2002 Amendments extended the same favorable TAA coverage to workers who lost their jobs because of shifts in production to other countries with which the United States had trade agreements or treaties or where there was also a likelihood of increased imports, as NAFTA-TAA had provided to workers who lost their jobs because of shifts in production to Mexico and Canada. Adversely affected secondary workers, whose layoffs could be attributed to trade impacts demonstrated by TAA certifications of workers for companies for whom their firms

were suppliers or downstream producers, were also covered under these amendments. The 2002 Program applied to workers covered under petitions filed on or after November 4, 2002.

The operation of the TAA program for workers covered by petitions filed on or after November 4, 2002 and before May 18, 2009 is governed by TEGL No. 11-02, *Operating Instructions for Implementing the Amendments to the Trade Act of 1974 Enacted by the Trade Act of 2002, and Changes 1, 2, and 3*; and TEGL No. 2-03, *Interim Operating Instructions for Implementing the Alternative Trade Adjustment Assistance (ATAA) for Older Workers Program - Established by the Trade Adjustment Assistance Reform Act of 2002, and Changes 1 and 2*.

The 2009 Amendments (TEGL 22-08)

The TGAAA reauthorized the TAA program through December 31, 2010, and again expanded its scope to cover additional categories of adversely affected workers, increased benefit amounts, and added employment and case management services to the categories of TAA benefits. The Older Workers Program no longer was a pilot program and was renamed the RTAA program. Workers no longer had to choose between receiving ATAA or the training benefit. Part-time training could be approved for all adversely affected workers, and adversely affected workers could enroll in TAA-approved training before separation from employment. The 2009 Amendments, applied to workers covered under petitions filed on or after May 18, 2009, through December 31, 2010. The Omnibus Trade Act amended the TGAAA to provide a six-week extension of the December 31, 2010, termination date of the program in effect under the 2009 Amendments (the 2009 Program), and the resumption of the program in effect before the 2009 Amendments (the 2002 Program). As described in TEGL No. 16-10, Change 1, the application of the 2009 Amendments ended (or “sunset”) on February 12, 2011. The expanded TAA group eligibility and certification requirements available under the 2009 Amendments continued to apply to petitions received on or before 11:59 PM EST on Monday, February 14, 2011, which was the next business day after February 12, 2011, a Saturday.

TEGL No. 22-08, *Operating Instructions for Implementing the Amendments to the Trade Act of 1974 Enacted by the Trade and Globalization Adjustment Assistance Act of 2009, and its Change 1* continue to govern the delivery of benefits to workers covered under the 2009 Program. TEGL No. 11-02, *Operating Instructions for Implementing the Amendments to the Trade Act of 1974 Enacted by the Trade Act of 2002, and its Changes 1, 2, and 3*; and TEGL No. 2-03, *Interim Operating Instructions for Implementing the Alternative Trade Adjustment Assistance (ATAA) for Older Workers Program Established by the Trade Adjustment Assistance Reform Act of 2002, and its Change 1* continue to govern the delivery of benefits to workers covered by petitions filed on or after November 4, 2002, and before May 18, 2009, and were identified below, the delivery of benefits to workers covered under petitions numbered TA-W 80,000-80,999.

The 2011 Amendments (TEGL 16-10)

On October 21, 2011, President Obama signed the Trade Adjustment Assistance (TAA) Extension Act of 2011, which changed the group eligibility requirements and adversely affected worker benefits and services available under the Trade Adjustment Assistance program for some workers.

Petitions filed after February 12, 2011, and before October 21, 2011, makes the changes to the group eligibility requirements contained in the TAA Extension Act of 2011 retroactive to February 12, 2011, and apply to all petitions filed since that time – petitions designated with numbers from TA-W-80,000 through TA-W-80,999.

Any petition filed after February 12, 2011, and before October 21, 2011, that was denied was automatically reconsidered under the group eligibility provisions of the TAA Extension Act of 2011. USDOL completed the reconsideration of these petitions on February 21, 2012.

The Trade Adjustment Reauthorization Act of 2015 (TEGL 5-15)

The TAARA 2015, title IV of the Trade Preferences Extension Act of 2015 (Public Law 114-27), was signed into law by President Barack Obama on June 29, 2015, and it both amends and reauthorizes the TAA Program. The TAARA 2015 (see Attachment B) restores the worker group eligibility and benefits established by the Trade Adjustment Assistance Extension Act of 2011 (TAAEA). The TAARA 2015 also authorizes the operation of the 2015 Program and continuation of the 2002 Program, the 2009 Program, and the 2011 Program through June 30, 2021; provides a 90-day transition period for Reversion 2014 Program adversely affected workers; expands coverage of certifications of petitions filed since January 1, 2014, for 90 days; requires reconsideration of negative determinations on petitions filed since that date and before the date of enactment under 2015 Act certification requirements; and reauthorizes the HCTC program benefit for eligible TAA adversely affected workers. Additionally, new requirements are added by the TAARA 2015 to align performance reporting for the TAA Program with the requirements of the WIOA.

The Trade Adjustment Reauthorization Act of 2015 (20 CFR 618)

Congress has reauthorized and amended chapter 2, and thus the TAA Program, multiple times. The TAA Program was changed extensively by amendments in 1981 (Pub. L. 97-35, title XXV), 1984 (Pub. L. 98-369, sections 2671, 2672, 2673), 1986 (Pub. L. 99-272, title XIII, subtitle A, part 1), 1988 (Pub. L. 100-418, title I, subtitle D, part 3), and 1993 (Pub. L. 103-182, section 501 through 507). In 1987, the Department issued a final rule significantly revising the certification process in 29 CFR part 90 (52 FR 23403, June 19, 1987). In 1994, the Department issued a final rule significantly revising the TAA Program regulations in 20 CFR part 617 to implement the 1988 amendments (59 FR 906, Jan. 6, 1994). The Department consolidated TAA program regulation 20 CFR parts 617 and 618, 29 CFR part 90 into a single 20 CFR part 618. This final rule became effective September 21, 2020.

Reversion 2021 (TEGL 24-20)

Effective July 1, 2021, the TAA Program as amended by the Trade Adjustment Assistance Reauthorization Act of 2015 (TAARA, 2015 Program, or 2015 Amendments) is reverted to a previous version of the program, referred to as Reversion 2021. Reversion 2021 means the TAA program administered by the Sunset Provisions of the Amendments to the Trade Act of 1974, enacted by the Trade Preferences Extension Act of 2015 (the TAA program under the 2002 Amendments with 2015 Sunset Provisions). Currently, adversely affected workers covered by a certified TAA petition are covered and eligible to apply for TAA benefits and services under one of the versions of the TAA Program based upon the date of the relevant TAA certified petition: the 2002 Amendments, the 2009 Amendments, the 2011 Amendments, or the 2015 Amendments. Workers receiving TAA Program benefits and services under any of these versions of the TAA program will continue to receive the applicable benefits and services provided under their applicable versions of the program. Any workers covered under a Petition for Trade Adjustment Assistance filed on or after July 1, 2021, will be covered under Reversion 2021.

Definitions

- i. *“Adversely Affected Employment” means employment in a firm or appropriate subdivision if workers of the firm or appropriate subdivision are certified as eligible to apply for the TAA Program.*
- ii. *“Adversely Affected Worker or AAW” (also referred to, in combination with an AAIW, as a trade-affected worker) means an individual, including an employer, who, because of lack of work in adversely affected employment, has been totally or partially separated from such employment.*
- iii. *“Adversely Affected Incumbent Worker or AAIW” (also referred to, in combination with an AAW, as a trade-affected worker) means a worker who:*
 - 1) *Is a member of a worker group certified as eligible to apply for the TAA Program*
 - 2) *Has not been totally or partially separated from adversely affected employment; and*
 - 3) *The Department determines, on an individual basis, is threatened with total or partial separation.*
- iv. *“Agent State” means a State, other than a liable State, that provides benefits or services to an adversely affected worker. A State can be both an agent State and a liable State. The agent State assists the liable State by gathering the information and making recommendations toward eligibility.*
- v. *“Approved training” or “TAA approved training” means a training program approved under subpart F of 20 CFR 618.*
- vi. *“Basic Skills” means education provided to individuals with deficient reading, writing, or math skills in order to obtain the skills necessary for successful transition into and completion of post-secondary education. Obtainment of the high school equivalency is the desired outcome.*
- vii. *“Benchmark” is a measure that indicates the worker is gaining knowledge or skills to become proficient in the job for which the worker is being trained. Benchmarks must be established when the worker enrolls in approved training so that the worker’s progress can be monitored. There are 2 benchmarks that must be monitored at intervals of no more than 60 days:*
 - 1) *Maintaining satisfactory academic standing (e.g., not on probation or determined to be “at risk” by the instructor or training institution, and*
 - 2) *On schedule to complete training within the timeframe identified in the approved training plan (IEP).*

- viii. *“Case Management” means the ongoing provision by the Contractor or Sub recipient to the adversely affected worker of encouragement, advocacy and resource referrals for issues and barriers to eventual successful employment as those issues and barriers arise or may be anticipated.*
- ix. *“Certification” means a determination issued under §618.235(a), or an amendment under §618.20, of eligibility to apply for the TAA program with respect to a specified worker group of a firm or appropriate subdivision.*
- x. *“Certification period” means the period of time during which total, partial, or threat of separations from adversely affected employment within a firm or appropriate subdivision of a firm are covered by the certification for worker groups eligible to apply for assistance under sec. 222(a) and (b) of the Act. The certification period begins on the impact date and, unless stated otherwise in the certification, ends 2 years after the certification date.*
- xi. *“Co-enrollment” means enrollment in the TAA Program and at least one other program that operates as part of the one-stop delivery system, such as the Dislocated Worker program under title I of WIOA.*
- xii. *“Commuting area” means the area in which an adversely affected worker would be expected to travel to and from work on a daily basis as determined under the applicable State law.*
- xiii. *“Completion of training or complete training or completed training” means that the adversely affected worker has finished all required coursework (including required externships or internships), testing, and professional licensing exams related to TAA-approved training.*
- xiv. *“Credential” means a certificate, diploma, degree, etc. obtained by the adversely affected worker who received and completed training.*
- xv. *“Demand” means a reasonable expectation (not necessarily a prior guarantee) of employment following completion of occupational training.*
- xvi. *“Distance Learning” is considered “classroom training” when the credential received is equivalent to what would have been received if the training had been conducted on campus. This interpretation expands the types of approved classroom training to include distance learning, where an adversely affected worker completes all or part of an educational or vocational program in a location far away from the institution hosting the training program. For distance learning, the final credential conferred must be equivalent in content and standard of achievement to the same program completed on campus.*
- xvii. *Downstream producer—The term “downstream producer” means a firm that performs additional, value-added production processes for a firm or subdivision, including a firm that performs final assembly or finishing, directly for another firm (or subdivision), for articles that were the basis for a certification of eligibility of a group of workers employed*

by such other firm, if the certification of eligibility is based on an increase in imports from, or a shift in production to, Canada or Mexico. (Reversion 2021)

xviii. *“Enrolled in training” means that a worker's application for training is approved by the State under subpart F of 20 CFR 618, and the training provider has furnished written notice to the State that the worker has been accepted in the approved training program, which is to begin within 30 calendar days of the date of such approval.*

xix. *“Full-time training” means:*

1) Attendance in training in accordance with the training provider's established full-time hours in a day (or credit hours) and days in a week; and

2) In the last semester of training, if the remaining course(s) to complete the training approved under subpart F of 20 CFR 618 do not meet the training provider's usual definition of full-time, States must consider the participation in training as full-time training if no additional training or coursework will be required to complete the training program.

xx. *“Health Coverage Tax Credit or HCTC” means the tax credit equal to a specific percentage of the costs of qualified health insurance premiums, which is administered by the Internal Revenue Service under section 35 of the Internal Revenue Code of 1986, as amended (26 U.S.C. 35). When the tax credit is available, eligible TAA and RTAA recipients (see definitions of eligible TAA recipient and eligible RTAA recipient) and qualifying family members may apply for advance payment of the credit or claim the credit on their income tax return.*

1) Eligible RTAA recipient means, for HCTC purposes (see definition of HCTC), an AAW eligible for RTAA and who is participating in RTAA for a month and is receiving an RTAA benefit for that month.

2) Eligible TAA recipient means, for HCTC purposes (see definition of HCTC), an AAW who receives TRA for any day of the month or who would be eligible to receive TRA but for the fact that the worker has not exhausted his or her UI entitlement.

xxi. *“Impact date” means the date stated in a certification of eligibility to apply for the TAA Program, on which the total or partial separations of the workers covered by the certification began or threatened to begin, but in most cases is not more than 1 year before the petition date.*

xxii. *Individual Employment Plan” means a revisable document containing an ongoing strategy, jointly developed by the adversely affected worker and the State, identifying the worker's employment goals, appropriate achievement objectives, and appropriate services for the worker to achieve his or her employment goals, objectives, and benchmarks while in training or receiving employment and case management services.*

- xxiii. *“Job Search” means education and assistance provided to adversely affected workers to secure employment. Job search services may include access to job listings, email, fax, telephone, or assistance in preparing applications, resumes, and for interviews. Job search assistance may include assistance to adversely affected workers in securing documents such as copies of professional licenses or certifications or identification documents needed to secure and maintain employment.*
- xxiv. *“Lack of work” means that the employer does not have work for the worker to perform or does not make that work available to the worker, and includes, but is not limited to, circumstances when:*
- 1) *Work is unavailable because the employer suspends or ceases operations or institutes a lockout; or*
 - 2) *Work is unavailable because the employer downsizes the workforce by means of attrition or layoff.*
- xxv. *“Layoff” means a suspension of or separation from employment by a firm for lack of work, initiated by the employer, and expected to be for a definite or indefinite period of time.*
- xxvi. *“Liable State” means, with respect to an adversely affected worker making claims for TAA Program benefits, the State whose State UI law is the applicable State law. A State can be both an agent State and a liable State.*
- xxvii. *“On-the-job training or OJT” means work-based training, provided—under contract with an employer in the public, nonprofit, or private sector—to an AAW who is employed by the employer.*
- xxviii. *“Part-time training” is a training program designed to consist of part-time attendance in accordance with the established hours and days of training determined by the training provider.*
- xxix. *“Prerequisite education or prerequisite coursework or prerequisite training” means any coursework or training required by a training provider before entering an occupational training program designed to impart the skills and information required to perform a specific job or group of jobs.*
- xxx. *“Program of remedial education or remedial education or remedial training” means coursework or training that is designed to enhance the employability of an adversely affected worker by upgrading basic academic knowledge through such courses as adult basic education (ABE), basic math and literacy, English language acquisition (ELA) for nonnative speakers, and high school equivalency (HSE) courses, among others.*

- xxxi. *“Provider/Vendor” means facilities that provide goods and services purchased by TAA for training that will provide a credential in an occupation in demand upon completion of this activity.*
- xxxii. *“Personal Information” means information identifiable to any person, including, but not limited to, information that relates to a person's name, health, finances, education, business, use or receipt of governmental services or other activities, addresses, telephone numbers, Social Security Numbers, driver license numbers, other identifying numbers, and any financial identifiers.*
- xxxiii. *“Qualifying separation” means any total or partial separation of an AAW from adversely affected employment within the certification period for the purposes of determining the AAW's eligibility to receive Basic TRA; 26-week period for enrollment in approved training; and Basic TRA eligibility period. The first qualifying separation is used to determine the weekly and maximum amounts of Basic TRA payable to an AAW.*
- xxxiv. *“Reasonable Cost” means 200 percent or less of the cost of the average for same or similar training at like institutions. ***Available at a reasonable cost means that training must not be approved at one provider when, all costs being considered, training better or substantially similar in quality, content, and results can be obtained from another provider at a lower total cost within a similar time frame. Training must not be approved when the costs of the training are unreasonably high in comparison with the average costs of training other workers in similar occupations at other providers.*
- xxxv. *“Reemployment Trade Adjustment Assistance or RTAA” means the TAA Program benefit available to certain AAWs 50 years of age and older who obtain qualifying reemployment.*
- xxxvi. *“Relocation Allowance” assists a worker covered under a certification and his/her family to relocate within the U.S. for suitable employment.*
- xxxvii. *“Services” means the services such as reemployment, employment, case management assistance, waiver, training, job search and/or relocation allowance, ATAA/RTAA, OJT or Apprenticeship the trade impacted worker may request.*
- xxxviii. *“Six Training Criteria” are the conditions for approval.*
- 1) *There is no suitable employment available for the adversely affected worker.*
 - 2) *The adversely affected worker would benefit from appropriate training (occupational/remedial)*
 - 3) *There is a reasonable expectation of employment following completion of occupational training.*

- 4) *Approved occupational training is reasonably available to the adversely affected worker.*
 - 5) *The adversely affected worker is qualified to undertake and complete such occupational training.*
 - 6) *Such training is suitable for the adversely affected worker and available at a reasonable cost.*
- xxxix. *“Subsistence Payments” is to defray the cost of separate maintenance when the training facility is located outside the commuting area of the adversely affected worker’s regular place of residence.*
- xl. *“Suitable employment” means, with respect to a worker, work of a substantially equal or higher skill level than the worker's past adversely affected employment, and wages for such work that are not less than 80 percent of the worker's average weekly wage. Part-time, temporary, short-term, or threatened employment is not suitable employment.*
- xli. *Supplier—The term “supplier” means a firm that produces and supplies directly to another firm (or subdivision) component parts for articles that were the basis for a certification of eligibility of a group of workers employed by such other firm. (Reversion 2021)*
- xlii. *“TDLWD” means the Tennessee Dept. of Labor and Workforce Development*
- xliii. *“Threatened to become totally or partially separated” means that there is evidence of intent to separate workers or that imminent separations are reasonably anticipated.*
- xliv. *“Trade Adjustment Assistance for Workers or Trade Adjustment Assistance or TAA Program” means chapter 2 of title II of the Act, Public Law 93-618, 88 Stat. 1978 (19 U.S.C. 2271-2323 and 2395), as amended, which establishes the Trade Adjustment Assistance for Workers (TAA) Program. The benefits and services established under the Act, including RTAA, are collectively referred to as the Trade Adjustment Assistance Program (TAA Program) and provide assistance to workers adversely affected by foreign trade.*
- xlv. *“Adversely affected Worker” is a worker that is covered under a certified trade petition and has received notice of or has been laid off from a trade impacted company. Covers both ‘adversely affected workers’ and ‘adversely affected incumbent workers.’”*
- xlvi. *“Trade Readjustment Allowances or TRA” means a weekly allowance payable to an AAW who meets the requirements of subpart G of 20 CFR 618. There are three types of TRA: Basic, Additional, and Completion, as described in §618.710.*
- xlvii. *“Transportation Allowance” is supplemental assistance to defray the cost of*

transportation expenses when the training facility is located outside the commuting area of the adversely affected worker's regular place of residence.

xlvi. *"VOS" refers to the Virtual One Stop web-based data/information portal used by TDLWD staff, contractors, employers, and job seekers for various employment and training services as well as program administration.*

xlix. *"Waiver" is a written statement to an adversely affected worker waiving the requirement to be enrolled in training described in subsection (a)(5)(A) if the Secretary determines that it is not feasible or appropriate for the workers, because of one or more of the following reasons:*

- 1) **Health** - *The worker is unable to participate in training due to the health of the worker, except that this basis for a waiver does not exempt a worker from the availability for work, active search for work, or refusal to accept work requirements under Federal or State unemployment compensation laws.*
- 2) **Enrollment unavailable** - *The first available enrollment date for the worker's approved training is within 60 days after the date of the determination made under this paragraph, or, if later, there are extenuating circumstances for the delay in enrollment, as determined under guidelines issued by the Secretary.*
- 3) **Training not available** – *Training is not reasonably available to the worker from either governmental agencies or private sources (which may include area vocational education schools, as defined in section 3 of the Carl D. Perkins Vocational and Technical Education Act of 1998 (20 U.S.C. 2302), and employers), no suitable training for the worker is available at reasonable cost, or no training funds are available.*

12103 How Does TAA Work

To obtain TAA reemployment services and benefits a group of workers must first file a petition with the U.S Department of Labor's Trade Adjustment Assistance Program (TAA) requesting certification as workers adversely affected by foreign trade. Once a complete petition is filed, the Office of Trade Adjustment Assistance (OTAA) initiates an investigation to determine whether a group of workers meets the group eligibility requirements. If the adversely affected worker is found to meet the group eligibility criteria, a group eligibility certification will be issued. This certifies that the workers of the group are eligible to apply for Trade Adjustment Assistance services and benefits.

After a group certification is issued, each adversely affected worker in the group must then individually apply for services and benefits through their local American Job Center.

12104 What Does TAA Offer

TAA offers benefits and a variety of services to support workers seeking reemployment.

BENEFITS

Income Support - Trade Readjustment Allowances (TRA) is available to provide income support to workers while participating in training. Under certain circumstances, TRA is also available to certified workers for whom training is not feasible or appropriate. There are three (3) categories of TRA Benefits: Basic TRA, Additional TRA, and Completion TRA. Each category has its own set of eligibility requirements.

SERVICES

Reemployment services - This service can include employment counseling, resume writing, and interview skills workshops, career assessment, job development, job search programs, job referrals, and supportive services.

Employment and Case Management Services - must be made available to the adversely affected workers and/or adversely affected incumbent workers covered by a certified petition requesting TAA services over the course of their participation in the TAA program, through early assessment, Individual Employment Plans, case notes, etc.

Waiver from the Training Requirement – Under certain circumstances, an eligible adversely affected worker may receive a waiver from the requirement for training, if they meet one of the three following conditions: health, enrollment unavailable, training not available.

Training – provided to workers that do not have sufficient skills to obtain suitable employment in the current labor market. Allowable types of training include classroom training, online, distance learning, on-the-job training (OJT), vocational, customized, and basic or remedial education.

Job Search Allowance – may cover expenses for a pre-approved job search activity (such as a job interview) that occurs 10 miles or more from the adversely affected worker’s residence when suitable employment, as defined by State law, is not available in the area.

Relocation Allowance - may cover expenses for a pre-approved move of the adversely affected worker, their families, and their household goods, outside the adversely affected worker’s normal commuting area if suitable employment, as defined by State law, is not available in the area. The commuting area in Tennessee is 50 miles one way. The adversely affected worker must have a bona fide offer of work.

Alternative Trade Adjustment Assistance (ATAA)/Reemployment Trade Adjustment Assistance (RTAA) - is a wage subsidy provided to eligible workers aged 50 and above that subsidizes a portion of the wage difference between their new wage and their old wage (up to a specified maximum amount).

12105 Who Does TAA Serve

TAA workers come from a variety of backgrounds and industries, and therefore many enter the program with a wide array of skills and experience. However, the majority of TAA workers who enter the program face similar challenges in obtaining reemployment, which can include no education beyond high school, job skills solely in the manufacturing sector, a median age of 51, and over 7 years of experience in a specific job that may no longer exist. The TAA program has been developed through legislation, regulation, and administrative guidance to best serve the needs of this unique population.

12106 Filing a TAA Petition <https://www.dol.gov/agencies/eta/tradeact/petitioners/petitions>
(20 CFR 618, Subpart B)

Petition Process Overview

- 1) To obtain TAA reemployment services and benefits, a petition must be filed with the U.S Department of Labor's Trade Adjustment Assistance Program (TAA). Once a complete petition is filed, the Office of Trade Adjustment Assistance (OTAA) initiates an investigation to determine whether a group of workers meets the group eligibility requirements. If the adversely affected worker group meets the group eligibility criteria, a group eligibility certification will be issued. This certifies that the workers of the group are eligible to apply for Trade Adjustment Assistance benefits. Under Reversion 2021, DOL will also determine if the worker group covered under the petition is eligible for Alternative Trade Adjustment Assistance (ATAA) benefits.
- 2) After a group certification is issued, each adversely affected worker in the group must then individually apply for services and benefits through his or her local American Job Center. The TAA Representatives at the local American Job Center will verify the workers' TAA eligibility to apply for TAA services.

Who may file a petition - A petition may be filed by any of the following: a group of two or more workers from the same firm, a union or duly authorized representative of such workers; the firms(s) of such workers; American Job Center operators or partners, including State workforce officials, employment security agencies, or dislocated worker unit and rapid response team members.

Assistance in preparing a petition - Petitioners may request assistance in preparing the petition at their local American Job Center.

Submitting a Petition - The petition should be electronically filed and electronically signed by the two workers in the same firm, or by the employer, union official, State workforce official, One-Stop Operator/partner or duly authorized representative who is filing the petition. When a group of two workers are filing the petition, both workers must sign the petition.

If multiple petitions for the same group of workers are filed, USDOL will base the filing date on when the first petition is received.

Investigation on TAA Petitions

After OTAA determines the filed petition is valid, an investigation to determine whether the group of workers covered by the petition meets the group eligibility requirements of the Trade Act will be initiated. This investigation may include contacting customers of the workers' firm, the petitioners, unions, Cooperating State Agencies, and/or other sources of relevant information as needed to collect data. The steps required to complete an investigation vary according to the circumstances specific to the workers' firm.

Certification of Petitions - If the eligibility requirements have been met OTAA will issue the worker group a decision titled: "Certification Regarding Eligibility to Apply for Worker Adjustment Assistance."

Generally, the certification covers all members of the worker group who are separated or threatened with separations during the period beginning one year before the petition was filed and ending two years after the date of the certification. Each certification describes the worker group and specifies the beginning and ending dates.

Denial of Petitions - If, after investigation, OTAA determines that the eligibility requirements are not met, OTAA will issue the worker group a "Negative Determination Regarding Eligibility to Apply for Trade Adjustment Assistance." A negative determination denies workers certification of eligibility to apply for TAA services and benefits.

Workers who are denied eligibility to apply for TAA may: 1) request administrative reconsideration of the determination; 2) seek reemployment services from other programs such as those available through the Workforce Innovation and Opportunities Act's Dislocated Worker program also available through local American Job Centers.

Notification of Certification or Denial - After making a determination on group eligibility, OTAA will notify the petitioners, the workers' firm, and State agency of the determination. In addition, the determination will be posted on the TAA website and published in the Federal Register. If a group of workers is certified eligible to apply for TAA, the Cooperating State Agency will then notify workers of the certification and provide information about benefits.

How to Challenge a Termination of Investigation, Denial, Termination or Partial Termination of Certification through an Administrative Reconsideration - Determinations on Trade Adjustment Assistance petitions are published in the Federal Register, the official daily publication for Rules, Proposed Rules, and Notices of Federal organizations. Any party who is eligible to file a petition under 618.205, and any worker in the group of workers, may file a written application seeking reconsideration of a termination of an investigation under 618.210(e); a negative determination issued under 618.235(b); or a termination or partial termination of certification issued under 618.240 by email, fax, or mail.

reconsiderations.taa@dol.gov
(202)693-3584 or (202)693-3585 faxes
or mailed to:

*United States Department of Labor Employment and Training Administration Office of
Trade Adjustment Assistance
200 Constitution Avenue N.W.
Washington DC 20210*

Reconsideration requests must be filed with OTAA within 30 days of Federal Register publication.

For further instruction on filing Appeals & Reconsiderations see 20 CFR 618.245.

Judicial Review - A worker, group of workers, certified or recognized union, or authorized representative of such worker or group may commence a civil action for review of the determination by filing a complaint with the United States Court of International Trade (USCIT) within 60 days after the date of publication of the notice of a final determination in the Federal Register, as provided under sec. 284 of the Act (19 U.S.C 2395).

Further instruction for filing a complaint see 20 CFR 618.255
<https://www.ecfr.gov/current/title-20/chapter-V/part-618/subpart-B/section-618.255>

12107 Rights to TAA Training

The following are the most pertinent elements of approved training under the Trade Act:

- 1) Training is an entitlement under the Trade Act program, but it is not an unconditional entitlement. There are six criteria that must be considered before training is approved.
- 2) Only adversely affected workers who are laid off from affected employment during an

impact period of a specific certification are eligible and entitled to request service and benefits approved and paid for under the Trade Act.

- 3) Workers who are laid off during the impact period but lack the 26 weeks of employment necessary to qualify for weekly TRA allowances are eligible and entitled to receive approved training, relocation, and job search under the Trade Act.
- 4) Depending on the petition number, vocational, remedial, and/or pre-requisite training may be approved under the Trade Act.

12108 Waiver for TRA claimants, 20 CFR 618 Subpart G

A waiver must have prior approval from the TRA Unit staff or your TAA Regional Coordinator before it is created in jobs4tn.gov.

A state may issue a waiver upon a finding that training for such worker is not feasible or appropriate for one or more reasons identified in §20 CFR 618.735(b):

- 1) ***Bases for a waiver.*** The State, in order to issue a written waiver to an AAW, must conclude after assessing the worker that training is not feasible or appropriate for one or more of the reasons in paragraphs (b)(1) through (3) of this section, which must be cited on the waiver:
- 2) ***Health.*** The worker is unable to participate in training due to the health of the worker. A waiver granted for this reason does not exempt the worker from requirements relating to the availability for work, active search for work, or refusal to accept work under Federal or State unemployment compensation laws.
- 3) ***Enrollment unavailable.*** The first available enrollment date for approved training is within 60 consecutive calendar days after the date on which a waiver determination is made or, if later, there are extenuating circumstances, as determined under the criteria in § 618.725(a)(3), that apply to the delay in enrollment in training.
- 4) ***Training not available.*** Approved training is not reasonably available to the worker from governmental agencies or private sources, or suitable training is not available at a reasonable cost, or no training funds are available.

The duration of a waiver may be for a period not to exceed six (6) months, or the AAW's period of Basic TRA entitlement, whichever ends first.

Waivers must be reviewed (on or before) every 30 consecutive calendar days after the date of issue to determine if one or more of the bases of the waiver continue to apply.

A TRA claimant approved for training within thirty (30) days may receive benefits;

additional weeks may only begin when the worker begins participating in training.

TRA under Reversion 2021 (TEGL 24-20)

Under Reversion 2021, AAWs must be enrolled in training or have been issued a waiver from training by certain deadlines to be eligible for TRA. These deadlines apply for eligibility for Basic TRA – which then impacts Additional TRA and Completion TRA. A State may extend the enrollment deadlines by 45 days where the State determines that there are extenuating circumstances justifying the extension.

Eligibility for TRA – Enrollment in TAA Training Deadlines

Reversion 2021 requires that the AAW be enrolled in TAA training by the TAARA 2002 deadlines. These deadlines require enrollment no later than the later of:

- 1) Last day of the **8th** week following the date in which the certification covering the AAW was issued by the Secretary, or
- 2) The **16th** week following the day in which the AAW was most recently totally separated from adversely affected employment.

12200 Training (20 CFR 618.600 Subpart F)

Effective August 23, 1988, training is an entitlement, and, **in any case where the criteria are reasonably met and funding is available**, the adversely affected worker is entitled to have the training approved and it may not be unreasonably denied. Effective February 7, 1994, only one program of training is allowable under a single petition.

The adversely affected worker shall be entitled to "have payment of the costs of such training paid on his/her behalf" (subject to the limitations imposed by the Trade Act). The reference to "limitation" includes all the limitations and restrictions on types of training criteria, as well as the limit on annual training costs payable from TAA funds.

The adversely affected worker may apply for and receive training to help secure reemployment, at a reasonable cost and as quickly as possible, assist an adversely affected worker in obtaining the necessary skills to have reasonable expectation of reemployment. All else being equal, States should prefer training that replaces 100 percent or more of an adversely affected worker's wages in adversely affected employment or that qualifies as suitable employment.

12201 Training Program

A training program may consist of a single course or group of courses which is designed and approved by the State agency for an adversely affected worker to meet a specific occupational goal. Depending on the Petition number training could be approved for:

- 50000 – 69999 (2002) [TEGL 11-02]
 - Up to 104 weeks of full-time training
 - Up to 130 weeks of full-time training if there are remedial
 - Must be separated and covered by a trade petition to request training.

- 70000 – 79999 (2009) [TEGL 22-08]
 - Up to 130 weeks of full-time or part-time training. However, if the training is part-time, there will be no TRA benefits.
 - Up to 156 weeks of full-time training or part-time if there are remedial or pre-requisites. However, if part-time there will be no TRA benefits.
 - Trade impacted workers may request training prior to layoff.

- 80000 – 80,999 (2002) [TEGL 16-10]
 - Up to 104 weeks of full-time training
 - Up to 130 weeks of full-time training if there are remedial

- 81,000 -97,999 (2015) [20 CFR 617 & 618]
 - 130 weeks of full-time or part-time training. However, if the training is part-time, there will be no TRA benefits.
 - Last 13 weeks must meet benchmarks for Completion TRA Benefits.
 - Trade impacted workers may request training prior to layoff

- 98,000 and above (Reversion 2021) [20 CFR 618 & TEGL 24-20 change 1]
 - 130 weeks of full-time or part-time training. No restriction to full-time training for receiving TRA benefits. Participants who are attending training part-time are otherwise eligible for TRA.
 - Last 13 weeks must meet benchmarks for Completion TRA Benefits.
 - Adversely affected incumbent workers are no longer eligible to request training prior to layoff.

12202 Amended Training Program

An adversely affected worker's approved training program may be amended to add a course or to satisfy unforeseen needs of the trade adversely affected worker, such as remedial education or specific occupational skills, as long as the length of the amended training program does not exceed the number of weeks designated by the petition number. [20 CFR 618.665]

12203 Full-time Training

TAA approved training programs are to be designed to consist of full-time attendance in accordance with the established hours and days of training determined by the training provider. Written documentation from the training facility admissions or business office is required to clarify full-time status. If combined with on-the-job (OJT) training, the combined attendance at both must be full-time. Staff should seek guidance from the TAA Regional Coordinator regarding training programs having limited hours-per-day scheduled. [20 CFR 618.110]

12204 Adversely Affected Incumbent Worker/Part-time Training

Under Petition number 70000 through 79999 and 81000 and above, TAA-approved training programs can consist of part-time attendance. However, if part-time training is chosen and approved, no TRA benefit will be paid to the adversely affected worker. [20 CFR 618.615(b)(2)] Under Reversion 2021, TAA participants who are enrolled in part-time training remain otherwise eligible for TRA [TEGL 24-20].

If the adversely affected worker is covered under petition numbers through 69999 or 80000 through 80999, workers are not eligible for part-time training.

12205 Distance Training *TEGL 09-05, 20 CFR 618.620 (b)(2)*

Distance training (i.e., training provided via the internet) may be considered “classroom training” when the degree or certificate received is equivalent to what would have been received if the training had been conducted on campus. This interpretation expands the types of approved classroom training to include distance learning, where an adversely affected worker completes all or part of an educational or vocational program in a location far away from the institution hosting the training program. For distance learning, the final degree or certification conferred must be equivalent in content and standard of achievement to the same program completed on campus or at an institutional training location. When the above condition is met, the training will be recognized as the type that normally takes place in an interactive classroom setting. This standard replaces the four conditions in TEGL 7-00.

In addition, in order for distance learning to be approved, all criteria for training approval found at 20 CFR 618.610 must be met in the same way as in any other training.

Distance learning may, in some cases, be more self-paced than in class institutional training. TAA Representatives will need to work with distance learning providers to understand the specific requirements or milestones of the distance learning program and to ensure that the training provider keeps the agency informed of the student’s adherence to those requirements through weekly attendance certifications. [*TEGL 09-05*]

A provider of the distance learning must be based in the United States for training provided to be approved. In addition, the worker must be physically within the United States when participating in distance learning to remain eligible for benefits under the Act.

12206 Case Management (20 CFR 618, Subpart C)

This subpart describes the employment and case management services that the State must make available to adversely affected workers, either directly through the TAA Program or through arrangements with partner programs. This subpart requires States, under the Governor-Secretary Agreement at §618.804, to integrate the provision of benefits and services available to trade-affected workers under the TAA Program with the delivery of employment services and other assistance provided through the one-stop delivery system (established under title I of WIOA), as

required by sections 235 and 239(a), (e), and (g) of the Act. It also implements the requirements of section 221(a)(2)(A) of the Act for the provision of rapid response assistance and appropriate career services described in §§682.300 through 682.370, and 680.150 of this chapter, respectively, for workers upon receipt of a petition filed covering a group of workers

Case management consists of comprehensive assessments of skill levels and service needs (20 CFR 618.310)

This includes the following:

- Diagnostic testing and other assessment tools
- In-depth interviewing and evaluation to identify employment barriers and appropriate employment goals
- Development of an individual employment plan (IEP) to identify employment goals and objectives, and appropriate training to achieve those goals and objectives
- Information on how to apply for financial aid, including referring workers to educational opportunity centers
- Short-term prevocational services, including development of learning skills, communication skills, interviewing skills, etc.
- Individual and group career counseling, including job search and placement counseling, during the period in which the worker is receiving a trade adjustment allowance or training, and after receiving such training for purposes of job placement and employment retention.
- Provision of employment statistics information, including the provision of accurate information relating to local, regional, and national labor market areas, including
 - Job vacancy listings
 - Information on job skills necessary to obtain jobs identified in job vacancy listings
 - Information relating to local occupations that are in demand and earnings potential of such occupations; and
 - Skills requirements for local occupations
- Information relating to the availability of supportive services, including services relating to childcare, transportation, dependent care, housing assistance, and need-related payments that are necessary to enable an individual to participate in training.

Case management services must be offered to adversely affected workers identified as adversely affected. Documentation must be available that demonstrates case management has been provided or offered either in a paper-based case file or in an electronic case management system, which must be available for review. Additionally, the case management file of each adversely affected worker must demonstrate that each worker was notified of his/her enrollment in training deadlines.

The purpose of these employment and case management services is to provide adversely affected workers the necessary information and support for them to achieve sustainable reemployment. Therefore, these services must be made available to workers over the course of their participation in the TAA Program. [20 CFR 618.300]

12207 Criteria for Approval (20 CFR 618.610)

Training shall be approved for an adversely affected worker if the State agency determines that the six training criteria have been met. These criteria are:

- 1) There is no suitable employment available for the adversely affected worker.
- 2) The adversely affected worker would benefit from appropriate training.
- 3) There is a reasonable expectation of employment following completion of occupational training.
- 4) Training is reasonably available to the adversely affected worker.
- 5) The adversely affected worker is qualified to undertake and complete such training.
- 6) Such training is suitable for the adversely affected worker and available at a reasonable cost.

The six criteria will also be used to determine approved training which is paid for with sources other than TAA funds. The costs of training approved under the six criteria are "not required" to be paid from TAA funds to the extent that such costs are paid under any state or federal program or from any other source, i.e., an employer. However, training would not be considered approvable if the adversely affected worker paid for the training or if the adversely affected worker was required to reimburse anyone for the training.

12208 Criteria for Approval, Explanations (20 CFR 618.10)

A. **Criterion 1.** There is no suitable employment available for the adversely affected worker.

- 1) There is no suitable employment available for an adversely affected worker in either the commuting area or another area outside the commuting area to which the worker intends to relocate, and there is no reasonable prospect of such suitable employment becoming available for the worker in the foreseeable future.
- 2) If a training program, or an application for training, is denied under paragraph (a)(1) of this section, the State must document the availability of suitable employment through traditional and real-time labor market information including, but not limited to, projections data, job postings, and job vacancy surveys.
- 3) Suitable employment means, with respect to a worker, work of a substantially equal or higher skill level than the worker's past adversely affected employment, and wages for such work that are not less than 80 percent of the worker's average weekly wage. Part-time, temporary, short-term, or threatened employment is not suitable employment.

B. **Criterion 2.** The adversely affected worker would benefit from appropriate training.

- 1) The worker would benefit from appropriate training when training, skills training, or remedial education would increase the likelihood of obtaining employment. Appropriate training should improve the worker's chances of obtaining employment at higher wages than in the absence of training or place the worker on a pathway to do so.
- 2) The worker must have the knowledge, skills, and abilities to undertake, make satisfactory progress in, and complete the training program.

C. **Criterion 3.** There is a reasonable expectation of employment following completion of such training.

- 1) Given the labor market conditions expected to exist at the time of the completion of the training program, a reasonable expectation, fairly and objectively considered, exists that the adversely affected worker is likely to find employment, using the skills and education acquired while in training, upon completion of approved training. The labor market conditions considered must be limited to those in the worker's commuting area, or in the area where the worker intends to relocate.
- 2) "A reasonable expectation of employment" does not require that employment opportunities for the worker be available, or offered, immediately upon the completion of the approved training program. When initially approving such training, there must be a projection, based on labor market information, of employment opportunities expected to exist at the time of completion of the training program.
- 3) The State must measure expected job market conditions using pertinent labor market data, including but not limited to job order activity, short-term projections data, job vacancy surveys, business visitation programs, and local and regional strategic plans. This labor market information should be documented in the adversely affected worker's case file. The State should also work with the LWDBs and their one-stop partners, especially business team members, to understand current labor market conditions and opportunities for work-based learning.
- 4) When a worker desires to relocate within the United States, but outside the worker's present commuting area, upon completion of training, the State must document the labor market information, described in paragraph (c)(2) of this section, for the area of the planned relocation.

- 5) A reasonable expectation of employment may exist in a limited demand occupation for a single, trained worker in the worker's commuting area or in an area to which the worker desires to relocate. A limited demand for such an occupation does not preclude the approval of training in an occupation where the State has determined that there is a reasonable expectation that the worker can secure employment in that occupation. States must verify with businesses in the commuting area or in the area of intended relocation that demand exists for an individual with such training. These efforts must be documented in the adversely affected workers case file. Before approving training in occupations with limited demand, the State must consider the number of individuals currently enrolled in training that are likely to meet that demand before enrolling additional workers in training for that occupation.
- 6) A State may approve a training program in an occupation if it finds that there is a reasonable expectation that the training will lead to self-employment in the occupation for which the worker requests training and that such self-employment will provide the worker with wages or earnings at or near the worker's wages in adversely affected employment.
- 7) Training programs that consist solely of OJT or contain an OJT component are not approvable if they are not expected to lead to suitable employment, with the employer providing the OJT, in compliance with section 236(c)(1)(B)(i) of the Act.

D. **Criterion 4.** Training is reasonably available to the adversely affected worker. In determining whether training is reasonably available, States must first consider training opportunities available within the worker's commuting area. States may approve training outside the commuting area if none is available at the time in the worker's commuting area. Whether the training is in or outside the commuting area, the training program must be available at a reasonable cost as prescribed in paragraph (f) of this section. This means that the training is reasonably accessible to the adversely affected worker within the adversely affected worker's commuting area at any governmental or private institution or facility. Reasonable commuting area is within a 10-mile radius of the adversely affected worker's residence. It also means training is suitable for the adversely affected worker and meets the other criteria. Emphasis must be given to finding accessible training for the adversely affected worker, although not precluding training outside the commuting area if none is available at the time within the adversely affected worker's commuting area. If outside the commuting area, then the training must be available at a reasonable cost. Mileage from the workers' home to the training facility should be documented.

E. **Criterion 5.** The adversely affected worker is qualified to undertake and complete such occupational training.

- 1) This criterion emphasizes the adversely affected worker's personal qualifications to undertake and complete approved training. Evaluation of the trade-affected

worker's personal qualifications must include the adversely affected worker's physical and mental capabilities, educational background, work experience, as indicated by the TABE or CASAS assessment, and financial resources, as adequate to undertake and complete the specific training program.

- 2) Evaluation of the adversely affected worker's financial ability should include an analysis of the adversely affected worker's remaining weeks of UI and TRA payments in relation to the duration of the training program. If the adversely affected worker's UI and TRA will be exhausted before the end of the training program, it will be ascertained through the financial statement whether personal or family resources will be available to the adversely affected worker.
 - 3) If a worker has insufficient financial resources to complete the worker's proposed training program that exceeds the duration of UI and TRA payments, then the State must not approve that training program and must instead consider other training opportunities available to the worker. Financial statement LB-1090 will be used to verify financial resources.
- F. **Criterion 6.** Such training is suitable for the adversely affected worker and available at a reasonable cost.
- 1) Suitable for the adversely affected worker means that criterion one is met in that no suitable employment is available and that the training is appropriate for the adversely affected worker given his/her capabilities, background, and experience.
 - 2) Available at a reasonable cost means that training is not approved at one institution when, all costs being considered, the same or similar training can be obtained at another institution at a lower total cost. It also means that training is not approved when the costs of the training are unreasonably high in comparison with the average costs of training of other workers in similar occupations at other institutions or facilities. This criterion also requires taking into consideration the funding of training costs from sources besides TAA funds, and the least cost to TAA funding of providing suitable training opportunities to workers. Greater emphasis will need to be given to these elements in determining the reasonable costs of training, particularly in view of the requirements that TRA claimants be enrolled in and participate in training.
 - 3) Reasonable cost of training shall take into consideration tuition and related expenses (books, tools, and fees, etc.), travel or transportation expenses, and subsistence expenses.
 - 4) In determining whether cost of training is reasonable, consideration should first be given to the lowest cost training which is available within the commuting area. When like training for suitable employment is offered at more than one training facility, the lowest cost training shall be approved.
 - 5) Training outside the adversely affected worker's normal commuting area should be

approved only in situations where appropriate training is not otherwise available. Training that involves transportation or subsistence costs, which add substantially to the total costs, provides a basis for disapproving the training if other appropriate training is available.

*NOTE: The six training criteria will be completed by the TAA Regional Coordinator after notification of the TAA training request has been received. **Case notes must document enough information to enable the TAA Regional Coordinator to make an eligibility determination.***

12209 Other Factors Which Must be Considered in the TAA Training Approval Process

- 1) Before submitting a training request, an adversely affected worker must first complete a job search to determine if there is any suitable employment available in his/her commuting area.
- 2) The training is of suitable duration to achieve the desired skill level in the shortest possible time.
- 3) The hours and days in a week of attendance will be in accordance with established hours and days commensurate with the course as determined by the training facility.
- 4) No other payment for the costs of such training has been or will be made from any other source which would create duplication of payments. Any funds which are used for any purpose other than the direct payment of the costs incurred in training is deductible, even if such use indirectly pay or reduces the costs involved in training the adversely affected worker.
- 5) Case management should be completed on all TAA eligible workers requesting any services covered under the program. This information should be documented in Jobs4TN (VOS) under case notes.
- 6) All TAA eligible workers requesting training must be assessed by Adult Education using the TABE/CASAS.

NOTE: The above criteria will also be used to determine approved training which is paid for with sources other than TAA funds.

NOTE: Pell and/or Lottery grants are not required to be used for training costs under TAA. If costs are deemed unreasonable, the adversely affected worker must give written approval for the use of the grants.

12210 TAA Eligibility Application (Jobs4TN (VOS))

All workers identified as trade impacted **must complete a Wagner Peyser application** and then a TAA application in Jobs4TN prior to participation in the program. Once the TAA Application has been established and the adversely affected worker has been identified as eligible to request services under the law, the next step is to set up Participation in the program.

Under Reversion 2021, only workers from the worker group who have been totally or partially separated from employment during the certification period are eligible to apply for TAA benefits and services.

12211 TAA Participation (Jobs4TN (VOS))

Establishing participation in the TAA program starts with setting up an Initial Assessment activity. All TAA workers must have specific activities offered to them as part of core and intensive services. Initial Assessment (VOS Code 102) is always the first service offered to the adversely affected worker - followed by these activities (not necessarily in this order):

- IEP – Individual Employment Plan (VOS activity code 205) must be developed on all TAA participants
- LMI – Labor Market Information (VOS activity code 107) that will assist with reemployment
- Job Search (VOS activity code 125) Suitable employment search required prior to requesting training
- Referral to AE – Assessment (TABE/CASAS testing) (VOS activity code 138)
- Referral to Title 1 (VOS activity code 134) - required for co-enrollment with the Dislocated Worker program
- Rapid Response (VOS activity code 110) adversely affected worker attended a rapid response meeting

There may be other activities that you include on the adversely affected worker, but the list above is required on all TAA workers that are looking at occupational training.

12212 TAA Training Enrollment (Jobs4TN (VOS))

A training activity must be completed in Jobs4TN (VOS) by the TAA Representative establishing the type of training being requested, using one of the following codes:

- 300 Occupational Skills Training – Approved Provider List (ITA)
- 328 Occupational Skills Training – Non-Approved Provider (No ITA)
- 339 Approved HiSet Training
- 342 TAA Approved Prerequisites
- 301 On-The-Job Training
- 314 Apprenticeship Training
- 303 Distance Learning
- 333 Remedial Training (for TAA participants with a high school diploma)

The training provider and course of study are also identified in the activity.

NOTE: Cost of training will be established based on the cost sheet submitted by the training facility and posted in Jobs4TN (VOS) by the TAA Regional Coordinator.

Completion of the activity information will be the printed TAA Enrollment document.

12213 Trade Adjustment Assistance Program (TAA) Application for TAA Training (Jobs4TN (VOS))

The TAA Regional Coordinator will review the activity, training information, cost, and case notes. They will then make an eligibility decision based on the facts as they have been presented and will complete the six training criteria. The form will be printed and signed, indicating the decision. That printed form is the Application for TAA Training.

NOTE: Case notes must be entered in Jobs4TN (VOS) so that the TAA Regional Coordinator will have justification for the answers to the six training criteria.

12214 How to Apply for TAA Funded Training

If the adversely affected worker is requesting TAA funded training, the American Job Center's TAA Representative will complete and/or upload in Jobs4TN (VOS) the following:

- TAA Program Application (signed)
- TAA Occupational Training Activity
- IEP & IEP Activity (signed)
- An eligibility determination
- Financial Support Statement (LB-1090) indicating financial support should TRA exhaust.
- Signed Worker's Training Agreement and Responsibilities form LB-1092
- Willing to Commute form (if applicable) LB-1089
- List of all books, supplies, tools, uniforms, etc., with the cost of each item **per term** (provided by training provider)
- Total cost sheet showing tuition, fees, test cost, books, supplies, tools, uniforms, and any misc. items, **per term** (provided by training provider)
- Copy of academic plan/course outline showing courses and hours planned **for each term** (provided by training provider)
- Signature of Authority for Training Provider Officials and/or Vendors (LB-0898) with phone numbers and email addresses
- Schedule of training facility breaks (school calendar).
- TABE/CASAS Scores
- Mileage documentation (3 sources of verification)
- W-9 form
- Demand Information
- School cost comparison (if applicable)

12215 How to Apply for Approval of Training with Other Funding Source

For workers who are enrolled in training by and funded through any source other than TAA, the American Job Center's TAA Representatives will complete and/or upload in Jobs4TN (VOS) the following:

- TAA Application
- TAA Occupational Training Activity
- IEP Plan & IEP Activity
- An eligibility determination (if petition is out of state).
- Financial Statement LB-1090 indicating financial support should TRA exhaust.
- Signed Worker's Training Agreement and Responsibilities LB-1092
- Willing to Commute form (if applicable) LB-1089
- Written notification from the funding source stating clearly that they will pay the training costs
- A written notification from the training provider indicating the course of training, date the adversely affected worker commenced the training and the duration of the training.
- Copy of academic plan/course outline showing courses and hours planned for each term (provided by training provider)
- Signature of Authority for Training Facility Officials, LB-0898
- Schedule of training facility breaks (school calendar)
- TABE/CASAS Scores
- Mileage documentation
- Demand information

12216 Signature of Authority for Training Facility Officials, LB-0898

<https://www.tn.gov/workforce/general-resources/forms.html>

The Signature of Authority for Training Facility Officials (LB-0898) is available for use by American Job Centers in obtaining training facility and/or vendor signatures(s) of authorization. The form is designed to collect the signature of the official(s) authorized to sign:

- Claimant certifications, regardless of the funding source, and
- Claimant certification and invoicing TDLWD when the training is TAA funded.

NOTE: Please ensure to include email addresses on the form.

12217 Forwarding Requests for Training Approval Timely

Training approval requests and all required documents should be uploaded to Jobs4TN (VOS) at **least 30 days prior to the anticipated training start date** in order for a determination to be made in a timely manner. **No training may be started prior to written approval by the TAA Regional Coordinator.** A copy of each document, with original signatures, should be maintained in the adversely affected worker's American Job Center file.

12218 Individual Employment Plan (IEP)

The Individual Employment Plan is a shared document in Jobs4TN (VOS) between all partners. The plan will follow the adversely affected worker from the first time he/she steps into the office for services until suitable employment is obtained.

The plan is made up of a goal(s) and objectives that describe the planned steps that will take the adversely affected worker from dislocation to suitable employment. The goal is what the planned outcome will be, e.g., complete training, obtain suitable employment, etc. The objectives should lay out a path through trade services, such as reemployment, training, job search, relocation, etc., to reach the established goal.

When developing objectives to meet the goal of training, it is important that the objectives are laid out in a specific order:

- Job search (was there any suitable employment found?)
- Requested training (what type of training is the adversely affected worker interested in and did the adversely affected worker provide documentation from the training facility that will establish the request date?)
- Referred to AE for assessment (when was the scheduled assessment appointment?)
- Training is recommended (what do the case notes from AE and TABE/CASAS scores indicate?)
- Referred to training provider for training information
- Enroll in/Begin training (When, Where, What)
- Maintain satisfactory progress throughout training
- Meet benchmarks
- Must schedule benchmark appointments every 60 days for progress reports, and report at the end of every term with grades and registration/cost sheet for next term.
- Complete training
- Report for reemployment services
- Obtain suitable employment

NOTE: The above list of objectives is required on the IEP; however, please be aware that there could be additional objectives added throughout the training.

12219 Training Benchmarks

Training benchmarks are required to be established for a adversely affected worker when the adversely affected worker enrolls in training and to be able to monitor the trade-affected worker's progress toward completing the approved training within the 130-week maximum duration. The adversely affected worker must substantially meet benchmarks every 60 days to receive Completion TRA and, therefore, benchmarks must be included in all Individual Employment Plans (IEPs). Benchmarks are also satisfactory progress of the adversely affected worker while in training.

In order to determine that the adversely affected worker has substantially met the performance benchmarks established in the approved IEP, the adversely affected worker must be evaluated for satisfactory progress against two benchmarks at intervals of no more than 60 days, beginning with the start of the IEP, to determine whether the adversely affected worker is:

- Maintaining satisfactory academic standing (i.e., not on probation or determined to be “at risk” by the instructor or training institution), and
- On schedule to complete training within the timeframe identified in the approved IEP.

For this review, the training provider may provide documentation of the adversely affected worker’s satisfactory progress, the American Job Center’s TAA Representative may attest to the adversely affected worker’s satisfactory progress after consultation with the training provider and the adversely affected worker, or the state may request that the adversely affected worker provide documentation of his/her satisfactory progress towards meeting the training benchmarks from the provider, such as transcripts, grades, written progress reports, etc.

Regardless of the mechanisms used, the training benchmarks must be described in the adversely affected worker’s IEP and documented in case notes at each review.

Upon one substandard review of the established benchmarks, the adversely affected worker will be given a warning (Participant Non-Compliance Warning Form, LB-1107) located at <https://www.tn.gov/workforce/general-resources/forms.html> while two substandard reviews must result in a modification to the IEP, or the adversely affected worker will no longer be eligible for Completion TRA. In this way, the training benchmarks may be used to provide early intervention that will provide the opportunity to determine whether the training is appropriate for the adversely affected worker or if the plan requires a revision.

NOTE: Workers are required to provide grades and an updated course outline or academic plan at the end of every term so that staff can determine if the adversely affected worker is on track. This information should also be documented in the IEP and case notes.

12220 Voluntary withdrawal from a training program (TEGL 11-20)

Voluntary withdrawal from approved training, covered at 20 CFR 618.645, requires that an overpayment must be established if certain conditions are met, and the participant must repay the costs of the non-completed portion of approved training.

- a. **Notification to Workers:** States must advise a worker who chooses to withdraw from approved training that choosing to do so may result in the establishment of an overpayment under 20 CFR 618.832 of the TAA Program regulations if there is not good cause for the withdraw. If an overpayment is established and collection is not waived as outlined below, the participant would be financially liable for repayment of the portion of the approved training that was not completed. In addition, States must also advise such a worker that a withdrawal may also negatively impact their eligibility for TRA. For instance, a worker

receiving Additional or Completion TRA would no longer be eligible for TRA since they are no longer participating in training.

- b. **Exception for Uniformed Services:** The TAA Program regulations, at 20 CFR 618.645(b), provide an exception for adversely affected workers who performed a period of service in the Uniformed Services and had to withdraw from approved training to meet their service obligations. The regulations allow the worker to resume training or begin a new training program, if needed.
- c. **Justifiable Cause:** There are also provisions in the TAA Program regulations, at 20 CFR 618.780(b)(3)(iii), where a worker may have justifiable cause for withdrawing from approved training. In general, these are situations where the worker, although having acted diligently, was unable to complete the training. An adversely affected worker might withdraw from training for reasons other than obtaining employment. Determinations of whether the worker had good cause to withdraw from training are made in compliance with applicable State law on a case-by-case basis.
- d. **Job Search and Relocation Allowances:** A worker who withdraws from approved training may receive job search and relocation allowances if they are otherwise eligible.
- e. **Continuing Training After Obtaining Employment:** A adversely worker who obtains suitable employment before training is completed may choose to continue in the approved training but must continue to satisfactorily meet any training benchmarks established under 20 CFR 618.660. If a worker chooses to continue their approved training, the state must determine whether the training program needs to be amended and must discuss with the worker whether continuing in the approved training furthers the worker's employment goals.
- f. **Withdrawing from Training After Obtaining Employment:** A adversely affected worker may decide to not continue or complete a training program if they become reemployed. For many workers, employment will limit the time available to attend training and therefore prevent the worker from completing training. In this scenario, the worker would likely have good cause – established at 20 CFR 618.730 – for not completing the training. However, determinations of the applicability of good cause are made on a case-by-case basis, and a state may find that good cause does not exist where circumstances support such a finding.
- g. **Overpayments:** Rules and requirements of overpayments are established at 20 CFR 618.832. States must waive repayment if the payment was made without fault of the participant and requiring repayment would cause a financial hardship. As provided at 20 CFR 618.832(a)(3), “A financial hardship exists if recovery of the overpayment would result in the person's (or the person's household's) loss of or inability to pay for ordinary and necessary living expenses.” If the conditions for a waiver of an overpayment are not met, the participant would be liable for repayment, which could be recovered from offsets of other payments under the TAA Program, Unemployment Insurance (UI), or other federal laws administered by the states, subject to the provisions at 20 CFR 618.832(e).

- h. **Importance of Quality Assessments and Labor Market Information:** According to TAA Program data, 75 percent of workers who enroll in training complete their training. Quality assessments and a review of labor market information are vital to ensuring that a decision to approve a training plan meets the criteria established at 20 CFR 618.610 are essential to maximizing training completion. This includes the determination that there is no suitable employment available to the worker, as further discussed in TEGL No. 03-20 Determining the Availability of Suitable Employment Under the Trade Adjustment Assistance (TAA) Program’s Final Rule to Return Adversely Affected Workers to employment as Quickly as Possible. In some instances, it is later determined that a worker could have obtained the new employment without ever having received training. Although there are many reasons why a worker might become employed in an occupation different than that they were training for, high quality assessments combined with actionable labor market information will help reduce this. States should focus on the provision of quality assessments, case management, and a review of labor market information prior to the approval of training.
- i. **Ongoing Employment and Case Management Services:** The regulations, at 20 CFR 618.360, explicitly require the provision of employment and case management services to workers enrolled in training. Part of the justification for this requirement is to require counselors to monitor the progress of workers enrolled in training, to determine if an amendment to the training program is needed, and to assist the worker in their work search efforts while still participating in training. Activities related to job search should increase as the worker nears the scheduled completion of training. This will help ensure that there is a limited gap – if any – between the completion of training and employment. These ongoing services will also determine if there is a need to modify the training program due to the benchmarks established under 20 CFR 618.660 and changing labor market conditions that might necessitate a change in occupational goals or industry focus.
- j. **Program Monitoring by States:** As established at 20 CFR 618.860(d)(2)(i), states must conduct regular oversight and monitoring of its TAA program, determine that expenditures have been appropriate, and ensure compliance with the statute, the regulations, and administrative guidance. The Governor-Secretary Agreement executed under 20 CFR 618.804 requires that this review include “a sample of worker files to ensure effective and efficient operation and administration of the program.” If, during a review of these files, it is determined that a worker withdrew from training, the state must follow up to determine if a determination was made on whether the worker had good cause for withdrawing from the training and whether or not an overpayment should have been established. States should also use this opportunity to review the quality of employment and case management services – notably assessments – rendered by service providers. If the state determines that the quality of services do not meet the standards of the TAA Program, corrective action should be required and questioned costs established, if appropriate.
- k. **Oversight by the Department:** The Department, through the Regional Offices, also conducts oversight of the TAA Program. This oversight includes a review of administrative, financial, and programmatic information – including case files. From time to time, the Department also conducts a review of redeterminations and appeals rendered through the state unemployment insurance adjudication process. In its reviews, the

Department will explore the quality of assessments and services, appropriateness of training and benefit determinations, and outcomes. If the Department determines that the state has not ensured the provision of quality services or if inappropriate determinations have been made, in addition to any findings that may be issued, the Department may also establish questioned costs.

12221 Additional Weeks of TRA Benefits

In order to assist the adversely affected adversely affected worker in completion of approved training, TRA benefits may be paid depending on the Program (2002, 2009, 2011, and 2015)

- 50000 – 69999 (2002)
 - 26 weeks of Basic TRA and up to 104 weeks of additional TRA benefits if enrolled in full-time approved TAA training, or
 - Up to 130 weeks if adversely affected worker had remedial training
 - Must be enrolled in training within 8 weeks of certification or 16 weeks of layoff, whichever is later or have completed a waiver.
 - Training must be full-time
- 70000 – 79999 (2009)
 - 26 weeks of Basic TRA and up to 130 weeks of additional TRA benefits if enrolled in full-time TAA training, or
 - Up to 156 weeks if adversely affected worker has had remedial or pre-requisites training
 - Training must be full-time to receive additional TRA benefits.
 - Must enroll within 26 weeks of either certification or layoff
- 80000 - 80999 (2002) (*workers who begin receiving services before December 20, 2011*)
 - 26 weeks of Basic TRA and up to 104 weeks of additional TRA benefits if enrolled in full-time approved TAA Training, or
 - Up to 130 weeks if adversely affected worker has had remedial training
 - Training must be full-time.
 - Must be enrolled in training within 8 weeks of certification or 16 weeks of layoff, whichever is later or have completed a waiver.
- 80000 - 80999 (2011) (*workers who begin receiving services on or after December 20, 2011*)
 - May be eligible for up to 26 weeks of Basic TRA and up to 65 out of 78 weeks of additional TRA benefits if enrolled in full-time training. The last 20 weeks of training, the adversely affected worker could draw up to an additional 13 weeks of Completion TRA. Benchmarks must have been met during the course of training.
 - Training must be full-time to receive additional TRA.

- 81000 - 97999 (2015 TAARA)
 - May be eligible for up to 26 weeks of Basic TRA and up to 65 out of 78 weeks of additional TRA benefits if enrolled in full-time training. The last 20 weeks of training, the adversely affected worker could draw up to an additional 13 weeks of Completion TRA. Benchmarks must have been met during the course of training.
 - Training must be full-time to receive additional TRA.
- 98000 and above (Reversion 2021) 20 CFR 618
 - May be eligible for up to 26 weeks of Basic TRA and up to 65 out of 78 weeks of additional TRA benefits. The last 20 weeks of training, the adversely affected worker could draw up to an additional 13 weeks of Completion TRA. Benchmarks must have been met during the course of training.
 - Participants in part-time training are otherwise eligible for TRA benefits.

12222 Determinations of Request for Training

Approval of training requests for workers who are enrolled in training by and funded through TAA or any source other than TAA will be made by the designated area TAA Regional Coordinator.

Denial of a training request will be in writing via electronic form from the TAA State Coordinator and/or the designated area TAA Regional Coordinator to the adversely affected worker and must list the reason for such denial. Appeal procedures are contained on this form.

If an adversely affected worker is already attending training, but not approved under this section, he/she may apply for approval. If it is determined that the adversely affected worker and the course of training meet all requirements, and training is approved, the costs of such training will be paid by TAA at the start of the next term.

12223 Approval of Training for Interstate Claimants

Training applications for interstate TRA claimants are to be prepared and uploaded to Jobs4TN for review by the TAA Regional Coordinator. Upon review of the application, the designated area TAA Regional Coordinator will make a recommendation to the liable state to approve or deny the training. The final approval/denial will be issued by the state which is liable for the TRA benefit claim. Any appeal of a denial of training will be made to the issuing state.

12224 Time Limits Affecting Training

An adversely affected worker must start approved training within 30 calendar days after the approval date to meet the definition of enrolled in training for TRA purposes [618.720(g)(1)(i)]. The only time limit for workers applying for TAA paid training is the sunset of the TAA program. However, their eligibility for additional weeks of TRA benefits will be affected if they do not apply for training approval within the specified time limits as dictated by the petition number they are under. Therefore, staff must complete training requests as soon as a training program is selected. This will allow the requirement for additional benefits to be determined.

12225 Procedures for Certifications for TAA Approved Claimants

TRA claimants attending training must submit form LB-0429 for weekly certification whether or not they are drawing TRA Weekly Monetary Benefits. This lets the TAA and TRA Unit know the claimant is attending their approved training weekly. The Weekly Certification form is to be emailed to the participant's TAA Representative each week, who will ensure that the form is uploaded to Jobs4TN and will notify the TRA Unit. The TAA Representative will provide to the TAA participant copies of the Weekly Certification form once TAA approved training has begun.

A Signature of Authority form (LB-0898) signed and dated by those authorized to sign off on the weekly school certifications, along with their individual email addresses, must be submitted with each request for training. The Signature of Authority form with original signatures is to be maintained in the individual TAA file at the AJC.

NOTE: These forms can be obtained at: <https://www.tn.gov/workforce/general-resources/forms.html>

12226 Training Related Costs (Transportation and Subsistence)

An adversely affected worker approved for TAA training will be eligible for supplemental assistance to defray the cost of transportation expenses and/or subsistence necessary to pay the cost of separate maintenance when the training facility is located outside the commuting area of the adversely affected worker's regular place of residence. [20 CFR 618.640] (Commuting area for the purpose of TAA travel for training participation is defined as 10 miles or more one way from the adversely affected worker's residence.)

12227 Travel and Subsistence Payments

Transportation Payments

When the adversely affected worker lives 10 or more miles one way, transportation payments shall be made according to the cost per mile at the prevailing federal mileage rate and shall be paid for each mile that is traveled round trip.

NOTE: A training activity will be set up in Jobs4TN so funds can be established for travel while in approved training 10 miles or more one way from the adversely affected worker's residence.

Subsistence Payments 20 CFR 618.640 (c)

Subsistence payments must be made for the reasonable costs of meals and incidental expenses, and of separate maintenance, which means maintaining temporary living quarters, when the training facility is located outside the adversely affected worker's commuting area. Such payments will not exceed the lesser of (1) the adversely affected worker's actual per diem expenses for subsistence; or (2) 50% of the prevailing per diem rate authorized under the federal travel regulations for the locale of the training.

No subsistence payment will be made for any day of unexcused absence certified on the Weekly Request for Allowances by adversely affected worker in Training (LB-0429).

NOTE: A subsistence activity will be set up in Jobs4TN so funds can be established for living expenses while in approved training over 50 miles one way from the adversely affected worker's residence.

*NOTE: Transportation/Subsistence Application can be found at:
<https://www.tn.gov/workforce/general-resources/forms.html>*

12228 Mileage Checklists

- 1) Pull Weekly Attendance Form (LB-0429) from <https://www.tn.gov/workforce/general-resources/forms.html>
- 2) Print several copies of the form for adversely affected worker to have for submitting requests to Central Office
- 3) Have adversely affected worker sign and complete a W-9 form (only needed one time and must be provided with the training packet)
- 4) Remind all adversely affected workers that a Weekly Attendance form (LB-0429) must be completed, signed, and dated at the end of every week, by the school to track attendance. The form must be submitted weekly for the worker to receive his/her travel reimbursement.

Note: (If this form is not completely filled out, reflecting dates of attendance, and dated at the end of each week, benefits cannot be provided to an adversely affected worker).

- 5) Once an adversely affected worker is approved for travel allowance, the amount of the cost is already included in the TAA approved training packet and has been calculated.

12229 Authorization and Invoice - TA-2

Authorization and Invoice (TA-2) form (LB-1121) will be furnished to the training institution by the TAA Regional Coordinator when TAA funding is approved for training. Payment of approved training facility costs will be processed upon receipt of the signed Voucher, TA-2, and an invoice with cost breakdown for the current term from the training institution to the TAA state Coordinator and/or area TAA Regional Coordinator.

<https://www.tn.gov/workforce/general-resources/forms.html>

12230 How Payments Are Made

Approved TAA funded training cost (institutional training) will be paid as follows:

- 1) Approved training facility or vendor cost will be processed upon receipt of the voucher, Authorization, an Invoice Form (TA-2), and an invoice submitted by the training institution or vendor to the TAA Coordinator and/or area TAA Regional Coordinator. The TAA Regional Coordinator will provide the training institution with TDLWD billing requirements at the time of approval and be available to answer questions about billing that may arise when necessary.
 - The Voucher must be signed by an authorized school official (*person who signed the signature of authority*).
 - Each TA-2 and backup invoice must have a unique invoice number in order to be processed in Edison.
 - Jobs4TN SID number and the petition number must be included on the TA-2.
 - There should be no highlighting on either document.
 - A W-9 is required if training facility or vendor has never contracted with TDLWD.
 - Address on the W-9 should be the billing address, i.e., where the check is expected to be mailed.
 - The amount listed on the TA-2 must match the amount listed on the training facility/vendor's invoice.
 - The charges on the bill must be for the term the voucher is issued.
 - TA-2, signed voucher, and back up invoice should be scanned and emailed to the TAA Unit at: TDLWD.TAA@TN.gov.

NOTES: a) If an invoice amount is greater than the amount on the approved voucher, additional documentation will be requested that justifies the increased cost.

b) If an Invoice is over \$5,000 follow the respective guidance on TAA INV/Voucher process.

- 2) The TAA Regional Coordinator will review each invoice for completeness and accuracy and will send the original to Fiscal staff to process for payment as promptly as possible.

12231 De-obligations

Ninety days after the completion or withdrawal from training and if there is a remaining balance, the TAA Regional Coordinator will verify that all invoicing has been completed. Any remaining balance will be returned to the applicable TAA grant and the activity will be completed/closed.

NOTE: Training activities with remaining balances should never be closed. TAA Regional Coordinator will close activity when funds for activity have been zeroed out.

12233 Training Facility Follow-Up Notice (LB-0785)

The TAA Representative will request follow-ups from the training (facility) providers on students who have reached their completion date or withdrawn from training. Upon receipt from the training facility, it will be uploaded into Jobs4TN for access by the TAA Unit.

<https://www.tn.gov/workforce/general-resources/forms.html>

Note: If notification is received that an adversely affected worker is not on track to complete training by scheduled end date, the TAA Representative will be required to obtain a letter of explanation for need and request to extend the training end date from the provider before an extension can be granted.

12300 Job Search Allowance

A State must grant a job search allowance to an Adversely Affected Worker (AAW) to help the worker secure suitable employment within the United States if the AAW meets the eligibility requirements. [20 CFR 618.405]

12301 Requests for Job Search Allowance

To receive job search allowance, an AAW must apply for job search allowance before beginning a job search to be funded by such an allowance [20 CFR 618.410]

12302 Criteria for Approval of Job Search Allowance [20 CFR 618.415]

An adversely affected worker may be approved for a job search allowance if the following conditions are met:

- 1) The adversely affected worker is covered under a certified petition.
- 2) A request for Job Search Allowance (form LB-1117) <https://www.tn.gov/workforce/general-resources/forms.html> must be submitted to the AJC before the job search begins for the job search allowance to be approved.
- 3) The job search activity must be 10 miles or more away from the adversely affected worker's residence (as defined by Google Maps, Rand McNally, Yahoo Maps).
- 4) The TAA Representative must determine that the adversely affected worker has no reasonable expectation of securing suitable employment in the commuting area, and there is a reasonable expectation in the area where the job search is conducted of obtaining either suitable employment or employment that pays a wage of at least the 75th percentile of national wages, as determined by the National Occupational Employment Wage Estimates, and otherwise meets the definition of suitable employment.
- 5) The adversely affected worker has been totally separated from the job covered under the certification at the time the job search starts.

- 6) The adversely affected worker files a timely application, which is defined as follows:
 - The later of the 365th day after either the date of the certification under which the adversely affected worker is covered, or the 365th day after the date of the adversely affected worker's last total separation, or
 - The 182nd day after the date of concluding approved training.
- 7) The adversely affected worker must have an active Wagner-Peyser application in Jobs4TN.

12303 How to Apply for Job Search Allowance

TAA provides financial assistance to cover expenses incurred in seeking employment outside the worker's normal commuting area, which is 10 miles or more. Workers may be reimbursed up to \$1250 or \$1500 (depending on their petition) for the necessary transportation costs while searching for such employment. TAA offers up to 90% reimbursement of job search costs when searching for a job outside the normal commuting area.

Adversely affected workers may be eligible for multiple services, such as training, relocation, and job search. The following information is to assist TAA Representatives with the job search process.

- Determine if the worker is covered under a certified petition and is eligible for trade adjustment assistance.
- Create or update their TAA application in Jobs4TN and ensure employment information is complete.
- Create a participation using Initial Assessment activity (102) (If the worker does not already have one).
- Create an activity for Rapid Response (110), LMI (107), and IEP (205).
- Create an IEP with a goal and objectives.

This is the point where the job search process will begin. Keep in mind that workers must always apply for Job Search Allowance at the local office before beginning a search outside the normal commuting area and that each application is good for 30 days.

- Create a Job Search activity (125). This is the activity for the actual job search.
- Fill out the Trade Adjustment Job Search Allowances Application form (LB-1117).
 - The TAA Representative fills out Section I, and both the Representative and the worker sign and date on page two of the form.
- Create a VOS TAA – Approved Out of Area Job Search Allowance Activity (237). This is the activity that funds the job search.
- Instruct the worker to commence job search.
 - Make sure to give the worker a Trade Adjustment Assistance Job Search Activity Verification form (LB-1119) <https://www.tn.gov/workforce/general->

[resources/forms.html](#)

- Worker will need one for each job search, interview, or application placed.
- Also remind the worker to bring in any receipts for meals while doing the job search (if job search is over 50 miles).
- Maintain the application until the worker returns to provide the required documentation at the end of the 30-day limit.
- When the worker comes back in, process the documents, and maintain the originals in the participant's file.
- Once all documentation is gathered, upload the documents to VOS and notify the respective area TAA Regional Coordinator that it is ready for review.
 - Print out three sources of mileage verification to go with the other documents. (Google maps, Yahoo Maps, or Rand McNally Map)

12304 Reimbursable Amount [20 CFR 618.425]

The amount of a job search allowance shall be based on a percentage of the total allowable costs of transportation, lodging, and meals (**depending on the petition number**). The total job search allowances paid to an adversely affected worker covered under a certified petition may not exceed the amount designated by the petition number regardless of the number of job searches undertaken by the adversely affected worker. Payment from any other source(s) will reduce the amount paid to the adversely affected worker by TAA.

A. Travel

The worker's allowable travel expenses may not exceed 90 percent of the prevailing federal mileage rate by privately owned vehicle, for round trip travel by the usual route from the worker's home to the job search area, though other forms of transportation may be utilized.

B. Lodging and Meals (if over 50 miles)

The cost allowable for lodging and meals shall not exceed the lesser of (1) actual cost to the adversely affected worker of lodging, as evidenced by receipts, and meals while engaged in the job search; or (2) 50% of the prevailing federal per diem allowance rate for the locality in which the job search is conducted.

C. Payment Criteria

- Job search allowances include payments for travel costs, lodging, and meals.
- Approvable job search allowance amounts are:
 - 2002, 2011, & 2015 Amendments – 90% of all reasonable and necessary expenses, up to \$1,250
 - 2009 Amendments - 100% of all reasonable and necessary expenses, up to \$1,500
- Travel must be by the least expensive method, for the shortest duration of time

- Lodging and meals will be paid up to either 50% of the federal allowable daily rate for the travel destination (<http://www.gsa.gov/portal/category/100000>) or the actual cost, whichever is less (only applicable if travel is over 50 miles one way).
- Only allowable job search activities will be reimbursed.
- Job search activities must conclude 30 days after beginning.
- The adversely affected worker must provide all applicable and acceptable documentation in order to receive payment. This may include receipts for all lodging, purchased transportation, or other expenses.

12305 Job Search Activity Definitions

In reference to TAA job search allowances, approved job search activities are:

- Going to a job interview with a potential employer
- Making an in-person visit with a potential employer who may reasonably be expected to have openings for suitable work
- Completing a job application in person with a potential employer who may reasonably be expected to have openings for suitable work
- Going to a local AJC, copy shop, U.S. Postal Service Office, or similar entity to print, copy, mail, email, or fax a job application, cover letter, and/or a resume
- Going to a local AJC, public library, community center, or similar entity to use online job matching systems, including Jobs4TN, to search for job matches, request referrals, submit applications/resumes, and/or apply for jobs
- Using certified professional employment resources from a provider other than the AJC (Example: interview preparation meeting with a headhunter or private placement agency)
- Attending a job fair or professional association meeting (for networking purposes)
- Going to a local AJC to use resources that may lead directly to obtaining employment, such as:
 - Obtaining and using local labor market information
 - Participating in skills assessments for occupation matching
 - Attending job finding clubs
 - Participating in pre-vocational workshops, including soft skills, resume writing, interviewing skills, etc.
 - Obtaining and following up on job referrals from AJC staff.

12306 Required Documentation for Reimbursement

1. A copy of the approved Trade Adjustment Assistance Job Search Allowance Application (LB-1117) <https://www.tn.gov/workforce/general-resources/forms.html>
2. A Job Search Activity Verification form (LB-1119) <https://www.tn.gov/workforce/general-resources/forms.html>, fully completed and signed by an authorized representative at the institution where a meeting takes place or services

- are sought (Example: library attendant, AJC staff, employer, headhunter, etc.)
3. Google Maps, Rand McNally, or Yahoo Maps driving directions (3 sources of mileage verification)
 4. Travel receipts or estimates for transportation methods other than private vehicle (Example: bus fare, airfare, etc.)
 5. Meal receipts (only applicable if travel is over 50 miles one way)
 6. Lodging receipts (only applicable if travel is over 50 miles one way).

12400 Relocation Allowance [20 CFR 618.440]

A relocation allowance will be granted to an adversely affected worker covered under a certified petition to assist him/her and family, if any, to relocate within the United States.

Note: "Family" means the following members of an adversely affected worker's household whose principal place of abode is with the adversely affected worker in a home the adversely affected worker maintains or would maintain but for unemployment:

- A. A spouse;
- B. Domestic partner;
- C. Children of the adversely affected worker, of the worker's spouse, or of the worker's domestic partner, who are unmarried and under 21 years of age or who, regardless of age, are physically or mentally incapable of self-support. (The term "children" shall include natural offspring; stepchildren; adopted children; grandchildren, legal minor wards or other dependent children who are under legal guardianship of the worker, of the worker's spouse, or of the domestic partner; and an unborn child(ren) born and moved after the worker's effective date of transfer; and
- D. Any other person whom the adversely affected worker would be entitled to claim as a dependent for income tax purposes

12401 Criteria for Approval [20 CFR 618.445]

Eligibility for a relocation allowance requires the following:

- A. The adversely affected worker must be covered under a certified petition.
- B. The adversely affected worker is totally separated from adversely affected employment at the time relocation commences.
- C. The adversely affected worker must have an active Wagner Peyser application on Jobs4TN.
- D. AJC TAA Representative must determine that the adversely affected worker has no reasonable expectation of securing suitable employment in the commuting area.
- E. The adversely affected worker has obtained suitable employment of long-term duration, or a bona fide offer of such in the area of intended relocation.

- F. The adversely affected worker must file a timely application which is defined as follows:
 - 1. The 425th day after the date of the certification under which the adversely affected worker is covered, or the 425th day after the date of the adversely affected worker's last total separation, whichever is later; or
 - 2. The 182nd day after the concluding date of approved training.
- G. Relocation of the adversely affected worker must occur within 182 days from the date of application for relocation allowance.
- H. A relocation allowance will not be granted to more than one member of a family with respect to the same relocation.
- I. The adversely affected worker must not have already received a relocation allowance under the same certification
- J. Relocation must occur within the United States and outside the adversely affected worker's present commuting area. (Commuting area is defined as within 50 miles of the adversely affected worker's residence.)
- K. A Request for Relocation Allowance (LB-0430) must be submitted to the AJC TAA Representative before the relocation begins for the relocation allowance to be approved.

12402 Request for Relocation Allowance, LB-0430

A Request for Relocation Allowance (LB-0430) will be completed to request relocation allowances.

12403 How to Apply for Relocation Allowances

- A. The TAA Representative should assist the adversely affected worker in completion of the Request for Relocation Allowance (LB-0430)
- B. When applicable, the TAA Representative will instruct the adversely affected worker to obtain three (3) estimates from a commercial carrier, rental truck agency, and/or temporary storage business, for the total cost to be incurred.
- C. Instruct the adversely affected worker to obtain the name, title and complete telephone number of the company official who hired or offered employment of long-term duration.
- D. Instruct the adversely affected worker to record his/her expenses for meals and lodging on the space provided and to obtain receipts for all expenses claimed.
- E. An activity for Relocation Allowance (217) must be created in VOS to establish funding for the relocation allowance.
- F. Attach the adversely affected worker's receipts for all expenses to the completed original form along with a W-9 form and upload all documentation into Jobs4TN. Notify the TAA Regional Coordinator when everything is available for review.

120404 Reimbursable Amounts [20 CFR 618.455]

The amount of a relocation allowance consists of (1) a lump sum payment equal to three times the adversely affected worker's former average weekly wage of adversely affected employment, not to exceed \$1,250, and (2) the total allowable costs for transportation, lodging, meals, moving, and if necessary, temporary storage (**depending on the petition number**). Payment from any other source(s) will reduce, by that amount, what is to be paid to the adversely affected worker by TAA. The amount payable as a relocation allowance must include the following items:

A. Travel [20 CFR 618.455 (a)(1)]

- The cost allowance for travel will not exceed the amount designated by the petition number the lesser of (1) the actual cost for the adversely affected worker and family by the most economic public transportation from the adversely affected worker's old residence to the new residence in the area of relocation, or (2) 90 percent of the prevailing cost per mile at the prevailing federal rate from the adversely affected worker's old residence to the new one. (Separate Travel - If, for good cause, a member, or members of an adversely affected worker's family must travel separately to the adversely affected worker's new residence, depending on the petition number, the total costs of such separate travel will be included in calculating the total amount the adversely affected worker is entitled to be paid. Good cause means such reasons as would justify the family member's inability to relocate with the other members of the adversely affected worker's family, including but not limited to the family member's health, schooling, job, or economic circumstances.)

B. Lodging and Meals [20 CFR 618.455 (a)(2)]

- The State may reimburse the worker for 90 percent of lodging and meal expenses for the worker and his or her family while they are in transit, but such costs may not exceed the lesser of: (1) the actual cost to the adversely affected worker for lodging, verified by receipts, and meals while in travel status; or (2) 50 percent of the federal prevailing per diem allowance rate for the locality to which the relocation is made (depending on the petition number).

C. Moving Allowance [20 CFR 618.455 (a)(3)]

- The State may reimburse the worker for 90 percent of the allowable costs of moving the workers and family's household goods and personal effects. The allowable costs of moving household goods and personal effects of the adversely affected worker and family include moving by (1) commercial carrier; (2) trailer; (3) rental truck; or (4) house trailer or mobile home. It also includes 90 percent of the costs of temporary storage of household goods for up to 60 days. However, these allowable costs will not exceed the maximum number of pounds (net weight) authorized under the federal travel regulations.

1. Commercial Carrier

- Amount, designated by the petition number, of allowable costs of household goods and personal effects of an adversely affected worker and family will not exceed the maximum number of pounds (net weight) authorized under the federal travel regulation. The adversely affected worker must submit the most economical cost estimate to the AJC.

2. Trailer

- Percentage of allowable costs (based on petition number) include (1) the private vehicle (cost per mile at the federal prevailing mileage rate); and (2) the necessary rental fee for each day required to complete the move.

3. Rental Truck

- Percentage of allowable costs (based on petition number) include (1) the rental fee for each day required to complete the move; and (2) the necessary fuel for such rental truck paid by the adversely affected worker.

4. House Trailer or Mobile Home

- If a house trailer or mobile home was used as the adversely affected worker's place of residence in the old area and will be used in the new area, a percentage (depending on the petition number) of the allowable costs are (1) the commercial carrier's charges for moving the house trailer or mobile home; (2) charges for unblocking and re-blocking; (3) ferry charges, bridge, road, tunnel tolls, taxes, fees for permits to transport the unit in or through its jurisdiction, retention of necessary flagmen; and (4) the cost of insuring the house trailer or mobile home for its actual value or \$40,000, whichever is the least amount, against loss or damage in transit.

5. Temporary Storage

- If storage of household goods and personal effects is necessary, 90 percent of the cost of such temporary storage for a period not to exceed 60 days is allowable.

D. Lump Sum Payment [20 CFR 618.455 (a)(4)]

- A lump sum payment, equal to 3 times the adversely affected worker's former average weekly wage of adversely affected employment, not to exceed \$1,250, will be paid as part of the relocation allowance.

12405 How Payments Are Made

- A. AJC TAA Representative will review each request to ensure completeness and accuracy of all entries, attach adversely affected worker's receipts, and W-9 form to the completed original form and submit to the TAA Coordinator and/or TAA Regional Coordinator via document upload in VOS.
- B. The TAA Coordinator and/or area TAA Regional Coordinator will verify the adversely affected worker's employment with the employer indicated in Section A (adversely affected worker Request).
- C. Once verification of employment has been recorded, the TAA Coordinator and/or the TAA Regional Coordinator will develop a voucher and email it to the TAA Representative. The adversely affected worker will be scheduled to come in and sign the voucher and a copy will be returned to the TAA Coordinator and/or the TAA Regional Coordinator. The request will be submitted to Fiscal who will process for payment as promptly as possible.
- D. Electronic copies are maintained in document uploads within Jobs4TN.

12500 Appeal Rights

Under TAA law, should a adversely affected worker be denied services and/or benefits, e.g., denied his or her request for training, transportation, relocation allowances, job search allowances, and/or up to 26 additional weeks of TRA payments, they have the right to appeal. When a trade-affected worker receives a written notification of a denial, he or she is advised as to his or her right to appeal and the time frame in which to do so. If the adversely affected worker has questions regarding the appeal process, he or she should be addressed to AJC TAA staff. If the adversely affected worker desires to file an appeal, the usual methods for filing an appeal will be used.

12501 Notification of Approval/Denial/Disqualification

Any application for benefits or services under the TAA Program will be determined, and notices will be sent to the claimant and AJC TAA staff advising them of appeal rights. Likewise, requests for payments disqualified or otherwise not payable will receive a determination.

12502 Appeals of Interstate Decisions

Since final decisions made under the interstate arrangement are made by the state that is liable for the TRA claim, the appeal will be filed with the state of liability for the claim.

12550 Case Notation

Case notes should be specific and outline which services were provided to the adversely affected worker, what barriers the worker has, and what (if any) referrals were given to the worker, as well as any other pertinent information that the TAA Representative deems appropriate.

Give enough information so that any official can get an idea concerning the content.

Case notes should be entered:

- At every contact between the worker and the TAA Representative, whether it be by phone, email or in person.
- Any time there is an interaction or attempted interaction with the worker.
- In a timely fashion
- Case notes should provide a clear picture so that a worker can be served by all staff if case manager changes must occur.

Case notes need to include:

- Who:
 - Who you are contacting, including email addresses and telephone numbers. This includes participants, school contacts, and partner program contacts.
- What:
 - What the context of the contact or contact attempt was about.
 - What was accomplished
 - What you are trying to accomplish
- Where:
 - Where the contact or contact attempt occurred – in person, over the phone, or by email.
- Why:
 - Explain the nature or need of the contact – IN DETAIL.
- When:
 - When the contact occurred.
 - When you expect the next contact to be.
 - Give your participants deadlines to return things to you and what may occur if they miss the deadline.
 - If an attempted contact was made, but not successful, give a date and time of when you will try to contact the participant again.
- Schedule and document **the specific date and time** for the next meeting.

Case Notation Guidance
(Guidance for Case Notes/Activities & IEPs)

Initial Contact/intake - Adversely affected worker contacted AJC for Reemployment services and is determined Trade impacted

- Case note start:
 - Explained TAA Program
 - Discussed Benefits & Services (TRA, A/RTAA, Training, Job search, Relocation, etc.)

- Complete TAA Application
 - Screened for available suitable job orders
 - Provided Labor Market Information
 - Referred on any available job openings
 - Discussed about Training (if no suitable employment is available)
 - Entered applicable activities
 - Completed assessment

- No suitable employment available:
 - Participant requested TAA Services
 - Completed IEP (determined Goals & Objectives)
 - Participant requested training / Waiver issued (if applicable)

- After Assessment
 - Referred to Adult Education (A.E. recommendation)
 - Training Waiver issued (if applicable)

- Training Application
 - Completed adversely affected worker's request for training application
 - Provided participant with training checklist and explained the information that needs to be gathered to complete training packet.
 - Scheduled to return with required information on? (*Schedule appointment date*)

Return Date - participant reported as scheduled with training information

- Reviewed required information provided for training request
- Uploaded training packet information in Jobs4tn.
- Updated IEP (as applicable)
- Sent notification about uploaded training packet

***** Notification sent for review an eligibility determination**

After Review/Determination (approval)

- Received notice of approval from TAA unit
- Notified participant of approval and instructed to begin on scheduled start date
- Notified Training Provider about approval
- Updated IEP

After Review/Determination (denial)

- Received notice of denial from TAA unit
- Notified participant of denial and discussed appeal rights
- Forwarded copy of denial to participant
- Advised participant that could research other training options
- Advised participant of other services available under TAA.
- Offered reemployment services.

During training (Benchmarks)

- Contact school to follow-up on participant's progress
- Updated IEP
- Discussed progress, grades, Benchmarks, concerns

Completion/Withdrawal of Training

- Requested follow up information from training provider
- Requested follow up information from training institute (if withdrawal or early completion)
- Received follow up information
- Forwarded copy of follow up to TRA & TAA Unit
- Scheduled adversely affected worker for Reemployment services

Reemployment Services

- Discuss suitable job openings
- Refer for interview when appropriate
- Discussed Job Search &/or Relocation Allowance

Note: *Continue with Case Management documentation until the adversely affected worker locates suitable employment. Be sure to document all your efforts to provide services to participants as they continue through the process.*

Appropriate Communication Methods:

- **Phone**
- **Email (including jobs4tn.gov internal messages)**
- **Virtual (Teams)**
- **Office Appointment**
- **US Mail**

Notes: Remember when speaking to the school, document using case notes. A good rule is to always answer these questions; what, when, where, why, how, costs. Listing this information in the case notes assures you have covered all relevant information.

Case Notes Example:

Date: Subject: Initial contact

Jane Doe came to the AJC after being laid off from XXXX Company to look for employment. XXXX Company is Trade impacted with certified petition #xxxxx. TAA Rep assisted with the job search and no Suitable employment was available. TAA Services and Benefits were explained to Jane, and she expressed interest to be enrolled in the TAA Program. TAA Application, intake assessment and the IEP were completed. Labor Market Info was provided. Jane requested training information but it's undecided on what training will help her to obtain suitable employment. Participant was referred to take the Work interest assessment in Jobs4tn. After assessment completion we will discuss the results to assist in deciding what training would suit her best. Follow up appointment was scheduled for *xx/xx/xx at time*. TAA application and IEP signed by participant were uploaded into jobs4tn.

Date: Subject: Follow up appointment-training request

Jane reported to her follow up appointment and we discussed the assessment results. Participant stated having interest in RN training. Training packet information with required documentation to be obtained from the school Provider was handed to Jane. She was scheduled to report back on *date/time* with the training cost sheet and academic plan broken down by term, a signature of authority, and a school calendar. Participant was referred to Adult Education to take the TABE assessment.

Date: Subject: Follow up appt - School Provider & Waiver

Ms. Doe came to her follow up appointment and stated that has registered at (*school name*) for RN program. She will not know if accepted into the program until around (*date*). Training will not start until next term (*date*) Therefore, a waiver will be needed. Email for a waiver request was sent to the TRA unit.

Date: Subject: Waiver entered in VOS

Received confirmation from TRA unit to add the waiver for the participant. Waiver and activity were entered in jobs4tn. Documents were signed and uploaded in jobs4tn.

Date: Subject: Accepted into training

Ms. Doe called the TAA Representative and reported that she had been accepted into the RN Program at (*school name*). The development of the training packet has begun. Ms Doe was instructed to provide the previously requested paperwork (cost sheet, signature of authority, etc.) to be able to complete the training packet request.

Date: Subject: Training Packet

Ms. Doe reported back with the required information/paperwork. Compiled documentation and uploaded to VOS Documents for TAA Unit's review determination and notified area TAA Regional Coordinator.

Date: Subject: Call received from participant

Ms. Doe contacted me to check the status of her training request and to see if anything else was needed.

Date: Subject: Training Approved

Received notification from TAA Regional Coordinator that Jane's training request had been reviewed and approved. Ms. Doe can start training on (*date*). Contacted her to schedule an appointment to sign her TAA Training Application, approval notification, and obtain training voucher.

Date: Subject: Training Application signed documents

Ms. Doe reported for her appointment. Training Application was signed, dated, and uploaded to VOS documents. Voucher and cost sheet was provided with instructions to return on the appointment (*date*) for 60-day benchmark.

Date: Subject: Training commenced verification

Contact was made with (*training facility*). Received confirmation that Ms. Doe started training today.

Date: Subject: 30 days progress contact

Contacted participant today to verify training progress. Ms. Doe stated that everything is going well with her classes.

Date: Subject: 1st Benchmark

Ms. Doe reported back on her training progress as required. She is meeting benchmarks and on track to complete timely. Signed benchmark report has been uploaded in Jobs4tn. Made the next 60-day appointment for (*date*).

Date: Subject: 2nd Benchmark / Measurable skills gain

Ms. Doe brought in her grades, next term cost sheet, and academic schedule. She is still meeting her benchmarks and on track to complete training timely. Documents have been uploaded into VOS. Notified TAA Regional coordinator that information was available for review and development of the voucher. Scheduled her for the next 60-day benchmark appointment for (date).

Date: Subject: Participant contact

Ms. Doe called to report she is failing a class and wanted to know her options. Was informed that it may be possible to extend training time so the class may be retaken. School still indicates that participant is meeting benchmarks and can complete within the 130 Weeks requirement.

Date: Subject: 3rd Benchmark

Ms. Doe returned for her 60-day progress report. Continues to meet benchmarks, however she is still concerned over the possible failure of a class. Discussed the availability of tutoring or attempting class next term, and the participant stated that will think about her options and will contact me with her decision.

Date: Subject: 30 progress/Measurable skills gain

She came in with grades. Benchmarks are still being met. Ms. Doe was able to successfully complete the class she expected to fail. There will be no need to extend her training at this time. Scheduled for her next 60-day benchmark appointment for (date).

Date: Subject: 4th Benchmark

Ms. Doe reported for her 60-day progress report. States that everything is going well. Benchmarks are being met. Signed benchmark document has been uploaded in Jobs4tn.

Date: Subject: Training Completion

Ms. Doe has successfully completed training and received her degree as a Registered Nurse. Copy of her credential was obtained, credential was created, and the document has been uploaded in VOS. Ms. Doe is scheduled to report to our office on (date) for employment assistance.

Date: Subject: Follow up (30/60/90 days)

Enter Follow up contact case note

12600 Trade Adjustment Assistance Guidance

1. Any training costing more than 200% of the average cost of similar training, inclusive of tuition, textbooks, tools, academic fees, and travel or transportation expense shall be reviewed for meeting the reasonable cost criteria and as such shall be denied unless contradicting information is furnished. *[20 CFR 618.650]*
2. Training programs that will lead to an advanced degree may be approved; however, the time limits described at [§ 618.615\(d\)\(3\)](#) must be met. States may not restrict access to advanced degrees where the other criteria of this subpart are met. All training programs must be evaluated on their individual merit. *[20 CFR 618.620(d)]*
3. TAA regulations provide that workers may be provided either/or a combination of on-the-job training and/or institutional training. If institutional training is utilized, priority must be given to vocational education schools (Tennessee College of Applied Technology centers) as well as community colleges. *[20 CFR 618.620(b)(2)]* When training substantially similar in quality, content, and results is offered at more than one training provider, the lowest cost training shall be approved. *[20 CFR 618.610(f)(2)(ii)]*
4. The TAA regulations stipulates that the “costs of a training program may include, but are not limited to, tuition and related expenses (e.g., books, tools, computers and other electronic devices, internet access, uniforms and other training-related clothing such as goggles and work boots, laboratory fees, and other academic fees required as part of the approved training program) as well as supplemental assistance (subsistence expenses and transportation expenses as described in [§ 618.640\(c\)](#) and [\(d\)](#)). States must pay the costs of initial licensing and certification tests and fees where a license or certification is required for employment.” Since no mention is made of desktop materials (i.e., pencils, pens, paper, notebooks, etc.), TDLWD will not purchase such items for the TAA adversely affected worker unless the item is of a specialized nature inherent to the program of training (e.g., drafting pens). *[20 CFR 618.610(f)(2)(i)]*
5. In determining whether the cost of a particular training program is reasonable, first consideration must be given to the lowest cost training which is available within the commuting area. When training substantially similar in quality, content and results is offered at more than one training provider, training at facilities outside the adversely affected worker's normal commuting area that involves transportation or subsistence costs which add

substantially to the total costs shall not be approved if other appropriate training is available. The lowest cost training shall be approved. [20 CFR 618.610 (f)(2)(iii)]

6. TDLWD shall purchase a special garment pin for workers completing a nursing course of study only if the pin is required. Further, it must be the least expensive pin available to the adversely affected worker, unless a particular pin is required by the training provider for all training workers.
7. Transportation or travel expenses shall be paid to an adversely affected worker only if the training site is 10 miles or more from the worker's residence. Reimbursement shall be made at the prevailing federal mileage rate and shall be paid for each mile that is traveled round trip. The projected total of travel expenses to be paid shall be used in the calculation to determine if the cost of the training is reasonable. [20 CFR 618.640(d)]
8. Federal regulation states that "...no adversely affected worker may receive more than one approved training program under a single certification." [20 CFR 618.615(a)]
9. Evaluation of the adversely affected worker's financial ability shall include an analysis of the trade participant's remaining weeks of UI and TRA payments in relation to the duration of the training program. If the adversely affected worker's UI and TRA payments will be exhausted before the end of the training program, it shall be ascertained whether personal or family resources will be available to the trade participant to complete the training. If a worker has insufficient financial resources to complete the worker's proposed training program that exceeds the duration of UI and TRA payments, then the State must not approve that training program and must instead consider other training opportunities available to the worker. A financial statement must accompany the adversely affected worker's request for training. [20 CFR 618.610(e)(4) and 20 CFR 618.610(e)(5)]
10. Pell and other grants will not be used to fund training for TAA adversely affected workers. These funds may be used by the trade participant for living expenses and may be identified as such on the financial statement. These grants may also be used to cover costs that TAA cannot cover. [20 CFR 618.625(c)(5)(i)]
11. States are encouraged to select training providers that have met the qualifications necessary to be included in the Eligible Training Provider List (ETPL) as defined in the WIOA statute. However, training providers not on the

list may be utilized as long as it can be determined that the facility is accredited.
[20 CFR 618.620(a)(2)]

12. Prior to requesting training, an adversely affected worker **must complete** a Wagner Peyser application, resume, and Virtual Recruiter in Jobs4TN to assist him/her with a work search to determine if there is any suitable employment available. *[20 CFR 618.610(a)(1) and (2)]*
13. An adversely affected worker without a high school diploma or GED may be referred directly to Adult Education.
14. Referral to Adult Education upgrade will be based on Adult Education staff recommendation after TABE or CASAS has been administered.
15. Distance learning (i.e., training provided via the internet) may be considered “classroom training” when the credential received is equivalent to what would have been received if the training had been conducted on campus. This interpretation expands the types of approved classroom training to include distance learning, where an adversely affected worker completes all or part of an educational or vocational program in a location far away from the institution hosting the training program. For distance learning, the final credential conferred must be equivalent in content and standard of achievement to the same program completed on campus or at an institutional training location. When the above condition is met, the training will be recognized as the type that normally takes place in an interactive classroom setting.
 - In addition, in order for distance learning to be approved, all criteria for training approval found at *20 CFR 618.610* must be met in the same way as in any other training.
 - A provider of the distance learning must be based in the United States for the training to be approved. In addition, the worker must be physically within the United States when participating in distance learning to remain eligible for benefits under TAA.
 - Distance learning may, in some cases, be more self-paced than in classroom training. TAA Representatives will need to work with distance learning providers to understand the specific requirements or milestones of the distance learning program and to ensure that the training provider keeps the agency informed of the student’s adherence to those requirements through weekly attendance certifications. *[20 CFR 618.620(b)(2)]*
16. Pre-requisite training requires a training packet to be developed and submitted for determination indicating the number of weeks and the cost of pre-requisites only. An additional estimated cost sheet and the number of weeks should

accompany this packet indicating the total cost of training and weeks for both the pre-requisites and the actual training, so reasonable cost and length of training can be determined. [20 CFR 618.610(f) and 20 CFR 618.615(d)]

- Upon completion of the pre-requisite training a second training activity for the primary training must be established in VOS. Required training documents must be uploaded into VOS documents for review and determination.
17. Purchase of personal electronic devices for training purposes are only permitted when the training facility conducting the training requires all students to purchase this type of equipment as part of his/her training. If the training facility offers the use of electronic equipment to their students for their class work and studies, then the request for these types of purchases will be denied. [20 CFR 618.610(f)(2)(i)]
 18. 20 CFR 618.615(b)(2) allows for part-time training under the TAA program. Adversely affected workers enrolled in part-time training are not eligible to receive TRA benefits. However, TAA participants who are attending part-time training are otherwise eligible for TRA benefits under Reversion 2021. Summer sessions may have fewer hours than spring and fall because there are fewer classes to choose during that term. The number of credit hours required for a TAA participant to be considered “full-time” will depend on the training provider’s policy.
 19. 20 CFR 618.775 *Breaks in training*: When an approved training program involves more than one course and involves breaks in training (within or between courses, or within or between terms, quarters, semesters, and academic years), all such breaks in training are subject to the “30-day break in training” provision in § 618.775(a) for purposes of receiving TRA payments. An adversely affected worker's approved training program may be amended by the State agency to add a course designed to satisfy unforeseen needs of the adversely affected worker, such as remedial education or specific occupational skills, as long as the length of the amended training program does not exceed the maximum allowable training weeks (per petition number) if remedial limitation and the courses provided constitutes full-time training.
 20. A bona fide request for training means that the adversely affected worker has provided the TAA Representative with a copy of a letter or email of acceptance, a letter stating that he/she has been placed on a waiting list, or some other communication from the training provider showing that the adversely affected worker has requested specific training information and is seriously pursuing the training opportunity. Any hard copy letter from the training provider must be on the school letterhead. Upon receipt of this information, the TAA Representative must record the date of this bona fide request in the adversely affected worker’s IEP and case notes.

21. TAA Representatives are required to evaluate satisfactory progress of adversely affected workers against two benchmarks every 60 days, beginning with the start of the training plan, to determine whether the adversely affected worker is:
 - Maintaining satisfactory academic standing (e.g., not on probation or determined to be “at risk” by the instructor or training institution), and
 - On schedule to complete training within the timeframe identified in the approved training plan. *[20 CFR 618.660(f)]*

22. At the end of each term, the adversely affected worker must provide the TAA Representative with grades for the term just completed, an updated academic plan or course outline, and cost sheet for his/her next term of training. This will provide TAA Representatives with an up-to-date progress report on the adversely affected worker’s training activity and ensure they are meeting required benchmarks as stated above. *[20 CFR 618.660]*

23. If at any time during TAA approved training an adversely affected worker fails and/or withdraws from any required class or classes two (2) times, he/she will be issued a Non-Compliance Warning letter. The TAA Regional Coordinator will review all end of term grades and complete the letter if the trade participant’s grades reflect multiple failures or withdrawals of any identical required classes over the course of training. The Non-Compliance Warning letter will advise the trade participant that failure to complete the class the third time could provide TAA a reason to pull the student from the current training and re-evaluate what other training might be appropriate, available, and be completed within the remaining eligibility time limit. The TAA participant will also be advised that any subsequent attempt to pass the class should be done during the next available term. The original letter will be maintained in the adversely affected worker’s file at the AJC. (These failures/withdrawals do not have to happen in subsequent terms.)

12700 Forms:

| | |
|----------|---|
| LB-1121 | TA-2 Trade Act of 1974 Authorization and Invoice |
| LB-0429 | Weekly Request for Allowance by Worker in Training (Attendance Form) |
| LB-0430 | Request for Relocation Allowance |
| LB-1117 | Trade Adjustment Assistance Job Search Allowances Application |
| LB-1119 | Trade Adjustment Assistance Job Search Activity Verification |
| LB-0738 | TAA Training Assessment Referral |
| LB-0785 | Training Facility TAA Follow-Up Notice |
| LB-0898 | Signature of Authority for Training Facility Officials |
| LB-0948 | TAA Training Provider Checklist |
| LB-1047 | TAA Training Packet Checklist |
| LB-1089 | Willing to Commute Statement |
| LB-1090 | TAA Training Financial Support Statement |
| LB-1092 | Worker Training Agreement & Responsibilities |
| LB-1106 | Request for Completion TRA Benefits |
| LB-1107 | TAA Participant Non-Compliance Warning |
| Form W-9 | Request for Taxpayer Identification Number and Certification (can be found at www.irs.gov or you can get an updated copy from your TAA Regional Coordinator) |
| LB-1049 | Affidavit for RTAA Regarding Trade-affected Separating Employer |
| LB-1053 | Request for Eligibility Reemployment Trade Adjustment Assistance (RTAA) |
| LB-1122 | Request for Initial Reemployment Data on RTAA |
| LB-1050 | Verification of Employment for Monthly Wage Supplement |

Q & A's (from previous conferences)

1. If an adversely affected worker wants to start training and has paid for the first trimester/semester, can TAA pick the adversely affected worker up for the next term?
 - Yes, TAA can pick the adversely affected worker up the next term and forward; however, TAA cannot go back and pick up cost for any tuition, books, and/or supplies from previous terms.
2. How does the training institution or vendor submit an invoice for payment?
 - The training provider or vendor will complete The Authorization & Invoice form (TA-2), attach the school's invoice, and email the documents to tdlwdtaa@tn.gov
3. Does TAA require an adversely affected worker to have a high school diploma or high school equivalency (HSE) prior to approval of training?
 - No, it is not necessary for any training unless the school requires it. However, we want to try and help the adversely affected worker get his/her HSE if possible, but we do not deny any training based on the lack of it, unless the school will not accept the participant. The adversely affected worker will still need to be assessed by Adult Education and recommended for training in order to demonstrate that Training Criterion 5 (the worker is qualified to undertake and complete training) is satisfied [20 CFR 618.610(e)].
4. How do you document mileage to show whether the adversely affected worker lives miles or more from the school and needs mileage cost covered?
 - We ask that you use three (3) different sources of mileage documentation to document the mileage from the adversely affected worker's home to school. We look for the shortest distance to the school.
 - Sources that can be used:
 - Google Maps
 - Yahoo Maps
 - Waze
 - Bing Maps
 - Apple Maps

NOTE: Do not use MapQuest as a source. It does not always give clear directions.

5. How do we document that a state school is first priority on the worker's TAA training request?
 - TAA regulations indicates that priority should be given to TCATs first, then state training institutions, and finally private training institutions if the other two are not available, whenever possible.
 - Indicate in case notes the steps taken to ensure the adversely affected worker with the TAA Rep assistance, investigated the training facilities as stipulated by federal regulations. If technology centers have a waiting list, case notes must be backed up with a statement from the training facility as to the waiting list.
 - There may be instances where the closest school to the adversely affected worker is a state college or private training institution. There should always be documentation to back up why the student has chosen that particular training facility over a technology center and/or state school.

6. Why are we required to obtain a financial statement from the adversely affected worker in the application process?
 - Criterion five (5) under the six TAA training criteria asks, "Is the adversely affected worker qualified to undertake and complete the training participant is requesting?" There are two parts to this question. The first part addresses whether the adversely affected worker is qualified to begin. The answer to this question would reflect the adversely affected worker's assessment by local Adult Education staff and their recommendation.
 - The second part is the adversely affected worker's probability to complete. This part has to do with the adversely affected worker's financial support during training, primarily participant's TRA benefits. To help clarify the financial status of the adversely affected worker, a financial statement from the adversely affected worker is required (LB-1090). This statement will indicate how the worker will support their family, should the TRA benefits be exhausted.

7. What other documentation can be used to show occupational demand if Jobs4TN shows that there is no demand in the adversely affected worker's residential area?
 - **The School Placement Rate** (70% or higher for the training occupation), which may be obtained from the training institution
 - Newspaper advertisements or job orders for the specific occupation (be sure the advertisement has the newspaper's date line that includes the name and the date of the paper)
 - Newspaper articles/news releases concerning growth of a particular occupation in the area (be sure the article has the newspaper's date line that includes the name and

the date of the paper)

- Letter from an employer that indicates an offer of employment to the person requesting training in the occupation the participant will be trained in, or
- Any documentation that indicates a demand in the area that comes from a reputable authority.

8. Can partial training packets be submitted for review when time is limited?

- No, unless we have authorized you to do so. Always upload all training information into VOS as one document and notify your TAA Regional Coordinator when that information is available for review.

9. Will TAA pay for pre-requisites?

- This depends on the petition number under which the adversely affected worker is covered. If the petition number is 69999 or less, it will not be covered. However, for petitions number starting with 70000 and above, prerequisites will be covered by TAA.

10. How do pre-requisites affect the total number of weeks of training?

- The number of weeks required for pre-requisites are counted in the total number of weeks of training. So, if there were 26 weeks of pre-requisites and 74 weeks of the training program, then the total number of weeks a person would be enrolled in training would be 100.

11. Can workers enroll in training part-time?

- This depends on the petition number under which the adversely affected worker is covered. If the petition number is 69999 or less, adversely affected workers cannot be enrolled in part-time training. For petitions number starting with 70000 and above, part-time training is allowable.

12. Why do I need to get a signature of authority for training and vendor contracts?

- It is extremely important that a signature of authority for training be obtained so that the adversely trade-affected worker will get their TRA benefit during training when eligible. The signature represents the school official(s) that will verify that the adversely affected worker did attend school that week.
- As to the invoicing for the training facility and/or vendor contract, a signature of authority identifies the official responsible for billing TAA for tuition and/or purchases.

13. Can verbal approval be given prior to reviewing the request?
 - No, an adversely affected worker cannot start training until the entire training packet has been reviewed and a determination is made.
14. Can an adversely affected worker request two different trainings under the same petition?
 - The adversely affected worker may request it and receive a determination, but the federal regulations state that no adversely trade-affected worker shall be entitled to more than one training program under a single certification. [20 CFR 618.615(a)]
15. How many weeks of training may an adversely affected worker request?
 - The maximum duration for any approvable training program is 104 weeks for petitions numbers equal to or less than 69999, with remedial up to 130.
 - For petitions #70000 to 79999, 130 weeks are allowable with remedial up to 156.
 - For petitions #80000 & above, 130 weeks are allowable.
16. Can an adversely affected worker apply for student loans?
 - Yes, for living expenses only. TAA will cover the required training cost, including tuition, books, supplies, etc.
17. If a student fails a class in a semester and the school still considers them in good academic standing, will TAA allow them to repeat the class and cover the cost?
 - Yes, as long as the class is required and requested by the school instructor or official.
18. A student requesting training in a specific program, applies at the school but is not accepted into that specific program. They request a different program and are accepted, what is the correct “request date” for training?
 - In most cases they could use the original date of request.
19. What is the process for de-obligating the remaining balance on training funds?
 - De-obligations for training contracts are handled by the TAA Unit. Ninety days after receipt of the follow up notice, the training facility is contacted to ensure there are no outstanding invoices. Once it has been determined that all invoices

have been paid, the TAA Regional Coordinator will de-obligate any remain funds and close out the training activity.

20. Can the IEP be updated after the adversely affected worker has signed it?

- Yes. It is a living document, and it should be revised and updated regularly (as applicable)

21. Some workers do not come into the office to complete the IEP until UI has been exhausted. Is there a time frame to complete the plan? Can the interview be conducted by phone if they will not come in?

- The IEP should be completed when the adversely affected worker requests Trade services and the TAA Application is created. The adversely affected worker's delay in contacting their TAA Representative to start the process could affect their TRA benefits. All TAA services can be provided virtually; there is no need for the worker to come to the AJC.

22. When the claimant exhausts all UI/TRA and is still unemployed, do case management and case notes continue?

- It should continue as long as services are being provided. The purpose of the program is for adversely affected workers to become successfully employed through services provided at the AJC. It's important to advise adversely affected workers about training opportunities that are in demand and can potentially lead to suitable employment.

23. Are hardcopies of TAA files required to be kept in the American Job Center?

- Not if all signatures have been digitized and documents are uploaded in Jobs4tn. However, if there is confidential information, a hard file must be maintained for 5 years.

24. When a training program leads to certification and there is a reasonable assurance of employment, but it is short term and only a few hours per week, can this training be considered full time?

- Yes

25. Can you deny TAA approved training to an adversely affected worker who has defaulted on a student loan?

- No, if the training facility enrolls them in training.

26. Can you deny TAA approved training to an adversely affected worker who has not registered for selective service?

- No, the TAA Program does not require registration with Selective Service.

27. What is the definition of supportive services?

- Supportive services are services that are necessary to enable workers, who cannot afford to pay for such services, to participate in authorized program activities. Examples of such services include but are not limited to:
 - Childcare and dependent care for dependents of customer
 - Clothing – adequate clothing to allow customer to wear appropriate work attire while participating in program activities and during job interviews
 - Housing-temporary shelter, housing assistance and referral services
 - Linkages to community services-Alcohol/drug/gang intervention, counseling, drop-out prevention, pregnancy prevention, money-management, tutoring, or other purposes
 - Referrals to medical services-Referral services to appropriate medical service providers
 - Transportation-Expenses for commuting to and from WIOA activities such as public transportation fare, carpool arrangement, or gas for personal auto
 - Other services which are consistent with these policies and justification is maintained in the customer's file. Examples include but are not limited to the following: uniforms or work-related tools, including such items as eyeglasses and protective eyewear which may be needed for participating in program activities and/or employment, materials for workers with disabilities, meals, and needs related payments

28. Should grades be scanned and uploaded to VOS?

- Yes, at the end of every term. This is a measurable skills gain.

29. Are there activities that need to be reported during the training period?

- Any service that is provided to the adversely affected worker during their participation period must be documented through VOS.

30. If an adversely affected worker is covered under a petition from another state, but resides in TN, can the worker request TAA services and/or training in TN under that petition?

- Yes, the TAA Program can assist workers no matter where they live. If the petition is from their home state and they now reside in Tennessee and want to attend training here, we would act as an agent state for the liable state (petition state) to provide the services.

31. Does "request for training" begin the day the adversely affected worker brings in the checklist information from the school?

- It is the date the adversely affected worker provides proof that is serious about pursuing training. It should be an acceptance letter from the school, enrollment letter, a letter indicating the adversely affected worker's name is on a waiting list, or it could be documentation of cost, academic plan, etc. Any document from the training facility that will establish his/her serious desire to enroll in training.
- Without an acceptance, enrollment, or letter indicating the waiting list, the TAA Unit will look for the date the cost sheet and academic plan was provided or the date of the waiver if available.

32. What is required of the TAA Representative once the training activity is approved?

- Schedule appointment for adversely affected worker to sign waiver, if necessary
- Maintain all original signatures in adversely affected worker's file
 - Follow up with the participant every 30 days
- Schedule benchmark appointment every 60 days
- Check in with the training facility at least every 60 days for progress reports or when necessary
- Obtain grades from the adversely affected worker at the end of every term and course outlines/academic plans for following term if still enrolled
- Upon completion, upload credential into VOS
- Assist with employment search
- Document employment information once adversely affected worker is reemployed

NOTE: Always update case notes on all activities and contacts you have with the adversely affected worker, training facility, etc., throughout the training.

33. What comparison is used if the adversely affected worker requests training at a private training facility?

- The adversely affected worker should always look at training at the TCATs first, then state colleges, and finally private training facilities if the other two do not have similar training. A letter or email from the schools concerning the status of the specific training will be acceptable. Documents should include program's costs of similar training.

34. Does the adversely affected worker need to have a Jobs4TN Wagner Peyser application prior to requesting TAA services?

- Yes

General Q & A's

1. What is required if the adversely affected worker does not pass their TABE test?
 - TABE scores should be scanned into Jobs4TN (VOS) to document whether the adversely affected worker has passed the assessment portion (this is part of the training packet). Case notes should be updated to show whether the adversely affected worker needs to retake the assessment. It should also indicate when and where the test will be given.
2. Who, what, and how will the training decision be distributed?
 - All decisions will be emailed to the following with the Determination, Voucher (if approved) and a copy of the enrollment.
 - The AJC TAA Representative
 - The training provider
 - The vendor (if any)
 - The TRA Unit
3. What does the TAA Representative do upon receipt of the training determination information?
 - The Rep must contact the adversely affected worker and request their signature on the determination form and receive the voucher along with the cost list for the current term.
4. What activities should be shown for TAA?
 - Initial Assessment (TAA Staff) (closed)
 - Rapid Response (closed)
 - IEP (open)
 - LMI (closed)
 - Job Search (closed)
 - Referral to Adult Education for Assessment (if applicable) (closed)
 - Travel in Training (if Applicable) (Open)
 - Job Search Allowance (Open for 30 days)
 - Relocation Allowance (if applicable)
 - Referral to DW Title 1 – Co-enrolment (closed)
 - Training activity (if applicable) (open)
 - A/RTAA (if applicable) (open)
 - Waiver (if applicable) (open)

5. Once an IEP is entered into Jobs4TN (VOS), when should it be closed?
 - The IEP will be a common one used by all partners. Therefore, it should stay open until the last service has been completed by all partners. Jobs4tn then will start the application soft exit process. If TAA is developing the IEP, the projected end date should be at least two years from the IEP begin date. The projected end date can be edited if needed.

6. What do I do if the IEP has already been established by another partner?
 - You may update the IEP with TAA information. A goal and objectives can be added. This is a living document, so information can be added when necessary.

7. How do I know if the training provider and course of study is an eligible provider?
 - Prior to selecting the training service code “300” look at the eligible provider’s list located on TDLWD’s website to see if the name of the training provider and course are showing on the list. If so, you can proceed with using service code “300.” If not, you must contact your TAA Regional Coordinator.

8. How should the documents be scanned in the system, individually or as a group?
 - Prior to submitting the training request information for determination, please scan all documents as a group and upload it into Jobs4TN (VOS) and name it “worker last name, first name Training Request for Review – Date (xx-xx-xxxx) uploaded.”

9. What documents do I need to include in the scan?
 - Signed TAA application
 - Signed IEP
 - Total Cost sheet broken down by term
 - Books & Supplies, including tools, broken down with cost of each per term
 - Academic plan/course outline per term
 - Signature of authority for the attendance forms and billing
 - School Calendar showing breaks in training
 - Mileage information (3 sources)
 - Occupational Demand Documentation
 - Worker Training Agreement & Responsibilities LB-1092
 - TAA Training Financial Support Statement LB-1090
 - Willing to Commute LB-1089 (if traveling outside area for employment)
 - School comparison (if applicable)
 - Training packet checklist
 - Proof of Eligibility
 - Assessment referral form and TABE test results

- Release of information agreement
 - IRS W-9 form
 - Letter of school acceptance
10. What happens to the originals once they are scanned into Jobs4TN (VOS)?
- All original signed documents must be maintained in a file at the AJC for at least 5 years.
11. What needs to be included in the cost and cost breakdowns, and how do they need to be documented?
- All items including tuition/fees and all required books/supplies/tools, etc. must be broken down by term on both the total cost sheet and the item lists. No percentage markup will be needed.
12. How is the voucher affected if the student registers for a class and the class is cancelled?
- Nothing, the school should only bill for the items purchased.
13. Are all adversely affected workers required to submit grades and registrations for next term at the end of each term?
- Yes, this are measurable skills gain (MSG) and the adversely affected worker cannot obtain a voucher for the next term without presenting these things at the completion of each term. These items must be uploaded into VOS and named “worker’s lastname, firstname Grades for term (summer 2015) – DATE (xx-xx-xxxx) uploaded”
14. Is there a waiver form that must be signed by the adversely affected worker?
- Yes, when training is not available and you complete the waiver in the system, you should be able to print a copy. This should be signed by both the participant and the TAA Representative before being uploaded into Jobs4TN.
15. When closing a training activity do you wait until all invoices have been received and processed?
- Yes.

16. How often should case notes be completed on an adversely affected worker?

- A case note should be completed in the Jobs4TN (VOS) system every time you interact with the trade participant. Contact with trade participants should be made at a minimum of 30 days and case notes must be entered.

IEP Questions

1. Can you change an existing goal, or add a new goal if a person's goals change?
 - Yes, you can add a new goal if a person's situation changes.
2. Can a list of objectives be printed?
 - Yes, either use a Print icon available on the main Plan Tab or click the right side of your mouse and print that way.
3. Is there a requirement to complete an objective assessment prior to creating a plan?
 - No, unless local policy dictates.
4. What is the difference between a goal and an objective?
 - A goal is the primary reason why a person needs your help (get re-employed, go back to school). Objectives are the "baby steps" taken to achieve that goal.
5. How do you determine whether a goal is short term or long term?
 - There is no set timeframe for short, intermediate, or long.
 - This may be something local policy will define.
6. When selecting a predefined objective, is there an option to add comments?
 - Yes.
7. After you have closed a goal or objective, can you re-open it?
 - You would have to edit more than that in many situations, such as Completion and Review dates. But you could re-open it.
8. Is there a time when you can no longer delete a goal or objective?
 - This is only limited through the administrative side of the system.

The Individual Employment Plan (IEP) is to be used as a tool for what the participant needs to complete to become re-employed. Here are some important things to remember when creating and maintaining the IEP:

1. The IEP needs to be created during the initial visit with the worker if possible.
2. You will create one goal and many objectives to reach that goal.
3. When you build the objectives, you need to add comments that explain each objective, but remember, this is not the place for case notes.
4. It is a **REQUIREMENT** that we document all benchmarks in the IEP, this is IN ADDITION to documenting benchmark case notes.
 - a. All participants must have the following information documented in their IEP benchmark objective in the comments field when a benchmark is completed:
 - i. “Date range of completed benchmark – benchmark successful – (Initials)”
or
 - ii. “Date range of completed benchmark – not meeting benchmark – see case notes – (Initials)”
5. Close objectives as they are completed. Examples:
 - a. When the initial job search is completed, close that objective.
 - b. When the worker gets the needed paperwork to you from the training facility, close that objective with the date you receive the paperwork.
6. When you create the IEP, you will also need to create the IEP Activity.
 - a. The IEP Activity needs to have an estimated end date of 6 months past the estimated completion date if the participant is going into training.
 - b. The IEP Activity needs to have an estimated end date of two years past the initial date of service if RTAA or other services **besides training** are being given.

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