

Trade Adjustment Assistance | April 6, 2022

- TO:** Division of Workforce Development and Adult Learning (DWDAL) staff and Division of Unemployment Insurance (DUI) Reemployment and Trade Unit (RTU)
- FROM:** Division of Workforce Development and Adult Learning (DWDAL) Maryland Department of Labor (MD Labor)
- SUBJECT:** Trade Adjustment Assistance (TAA) Program
- PURPOSE:** To provide comprehensive policy guidance on the implementation of the TAA program in Maryland.
- ACTION:** DWDAL Dislocation Services Unit, Labor Exchange Administrators, WIOA Title I Local Workforce Development Area Directors, American Job Center staff, central office managers, and the DUI RTU will ensure all employees are aware of and receive copies of this policy. DWDAL policies are available on the [MD Labor website](#).
- EXPIRATION:** Until cancelled or replaced.
- QUESTIONS:**

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TABLE OF CONTENTS TRADE ADJUSTMENT ASSISTANCE

CANCELLATIONS	3
ACRONYMS	4
GENERAL INFORMATION	5
WORKFORCE INNOVATION & OPPORTUNITY ACT (WIOA)	5
OVERVIEW OF THE TRADE ADJUSTMENT ASSISTANCE (TAA) PROGRAM	5
TAA Program Purpose	5
TAA Program Authorizations and Manual	5
TAA Liable and Agent States	6
MARYLAND’S APPROACH TO THE TAA PROGRAM	7
TAA PROGRAM ROLES AND RESPONSIBILITIES	9
TAA PETITION PROCESS OVERVIEW	13
FILING A TRADE PETITION	13
DECISIONS ON TAA PETITIONS	13
RECONSIDERATIONS OF DETERMINATIONS ON PETITIONS	14
Judicial Review	14
RELATED PROGRAMS FOR DISLOCATED WORKERS	15
MANDATORY CO-ENROLLMENT	15
WIOA Title III Wagner-Peyser Program	15
WIOA Title I Dislocated Worker Program	15
Rapid Response	16
OPTIONAL CO-ENROLLMENT	16
National Dislocated Worker Grants (NDWGs)	16
PERFORMANCE ACCOUNTABILITY AND REPORTING	18
PERFORMANCE ACCOUNTABILITY	18
REPORTING	19
The Workforce Integrated Performance System (WIPS)	19
Trade Adjustment Assistance Data Integrity (TAADI)	19
MONITORING	20
DWDAL TAA PROGRAM MONITORING	20
DUI TAA PROGRAM MONITORING	20
FUNDING SOURCE	21
FAIR PRACTICES AND ACCESSIBILITY	22
REFERENCES	23
LAW	23
REGULATION	23
FEDERAL GUIDANCE	23
OTHER RESOURCES	24

CANCELLATIONS

The following are hereby cancelled and replaced by this policy issuance:

- DWDAL Policy Issuance 2019-11, “Trade Adjustment Assistance,” dated September 30, 2019.

Current and Archived policy issuances are available at: <http://www.labor.maryland.gov/employment/wifi/>.

ACRONYMS

AAIW	Adversely Affected Incumbent Worker
AAW	Adversely Affected Worker
AJC	American Job Center
ATAA	Alternative Trade Adjustment Assistance
BTQ Unit	Benefits, Timeliness, and Quality Unit
CFR	Code of Federal Regulations
DSU	Dislocation Services Unit
DUI	Division of Unemployment Insurance
DWDAL	Division of Workforce Development and Adult Learning
ETA	Employment and Training Administration
HCTC	Health Coverage Tax Credit
IEP	Individual Employment Plan
IRS	Internal Revenue Service
ITC	International Trade Commission
LEA	Labor Exchange Administrator
LEP	Limited English Proficiency
LMI	Labor Market Information
MWE	Maryland Workforce Exchange
NDWG	National Dislocated Worker Grant
NEG	National Emergency Grant
OJT	On-the-Job Training
OOA	Office of Administration
OPM	Office of Personnel Management
OTAA	Office of Trade Adjustment Assistance
RTAA	Reemployment Trade Adjustment Assistance
RTU	Reemployment and Trade Unit
TAA	Trade Adjustment Assistance
TAADI	Trade Adjustment Assistance Data Integrity
TAAEA	Trade Adjustment Assistance Extension Act
TEGL	Training and Employment Guidance Letter
TEN	Training and Employment Notice
TRA	Trade Readjustment Assistance
UI	Unemployment Insurance
USDOL	United States Department of Labor
WIPS	Workforce Integrated Performance System
WIOA	Workforce Innovation and Opportunity Act

GENERAL INFORMATION

WORKFORCE INNOVATION & OPPORTUNITY ACT (WIOA)

WIOA was signed into law on July 22, 2014 and went into effect July 1, 2015. WIOA supersedes the Workforce Investment Act of 1998 and amends the Adult Education and Family Literacy Act, the Wagner-Peyser Act, and the Rehabilitation Act of 1973. To help both businesses and job seekers meet their needs, the workforce system established under WIOA is integrated by design. WIOA envisions connecting businesses with job seekers through meaningful partnerships among workforce, education, human services, and economic development entities to ensure optimum results and leveraging of resources. The law addresses the needs of job seekers by establishing a workforce system that helps them access employment, education, training, and support services to succeed in the labor market. Through the American Job Centers (AJCs), WIOA works to address employer needs by matching them to the skilled workers they need to compete in the global economy. WIOA outlines a collaborative vision for the Trade Adjustment Assistance (TAA) Program; whereas, participants are required to be co-enrolled into the WIOA Title I Dislocated Worker program. The Maryland Department of Labor (MD Labor)'s state staff serve TAA participants in conjunction with Local Workforce Development Areas (Local Areas).

OVERVIEW OF THE TRADE ADJUSTMENT ASSISTANCE (TAA) PROGRAM

TAA Program Purpose

The Trade Adjustment Assistance (TAA) Program protects and supports U.S. workers adversely impacted by foreign trade. This federal program was established under the Trade Act of 1974¹ to assist adversely affected workers (AAWs) and adversely affected incumbent workers (AAIW)s² who lose their jobs or whose hours of work and wages are reduced as a result of increased imports or production transfers abroad. A mandatory partner program under WIOA, the primary goal of the TAA program is to help AAWs/AAIWs gain the skills, credentials, resources, and support they need to return to “suitable employment” as quickly as possible. Within the TAA program, the term “suitable employment” is defined as work that is of equal or greater skill level to that of the Trade-impacted job and at least 80 percent of the AAW/AAIW’s former pay. “Suitable employment” may include self-employment.³ Benefits and services available to AAWs/AAIWs through the TAA program include funding support for case management, training, monetary compensation if unemployment insurance (UI) benefits are exhausted, funding for work search activities and relocation costs, salary compensation for older workers, and assistance in covering healthcare costs.

TAA Program Authorizations and Manual

The type and amount of benefits an AAW/AAIW may be eligible to receive, and the industry sectors covered, differ based on which reauthorization of the Trade Act of 1974 is in place when the impacted worker is separated from employment. This policy is not designed to provide guidance on the implementation rules for specific reauthorizations of Trade law. However, as part of an overview of the Trade program, it is important to understand that each reauthorization of Trade law has unique petition filing dates and petition numbers. For more information on the benefits and requirements under TAA laws, refer to the side-by-side comparison of TAA program benefits for authorizations at <https://www.doleta.gov/tradeact/pdf/side-by-side.pdf>.

¹ Public Law 93-618, [Trade Act of 1974](#), dated January 2, 1975.

² Also called “Trade-affected workers.”

³ 29 CFR 618.610(c)(5).

In September 2020, the U.S. Department of Labor (USDOL) published the Trade Adjustment Assistance for Workers Final Rule.⁴ MD Labor updated this policy issuance to align with the Final Rule, including requiring that Local Areas to co-enroll Trade participants into the WIOA Title I Dislocated Worker program.⁵

The Maryland Department of Labor (MD Labor) Division of Workforce Development and Adult Learning (DWDAL) maintains the *Trade Adjustment Assistance Training Manual*, available online at <http://www.labor.maryland.gov/employment/wdtaatrainingmanual.pdf>. Refer to the *Trade Adjustment Assistance Training Manual* for detailed guidance on the current authorization, petition process overview, and program services and requirements.

TAA Liable and Agent States⁶

The location where a Trade-related dislocation event occurs plays a role in the TAA program benefits and delivery. If a TAA participant continues to live in the state where they were employed when their job was impacted by a Trade event, then they would receive program benefits from a single state. Sometimes, though, an AAW either commuted to the Trade-impacted job from a different state of residence or moved to a different state after the Trade event occurred. In such scenarios, the two states, referred to as the “Liable” state and the “Agent” state, must share responsibility for providing TAA participants with benefits.

Liable state means, with respect to a Trade-affected worker making claims for TAA Program benefits, the state whose state unemployment insurance law is the applicable state law. A state can be both an Agent state and a Liable state. When workers live in a state other than the state where the Trade impact occurred or move and seek TAA benefits in a new state of residence, the new state is referred to as the Agent state. The chart below lists the responsibilities of the Liable and the Agent state:

Liabile State Responsibilities	Agent State Responsibilities
<ul style="list-style-type: none"> A. Making all determinations, redeterminations, and decisions on appeals on all claims for program benefits under this part, including job search and relocation allowances; RTAA; training; subsistence and transportation payments; Basic, Additional, and Completion TRA; and waivers and revocations of waivers; B. Providing workers with general program information and assistance under 20 CFR 618.816; C. Providing Rapid Response assistance and appropriate career services, as described under section 134 of WIOA, to the group of workers in the state covered by the petition upon receiving notice of any such workers for whom a petition is filed;⁷ 	<ul style="list-style-type: none"> A. Providing interstate claimants with general program information and assistance and petition filing assistance; B. Cooperating fully with and assisting the Liabile state in carrying out its responsibilities, activities, and functions, including the provision of rapid response and appropriate career services, as needed; C. Cooperating with the Liabile state in taking applications and claims for TAA Program benefits under this part; D. Providing employment and case management services to trade-affected workers; E. Cooperating with the Liabile state by providing information that the Liabile state needs for it to issue determinations, redeterminations, and

⁴ 29 CFR Part 90 and 20 CFR Parts 617 and 618.

⁵ 20 CFR 618.325.

⁶ 20 CFR 617.26 “[Liable and Agent State responsibilities.](#)”

⁷ This includes making career services authorized under other Federal laws available to the workers covered by the petition to the extent authorized under such laws. In certain situations, based on the residency of the group of workers, it may be appropriate for Agent states to also be involved in the provision of these services, but in all instances the Liabile state must be ultimately responsible for ensuring the provision of these services.

<p>D. Providing information and assistance to trade-affected workers, including: reemployment services; information after issuance of a certification; and specific benefit assistance to workers;</p> <p>E. Providing a list of eligible TAA recipients and eligible RTAA recipients, for the Health Coverage Tax Credit (HCTC) purposes, to the Internal Revenue Service if HCTC is available; and</p> <p>F. Assisting in other activities and functions required by the Governor-Secretary Agreement at 20 CFR 618.804, including assisting the USDOL in the review of petitions by verifying such information and providing such other assistance as the USDOL may request.</p>	<p>decisions on appeals on all claims for program benefits;</p> <p>F. Securing, and paying the cost of, any approved training and payment of subsistence and transportation, according to determinations issued by the Liable state;</p> <p>G. Paying costs for job search and relocation allowances; and</p> <p>H. Assisting in other activities and functions required by the Agreement under 20 CFR 618.804, including assisting in the review of petitions by verifying information and providing such other assistance as the USDOL may request.</p>
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A state is considered to be both the Liable and the Agent state when a TAA participant lives in, and seeks TAA benefits from, the same state where the Trade event occurred.

MARYLAND’S APPROACH TO THE TAA PROGRAM

Maryland’s TAA program is jointly administered by MD Labor’s DWDAL and Division of Unemployment Insurance (DUI).

The two divisions must work together closely to integrate and coordinate related TAA program components:

- A. The DUI Reemployment and Trade Unit (RTU) focuses on coordinating the distribution of Trade and UI compensation through the Trade Readjustment Assistance (TRA), Reemployment Trade Adjustment Assistance (RTAA), and Alternative Trade Adjustment Assistance (ATAA) programs;
- B. The DWDAL Dislocation Services Unit (DSU) processes all training contracts and related invoices and provides technical assistance to the AJC staff responsible for serving TAA participants; and
- C. Applicable state staff working in AJCs are responsible for providing TAA participants with case management services.⁸

In Maryland, state staff administer the TAA program. The TAA program is the primary funding source for services to AAWs covered by certified petitions. However, in most cases, workers become connected to other AJC network partner programs prior to certification. In such cases, TAA participants may have an existing service plan that incorporates the resources of other partner programs that have different staffing requirements. Services that workers receive from partner programs must not be duplicated using TAA funds. For example, when an AAW is co-enrolled in the WIOA Title I Dislocated Worker program, and the service plan for that worker includes a WIOA-funded assessment, that assessment may be provided by a local WIOA staff member. It must not be duplicated by state staff to meet the TAA program state staffing requirement.⁹

⁸ See page 10 for more information on services offered by case managers.

⁹ TEGL 15-12, “[Delivery of Benefits and Services to Trade Adjustment Assistance \(TAA\) Program Recipients through the American Job Center Network Delivery System](#),” dated March 7, 2013.

The scope of this policy issuance is specific to the roles and responsibilities to provide an overview of the TAA program and requirements, the roles and responsibilities of partners that administer the TAA program, and how the program intersects with other programs in the Maryland workforce system.

TAA PROGRAM ROLES AND RESPONSIBILITIES

The table below identifies and describes the roles within MD Labor that contribute to the implementation of the TAA:

Office	Title	Role
DWDAL Office of Workforce Development	Director	<ul style="list-style-type: none"> A. Supervises the activities of the DSU Program Manager and makes final decisions on appeals of denied training applications; and B. Makes fiscal and program decisions.
DWDAL Office of Workforce Development	Regional Business Services Staff	<ul style="list-style-type: none"> A. Promote TAA services to businesses; B. Identify potential Trade impacts; C. Research information on a potential Trade impact from business discussions; D. Notify the DSU Program Manager of information related to potential Trade-impacted layoffs; E. Coordinate with local TAA case managers to obtain information about the skills and resumes of training completers; F. Conduct outreach to businesses to understand their skills needs, and connect them with qualified TAA participants exiting training; G. Ensure local TAA staff are equipped with current information on in-demand occupations that may be of interest to impacted workers for training; and H. Connect training completers to in-demand openings in region.
DWDAL Office of Workforce Development	DSU Program Manager	<ul style="list-style-type: none"> A. Maintains regular communication with the DUI RTU regarding the development of Trade-related dislocation events; B. Investigates dislocation events and files TAA application requests to USDOL for investigation; C. Ensures Rapid Response¹⁰ teams are activated when dislocation events occur; D. Notify TAA participants of certification and related benefits; E. Coordinates/delivers training for local TAA Case Managers; F. Oversees statewide data integrity; G. Prepares and submits performance data and reports required by USDOL; H. Reviews Trade training appeals; I. Works with Business Services staff to coordinate services; J. Performs activities required as the Agent state and Liabile state; K. Conducts informal monitoring of TAA Case Managers; L. Schedules and delivers Trade information sessions to Trade-impacted workers; and

¹⁰ Additional information on Rapid Response services is included on page 16 of this policy issuance.

Office	Title	Role
		M. Oversees the <i>Trade Adjustment Assistance Training Manual</i> .
DWDAL Office of Workforce Development	DSU Program Coordinator	<ul style="list-style-type: none"> A. Notify TAA participants of certification and related benefits; B. Coordinates/delivers training for local TAA Case Managers and AJC staff as needed (Labor Exchange Administrators, workforce system partners); C. Assists the DSU Program Manager with informal monitoring of TAA Case Managers; D. Oversees processing of training contracts and invoices; E. Oversees statewide data integrity; F. Assists the Program Manager with administration of the TAA Program; G. Maintains regular communication with the DUI RTU regarding the development of Trade-related dislocation events; H. Schedules and delivers Trade information sessions to Trade-impacted workers; and I. Updates the <i>Trade Adjustment Assistance Training Manual</i>.
DWDAL Office of Workforce Development	DSU Staff	<ul style="list-style-type: none"> A. Assists in notifying TAA participants of certification and related benefits; B. Approve all TAA training contracts, training applications, and additional item requests (such as books, test fees, certifications, and training provider invoices); C. Work with training providers on invoicing and billing; D. Provide Rapid Response materials; and E. Provide technical assistance to TAA Case Managers.
DWDAL Office of Workforce Development	Labor Exchange Administrators	<ul style="list-style-type: none"> A. Supervise TAA Case Managers working in local AJCs; B. Conduct RTAA meetings, facilitate the completion of applications, and submit to the DUI RTU; C. Assist in reviewing appeals when training waivers are denied; and D. Ensure AJCs are providing seamless services to TAA participants and coordinating efforts with partner programs.
DWDAL Office of Workforce Development	TAA Case Managers	<p>Work directly with TAA participants to:</p> <ul style="list-style-type: none"> A. Provide employment and training counseling; B. Assist participants in applying for TAA; C. Serve as a liaison with the DUI RTU and the DWDAL DSU; D. Ensure TAA participants receive a Rapid Response service; E. Co-enrolls participants to ensure wrap-around services; F. Submit requests for approval for TAA-funded training to the DSU; G. Record training benchmarks every 60 calendar days for participants in training programs six months or longer; and H. Document any degrees, certifications, or credentials earned during TAA funded training.

Office	Title	Role
DWDAL Office of Monitoring and Compliance	Monitoring and Compliance Unit Staff	A. Conduct quarterly monitoring of the local implementation of DWDAL TAA program activities.
DUI Reemployment and Trade Unit	Reemployment and Trade Unit Manager	<ul style="list-style-type: none"> A. Supervises the activities of the RTU UI Professionals; B. Maintains regular communication with the DWDAL DSU regarding the development of Trade-related dislocation events; C. Establishes Trade claims for Trade-impacted individuals who file for UI and wish to pursue TAA benefits; D. Places ads in the local paper for new trade certifications; E. Reaches out to Trade-impacted employers to obtain the list of impacted workers; F. Ensures that the notification letter is sent out to potentially impacted workers; G. Manages the distribution of TRA and A/RTAA payments to eligible participants; H. Tracks/records A/RTAA benefits; and I. Communicates with TAA Case Managers regarding participant training status and/or A/RTAA status.
DUI Reemployment and Trade Unit	UI Professional	<ul style="list-style-type: none"> A. Maintains regular communication with the DWDAL DSU regarding the development of Trade-related dislocation events; B. Identifies and contacts AAWs covered under certified petitions to notify them of their status as covered workers and explain program requirements and benefits; C. Establishes Trade claims for Trade-impacted individuals who file for UI and wish to pursue TAA benefits; D. Places ads in the local paper for new trade certifications; E. Reaches out to Trade-impacted employers to obtain the list of impacted workers; F. Ensures that the notification letter is sent out to potentially impacted workers; G. Manages the distribution of TRA and A/RTAA payments to eligible participants; H. Tracks/records A/RTAA benefits; and I. Communicates with TAA Case Managers regarding participant training status and/or A/RTAA status.
WIOA Title I Local Areas	N/A	<ul style="list-style-type: none"> A. Administer assessments when applicable per Local Area's testing procedure; B. Implement local Rapid Response activities in coordination with the Local Area's core Rapid response Team;¹¹ C. Co-enrolls participants to ensure wrap-around services; D. Assist with supportive services, as is applicable in the Local Area; and

¹¹ More information on Rapid Response activities and the Rapid Response Core Teams can be found in DWDAL's "Rapid Response" policy. DWDAL's current and archived policies are available at the following link: <http://www.labor.maryland.gov/employment/mpi/>.

Office	Title	Role
		E. Evaluate additional services that Trade participants may be eligible for, in accordance with Local Plans and policies.

TAA PETITION PROCESS OVERVIEW

FILING A TRADE PETITION¹²

See the *Trade Adjustment Assistance Training Manual* for guidance on filing a Trade petition specific to the current program authorization.

Generally, USDOL certifies Trade petitions for TAA to benefit impacted workers if an affected employer falls into at least one of the following categories:

- A. The company has shifted production or services to a foreign country;
- B. Foreign imports or the supply of services has caused a decline in sales or production;
- C. The company is a downstream producer or service supplier of a Trade-certified company; or
- D. The International Trade Commission (ITC) identified the impacted company in the Federal Register as having an “injury” or a “market disturbance.”

To obtain TAA reemployment services and benefits, an interested party must file a petition with the USDOL’s Office of Trade Adjustment Assistance (OTAA). A petition may be filed by any of the following:

- A. A group of two or more workers;¹³
- B. An employer of a group of workers;
- C. A Union;
- D. A State Workforce Official;
- E. AJC staff or partner program staff; or
- F. Another duly authorized representative.

Workers employed by a successor-in-interest¹⁴ are members of the worker group even if they are not specifically listed. There is no need to file an amendment to add leased workers or remote workers to the petition.

Staff are available to assist potential Trade participants in preparing petitions at all Maryland AJCs. The locations of AJCs across the state are available online at <http://www.labor.maryland.gov/county/> or by phone at 1-877-US2-JOBS, (TTY) 1-877-889-5627. Alternatively, petitioners may visit the America's Service Locator website at <http://www.servicelocator.org>, or contact USDOL in Washington, D.C. at 202-693-3560 or 1-888-365-6822.

The DWDAL DSU also provides support in the preparation of petitions. For more information, contact the DSU Program Manager.

DECISIONS ON TAA PETITIONS

The OTAA initiates an investigation¹⁵ of submitted petitions to determine whether a group of workers meets the group TAA program eligibility requirements. If the worker group meets TAA criteria, the OTAA issues a decision

¹² 19 CFR 206.13 “[Who may file a petition.](#)”

¹³ All workers in the worker group must sign the petition.

¹⁴ “Successor-in-interest” means a firm, whether or not named on a certification issued under subpart B of this part, from which trade-affected workers are separated, or threatened with separation, and where most or all of the factors in paragraphs (1) through (7) of this definition are present, relative to a firm named on a determination issued under subpart B: (1) There is continuity in business operations. (2) There is continuity in location. (3) There is continuity in the workforce. (4) There is continuity in supervisory personnel. (5) The same jobs exist under similar conditions. (6) There is continuity in machinery, equipment, and process. (7) There is continuity in product/service.” 20 CFR 618.110.

¹⁵ 29 CFR 90.12 “[Investigation.](#)”

titled: "Certification Regarding Eligibility to Apply for Worker Adjustment Assistance." Generally, the certification covers all members of the worker group 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 of the certification. Once the OTAA makes a determination of group eligibility, the Office notifies petitioners, the business involved, and the DUI RTU of the determination. In addition, the OTAA posts the determination on the TAA website and publishes a notice of the determination in the Federal Register.

RECONSIDERATIONS OF DETERMINATIONS ON PETITIONS

If the OTAA investigation determines a petition does not meet TAA eligibility requirements, the OTAA issues the worker group a "Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance." A negative determination denies workers certification of eligibility to apply for TAA services and benefits. Workers denied eligibility to apply for TAA may request administrative reconsideration of the determination by filing a written application via email: reconsiderations.taa@dol.gov; fax: (202) 693–3584 or (202) 693–3585; or mail:

U.S. Department of Labor, Employment and Training Administration,
Office of Trade Adjustment Assistance
200 Constitution Avenue NW, Washington, DC 20210.

Requests for reconsideration must:

- A. Be in writing;
- B. Include the TAA investigation number;
- C. Include petitioner signatures;
- D. Describe the group of workers included in the petition;
- E. Include the reasons the applicant believes the determination is erroneous; and
- F. Include any information that may support the application for reconsideration.¹⁶

Requests must also cite reasons why the workers consider the denial erroneous according to the facts, the interpretation of the facts, or the law itself. Reconsideration requests must be filed with OTAA within 30 calendar days of Federal Register publication

Judicial Review

A Judicial Review process¹⁷ is available to workers once a final determination is made under 20 CFR 618.245(g). Appeals for judicial review must be filed within 60 calendar days after the date of publication in the Federal Register with the Case Management Supervisor at the following address:

U.S Court of International Trade
One Federal Plaza
New York, NY 10007
(212) 264-1611.

Detailed information and resources for filing Trade petitions is available on USDOL's Employment and Training Administration website at <https://www.doleta.gov/Tradeact/petitioners/>.

¹⁶ 20 CFR 618.245

¹⁷ 20 CFR 618.255

RELATED PROGRAMS FOR DISLOCATED WORKERS

As a WIOA required partner, the TAA Program is responsible for providing access to TAA benefits and services to AAWs through the AJC network.¹⁸ Under WIOA and the Trade Act, as amended, Maryland must integrate TAA services into the State's AJC delivery system and provide Rapid Response and appropriate career services to worker groups on whose behalf a petition has been filed. TAA Case Managers must enroll individuals in the WIOA Title III Wagner-Peyser Program before filing the Trade petition. TAA Case Managers must co-enroll TAA participants in the WIOA Title I Dislocated Worker and Rapid Response programs. TAA Case Managers are also encouraged to co-enroll TAA participants in other partner programs when doing so is appropriate and beneficial for the participant.

MANDATORY CO-ENROLLMENT

WIOA Title III Wagner-Peyser Program

The WIOA Title III Wagner-Peyser (Employment Services) program provides employment services and career counseling to jobseekers, as well as labor exchange services to jobseekers and employers. Services are available to all jobseekers, regardless of employment status. Services include:

- A. Job search and placement assistance for jobseekers,
- B. Recruitment services and special technical services for employers,
- C. Re-employment services for unemployment insurance claimants,
- D. Labor exchange services for workers who have received notice of permanent or impending layoff,
- E. Referrals and financial aid application assistance for training and educational resources and programs, and
- F. The development and provision of labor market and occupational information.

MD Labor DWDAL administers the WIOA Title III program. All TAA participants must be co-enrolled in the Wagner-Peyser program. Before starting the TAA application in the MWE, the Wagner-Peyser application must be fully completed by staff, adding a staff-assisted program before proceeding to the TAA application for data entry. The Wagner-Peyser application, eligibility, and program participation dates must be either prior to or equal to the TAA application, eligibility, and TAA participation dates.

WIOA Title I Dislocated Worker Program

TAA participants must be co-enrolled in the WIOA Title I Dislocated Worker program.¹⁹ USDOL's goal is for all of TAA participants to be co-enrolled in the WIOA Title I Dislocated Worker program. Individuals identified as TAA participants under Trade petition certifications are qualified as dislocated workers under the WIOA definition of the term.²⁰ Therefore, TAA participants are eligible, by virtue of their TAA participant status, to receive benefits and services funded under the Title I Dislocated Worker program. The Dislocated Worker program offers complementary benefits not available through TAA. Co-enrollment brings valuable resources to bear that help TAA participants accelerate their reemployment process including offering supportive services and

¹⁸ TEGL 16-16, "[One-Stop Operations Guidance for the American Job Center \(AJC\) Network](#)," dated January 18, 2017.

¹⁹ According to 20 CFR 618.325 (a)(1), A State must co-enroll trade-affected workers who are eligible for WIOA's dislocated worker program. Workers may choose to decline co-enrollment in WIOA. A State cannot deny such a worker benefits or services under the TAA Program solely for declining co-enrollment in WIOA.

²⁰ TEGL 19-16, "[Guidance on Services provided through the Adult and Dislocated Worker Programs under the Workforce Innovation and Opportunity Act \(WIOA\) and the Wagner-Peyser Act Employment Service \(ES\), as amended by title III of WIOA, and for Implementation of the WIOA Final Rules](#)," dated March 1, 2017.

follow-up. Additionally, TAA Participant performance outcomes improve through co-enrollment.²¹ Title I Dislocated Worker staff and state staff must establish collaborative case management and file management processes to ensure services to co-enrolled customers are optimally integrated and coordinated, duplication is avoided, and monitoring and data validation audits are successful.

Co-enrollment with the WIOA Title I Dislocated Worker program is required unless (1) the customer says they do not want to be co-enrolled or (2) the individual does not meet the eligibility requirements for WIOA Title I. TAA Case Managers must document the customer declaration to decline as well as the reason the participant does not meet eligibility in the case management system/ Maryland Workforce Exchange (MWE). WIOA Title I Dislocated Worker program co-enrollment will be monitored quarterly to ensure the state is meeting its co-enrollment target set forth by TAA Data Integrity and that all TAA participants that are not co-enrolled are for statutory and compliance reasons.

Rapid Response

Rapid Response is a pro-active, business-focused, and flexible strategy designed to respond to layoffs and plant closings by quickly coordinating services and providing immediate aid to companies and their affected workers. The primary purpose of Rapid Response services is to leverage the public workforce system's resources to enable affected workers to return to work as quickly as possible following a layoff, or to prevent their layoff altogether.²² Rapid Response is a crucial early intervention service for workers whose jobs are threatened or eliminated due to Trade-related dislocation events. Clear and immediate communications between the DUIRTU and DWDAL DSU is required to ensure prompt Rapid Response activation. The Rapid Response process can help identify Trade impacts and eligibility for a petition or be triggered by the filing of a Trade petition.

Beyond supporting businesses and workers impacted by Trade-related dislocation events, Maryland's Rapid Response teams are in a unique position to identify potential Trade-related dislocation events. The DSU Program Manager must provide Rapid Response teams with accurate information on the TAA program certification process, and must ensure that Rapid Response teams are trained in current worker group certification eligibility criteria and available TAA program benefits.

OPTIONAL CO-ENROLLMENT

DWDAL and Local Areas are encouraged to co-enroll Trade participants in additional programs, as relevant, to assist them along their career pathways. This subsection provides an example of a related program: National Dislocated Worker grants. Other programs not covered here should also be included in the Individual Employment Plans (IEPs) of TAA participants, as appropriate.

National Dislocated Worker Grants (NDWGs)

NDWGs are discretionary grants awarded by USDOL that may be used to assist AAWs. NDWGs provide resources to states and other eligible applicants to respond to large, unexpected layoff events causing significant job losses. This funding is intended to temporarily expand capacity to serve dislocated workers, including military service members, and meet the increased demand for WIOA employment and training services, with the goal of reemploying laid off workers and enhancing their employability and earnings. Disaster NDWGs provide funding to create temporary employment opportunities to assist with clean-up and recovery efforts when an area impacted by disaster is declared eligible for public assistance by the Federal Emergency Management Agency or otherwise

²¹ See USDOL's [TAA and Dislocated Worker Fact Sheet on Perceived Barriers of Cost and Performance](#) for more information.

²² Training and Employment Notice (TEN) 31-11, "[The Rapid Response Framework](#)," dated March 1, 2012.

recognized by a Federal agency with authority or jurisdiction over Federal response to the emergency or disaster. NDWG grants cover career services, training services, supportive services, and needs-related payments.

PERFORMANCE ACCOUNTABILITY AND REPORTING

PERFORMANCE ACCOUNTABILITY

TAA program performance metrics are aligned with WIOA performance requirements, with the exception that the TAA program is not required to report the “Effectiveness in Serving Employers” metric.

TAA performance metrics include:

Employment Rate, 2nd Quarter After Exit – The percentage of participants who are in unsubsidized employment during the second quarter after exit from the program.

Employment Rate, 4th Quarter After Exit – The percentage of participants who are in unsubsidized employment during the fourth quarter after exit from the program.

Median Earnings, 2nd Quarter After Exit – The median earnings of participants who are in unsubsidized employment during the second quarter after exit from the program.

Credential Attainment – The percentage of those participants enrolled in an education or training program (excluding those in On-the-Job Training (OJT) and customized training) who attain a recognized postsecondary credential or a secondary school diploma or its recognized equivalent, during participation in or within one year after exit from the program.²³

Measurable Skill Gains – The percentage of program participants who, during a program year, are in an education or training program that leads to a recognized postsecondary credential or employment and who are achieving measurable skill gains, defined as documented academic, technical, occupational, or other forms of progress, towards such a credential or employment. Depending on the type of education or training program, documented progress is defined as one of the following:

- A. Documented achievement of at least one educational functioning level of a participant who is receiving instruction below the postsecondary education level;
- B. Documented attainment of a secondary school diploma or its recognized equivalent;
- C. Secondary or postsecondary transcript or report card for a sufficient number of credit hours that shows a participant is meeting the State unit’s academic standards;
- D. Satisfactory or better progress report towards established milestones, such as completion of OJT or completion of one year of an apprenticeship program or similar milestones, from an employer or training provider who is providing training; or
- E. Successful passage of an exam that is required for a particular occupation or progress in attaining technical or occupational skills as evidenced by Trade-related benchmarks such as knowledge-based exams.

²³A participant who obtain a secondary school diploma or its recognized equivalent must also meet an additional condition before they are counted as a successful outcome and included in the numerator of the credential attainment indicator. These participants must be employed, or enrolled in an education or training program leading to a recognized postsecondary credential within one year following exit.

REPORTING

Accurate and thorough reporting on the TAA program is essential to the program's effective implementation. Reporting provides the data stakeholders need to understand how the TAA program is implemented in Maryland. Reporting supports the monitoring and compliance function, and promotes program integration between the elements of TAA implemented through DUI and those implemented through DWDAL. Maryland's TAA program follows common exit with Title I and Title III, the Jobs for Veterans State Grant program, the NDWG, and the Migrant and Seasonal Farmworker program.

Comprehensive technical assistance resources for TAA reporting are available at:
<https://www.doleta.gov/Tradeact/taa-data/participant-reporting>.

The Workforce Integrated Performance System (WIPS)

The DWDAL DSU reports data on TAA participants to USDOL on a quarterly basis through the Workforce Integrated Performance System (WIPS). Data reporting is due 45 calendar days after the close of the report quarter.

Trade Adjustment Assistance Data Integrity (TAADI)

TAADI is a target-setting and reporting process designed to support the submission of state-level TAA data that is accurate and complete. Each year, the Office of Trade Adjustment Assistance (OTAA) within the USDOL, Employment and Training Administration sets goals for defined fiscal and program performance targets. On a quarterly basis, the DWDAL DSU measures the State's performance and compares it to the TAADI goals. If DWDAL fails to meet a TAADI target, the DSU Program Manager must submit a narrative report to USDOL explaining planned actions to improve performance.

If states fall short of the TAADI Targets, then a second phase of review will be conducted on the four quarters of the fiscal year based on the following factors:

- A. Quality of state narratives (where state TAADI Results are not met): Demonstrated that the state has examined the issue.
- B. Timeline test (one must be true):
 1. Included a date by which the issue will be resolved.
 2. Measure requires 100 percent and state indicates why data is correct.
- C. Resolution plan (one must be true):
 1. Demonstrates that the issue is isolated.
 2. Demonstrates a plan for resolution is in place to address a systematic issue.
- D. State improvement:
 1. Percentage of state improvement in TAADI Results over the four report quarters of the fiscal year meets the established expectations;
 2. The extent to which the state TAADI Results fall short of the designated target is within the established margin, and;
 3. The state's result in the previous year.

Depending on the assessment results from this two-tier review, USDOL may determine the need for a corrective action plan to be put in place. Corrective action will not be recommended for TAADI Measures that have been initially established in that fiscal year in order to allow the state additional time to improve reporting. In addition to the steps listed above, USDOL may post state annual TAADI Results to the TAA website.

MONITORING

DWDAL TAA PROGRAM MONITORING

The Monitoring and Compliance Unit of DWDAL conducts comprehensive quarterly data integrity checks of the TAA program at relevant AJCs.²⁴ During onsite monitoring, the assigned monitor reviews TAA participant files in their entirety in order to ensure compliance with applicable laws and regulations under TAA. The monitor must generate a written report at the completion of the monitoring event and must forward the report to the Director of Office of Workforce Development, DSU Program Manager, Local Area Director, and the Local Workforce Development Board Chair. The DSU Program Manager must review the report and forward it to the LEA and AJC manager in the Local Area where the monitoring was completed. The LEA must complete any mandated corrective actions related to findings and/or concerns within 30 calendar days of receipt of the monitoring report. The LEA must notify the DSU Program Manager when required actions are completed. The DSU Program Manager or designee must verify to the DUI Deputy Assistant Secretary, the DWDAL Director of the Office of Workforce Development, the DWDAL Monitoring and Compliance Manager, and the DUI Program Manager corrective actions have been completed from DWDAL's monitoring report.

DUI TAA PROGRAM MONITORING

The DUI's Benefit, Timeliness and Quality (BTQ) Unit must conduct annual monitoring of the DUI TRA program to ensure program efficiency and reduce or eliminate improper payments of TRA benefits. Monitoring will include an onsite file review of 20 percent of active files or 30 active files, whichever is less. Files will be selected on a random basis. The BTQ Unit must submit a report indicating the outcome of the monitoring event no more than 45 calendar days following the completion of the monitoring.

The monitoring report must be submitted to:

- A. The DWDAL Director of the Office of Workforce Development,
- B. The DWDAL DSU Program Manager,
- C. The DUI Deputy Assistant Secretary, and
- D. The DUI Manager of the RTU.

The Manager of the DUI RTU must review the monitoring report and forward it to the TRA Coordinator. The TRA Coordinator must provide a written response within 30 calendar days of receipt of the monitoring report. The TRA Coordinator must provide the Manager of the RTU with written progress reports relative to the resolution of findings or other required actions. The Manager of the DUI RTU or designee must verify to the DUI Deputy Assistant Secretary, the DWDAL Director of the Office of Workforce Development, and the DWDAL DSU Program Manager that the corrective actions are complete.

²⁴ TEGL 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](#)," dated May 15, 2009.

FUNDING SOURCE

The TAA program is funded by annual federal mandatory appropriations, allocated to states by USDOL. The TAA program is 100 percent federally funded, and the annual allocation is effective October 1st of each year. The period of performance for each annual allocation is three years.

FAIR PRACTICES AND ACCESSIBILITY

It is the policy of MD Labor that all persons have equal opportunity and access to services and facilities without regard to race, religion, color, sex (including pregnancy, childbirth and related medical conditions, transgender status, gender identity, and sexual orientation), marital status, genetic information, age, national origin or ancestry (including Limited English Proficiency), disability, veteran status or political affiliation or belief. Participants in the TAA program with disabilities who may need accommodations should request assistance in advance of the scheduled services from the AJC staff person with whom they will be working. AJC staff working with TAA participants in need of accommodations must work with their LEA or supervisor to secure the necessary support.

DWDAL is further committed to ensuring individuals with Limited English Proficient (LEP) have access to necessary language services. Interpreter and translation services are available for TAA participants. To learn more about how to access these services, refer to the Language Access Plan²⁵ jointly published by DWDAL and DUI. The plan includes contact information for Language Access Coordinators who are responsible for arranging requested annual trainings, maintaining and posting a log of multilingual staff, and providing guidance on the use of assistive technologies.

²⁵ Available at <http://www.labor.maryland.gov/employment/wioa.shtml>.

REFERENCES

LAW

- [Workforce Innovation and Opportunity Act \(WIOA\)](#), 29 U.S.C. § 3101 *et. seq* (2015);
- [Trade Act of 1974](#), 19 U.S.C. § 2101 (1975);
- [The Trade Act of 2002](#), Public Law 107 – 210 (2002);
- [Trade and Globalization Adjustment Assistance Act of 2009](#), 26 U.S.C. § 1 note (2009);
- [Trade Adjustment Extension Act of 2011](#), 19 U.S.C. § 2465 (2011);
- [Trade Reauthorization Act of 2015](#), 19 U.S.C. § 2101 note (2015);
- [Powers and duties of Secretary and Department](#), Md. LABOR AND EMPLOYMENT Code Ann. § 11-304 (2020);
- [Rule of construction; implementation of Title 10, Subtitle 2 of State Government Article](#), Md. LABOR AND EMPLOYMENT Code Ann. § 8-103 (1993); and
- [Computation of extended benefits](#), Md. LABOR AND EMPLOYMENT Code Ann. § 8-1105 (2013).

REGULATION

- 5 CFR 900.603 “[Standards for a merit system of personnel administration](#)” (2012);
- 19 CFR 206.13 “[Who may file a petition](#)” (2016);
- 20 CFR 678.430 “[What are career services](#)” (2014);
- 20 CFR 680.100 – 680.195 “[Delivery of adult and dislocated worker activities under Title I of WIOA](#)” (2017);
- 29 CFR 90.12 “[Investigation](#)” (1987);
- 29 CFR Part 90 and 20 CFR Parts 617 and 618 “[Trade Adjustment Assistance for Workers Final Rule](#)” (2020); and
- Office of Management and Budget 2 CFR Part 200, et al., “[Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards; Final Rule](#),” dated December 26, 2013.

FEDERAL GUIDANCE

- Training and Employment Notice (TEN) 12-21, “[Practitioners Guide to Supportive Services](#),” dated October 15, 2021;
- Training and Employment Guidance Letter (TEGL) 2-21, “[Second Distribution of Fiscal Year \(FY\) 2021 Trade Adjustment Assistance \(TAA\) Training and Other Activities \(TaOA\) Funds and Process for Requesting TAA Reserve Funds](#),” dated July 12, 2021;
- TEN 1-21, “[Frequently Asked Questions Relating to Trade Adjustment Assistance Program Reversion 2021](#),” dated July 1, 2021;
- TEGL 24-20, “[Operating Instructions for Implementing the Reversion Provisions of the Amendments to the Trade Act of 1974 Enacted by the Trade Adjustment Assistance Reauthorization Act of 2015](#),” dated June 4, 2021;
- TEGL 18-20, “[Trade Adjustment Assistance \(TAA\) Financial Reporting Alignment and Clarifications](#),” dated April 26, 2021;
- TEGL 14-20, “[Initial Allocation of Fiscal Year \(FY\) 2021 Trade Adjustment Assistance \(TAA\) Program Training and Other Activities \(TaOA\) Funds and Process for Requesting TAA Reserve Funds](#),” dated January 19, 2021;
- TEGL 13-20, “[Fiscal Year \(FY\) 2021 Trade Adjustment Assistance \(TAA\) Training and Other Activities \(TaOA\) Grant Management Guidance](#),” dated January 29, 2021;
- TEGL 11-20, “[Guidance on Trade-Affected Workers' Withdrawal from Approved Training under the Trade Adjustment Assistance \(TAA\) Program](#),” dated January 7, 2021;

- [TEN 10-20, Change 1, “Extension of the Health Coverage Tax Credit \(HCTC\) Program for Eligible Trade Adjustment Assistance \(TAA\) Recipients and Eligible Alternative TAA and Reemployment TAA \(ATAA/RTAA\) Recipients or Eligible Pension Benefit Guaranty Corporation \(PBGC\) Recipients,”](#) dated January 7, 2021;
- [TEN 10-20, “Expiration of the Health Coverage Tax Credit \(HCTC\) Program for Eligible Trade Adjustment Assistance \(TAA\) Recipients and Eligible Alternative TAA and Reemployment TAA \(ATAA/RTAA\) Recipients or Eligible Pension Benefit Guaranty Corporation \(PBGC\) Recipients,”](#) dated December 23, 2020;
- [TEGL 4-20, “Guidance on Integrating Services for Trade-Affected Workers under the Trade Adjustment Assistance Program \(TAA Program\) with the Workforce Innovation and Opportunity Act \(WIOA\) Title I Dislocated Worker \(DW\) Program,”](#) dated October 29, 2020;
- [TEGL 3-20, “Determining the Availability of Suitable Employment Under the Trade Adjustment Assistance \(TAA\) Program’s Final Rule to Return Trade-Affected Workers to Employment as Quickly as Possible,”](#) dated September 24, 2020;
- [TEN 2-20, “Announcing the Release of the Trade Adjustment Assistance \(TAA\) for Workers Final Rule and Amended Information Collections Associated with this Rulemaking,”](#) dated August 21, 2020;
- [TEGL 20-19, “Revised ETA-9130 Financial Report, Instructions, and Additional Guidance,”](#) dated April 29, 2020;
- [TEGL 1-19, “Trade Adjustment Assistance Data Integrity,”](#) dated July 1, 2019;
- [TEGL 14-18, “Aligning Performance Accountability Reporting, Definitions, and Policies Across Workforce Employment and Training Programs Administered by the U.S. Department of Labor \(DOL\),”](#) dated March 25, 2019;
- [TEGL 10-16, Change 1, “Performance Accountability Guidance for Workforce Innovation and Opportunity Act \(WIOA\) Title I, Title II, Title III, and Title IV Core Programs,”](#) dated August 23, 2017;
- [TEGL 19-16, “Guidance on Services provided through the Adult and Dislocated Worker Programs under the Workforce Innovation and Opportunity Act \(WIOA\) and the Wagner-Peyser Act Employment Service \(ES\), as amended by title III of WIOA, and for Implementation of the WIOA Final Rules,”](#) dated March 1, 2017;
- [TEGL 16-16, “One-Stop Operations Guidance for the American Job Center \(AJC\) Network,”](#) dated January 18, 2017;
- [TEGL 13-16, Guidance on Registered Apprenticeship Provisions and Opportunities in the Workforce Innovation and Opportunity Act \(WIOA\),](#) dated January 12, 2017;
- [TEGL 12-16, “Questions and Answers on the Effects of Strikes and Lockouts on Eligibility for Trade Adjustment Assistance \(TAA\) and Trade Readjustment Allowance \(TRA\),”](#) dated December 22, 2016;
- [TEGL 8-16, “Supporting Unemployment Insurance Beneficiaries Seeking Postsecondary Education or Training,”](#) dated September 23, 2016;
- [TEGL 15-12, “Delivery of Benefits and Services to Trade Adjustment Assistance \(TAA\) Program Recipients through the American Job Center Network Delivery System,”](#) dated March 7, 2013;
- [TEN 18-09, “Release and Availability of Four Reports from the National Evaluation of the Trade Adjustment Assistance Program,”](#) dated December 1, 2009; and
- [TEGL 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,”](#) dated May 15, 2009.

OTHER RESOURCES

- Maryland Department of Labor, [Trade Adjustment Assistance Training Manual](#);
- Maryland Department of Labor, [An Employment Benefits Guide for the Worker in Transition](#);
- Maryland Department of Labor, [TAA Frequently Asked Questions](#);
- Maryland Department of Labor, [Reemployment Trade Adjustment Assistance \(RTAA\)](#);
- Maryland Department of Labor, [Workforce Innovation and Opportunity Act \(WIOA\) Resources](#);

- Maryland Department of Labor, [DWDAL Policy Issuances](#);
- USDOL [Side-by-side Comparison of TAA Benefits](#);
- USDOL [TAA and DW Co-Enrollment Fact Sheet #1: Perceived Barriers of Cost & Performance](#);
- United States Department of Veterans Affairs, “[About GI Bill Benefits](#)”;
- Website for the [Maryland Governor’s Workforce Development Board](#);
- USDOL, [TAA Participant Reporting Resources](#);
- USDOL, [Outreach Technical Assistance for TAA Practitioners](#);
- United States Internal Revenue Service [Health Coverage Tax Credit Resources](#); and
- Technical Assistance Website for [TAA Reporting](#).