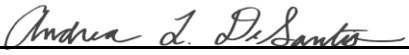
	<b>NORTH CAROLINA DEPARTMENT OF COMMERCE DIVISION OF WORKFORCE SOLUTIONS</b>
	<b>DWS Operational Guidance Number: OG 03-2021, Change 1</b>
	<b>Date: August 27, 2024</b>
	<b>Subject: Trade Adjustment Assistance (TAA) Co-Enrollment with Workforce Innovation and Opportunity Act (WIOA) Dislocated Worker Programs</b>
	<b>From:</b>  <div style="text-align: center;">   <hr style="width: 30%; margin: auto;"/> <b>Andrea L. DeSantis</b>  <b>Assistant Secretary for Workforce</b> </div>

**Purpose:** To introduce strategies to strengthen participant outcomes for Trade Adjustment Assistance (TAA) and Workforce Innovation and Opportunity Act (WIOA) participants by increasing access to multiple services to benefit the long-term success of program participants through simultaneous admission known as co-enrollment (20 CFR 618.600).

This change provides guidance on the process for co-enrollment for TAA and WIOA participants.

This Operational Guidance (OG) rescinds OG 03-2021. The procedures herein supersede all previous policies, procedures, and guidelines regarding TAA and WIOA co-enrollments.

**Background:** The Title I WIOA Dislocated Worker (DW) Program is a critical partner with TAA in identifying and serving trade-impacted workers. Co-enrollment of workers covered under certified petitions (TAA - certified workers) in partnership with the WIOA DW programs allows for the timely provision of individualized career services and improves the overall effectiveness of the TAA Program (Training and Employment Guidance Letter (TEGL) 4-20).

**Action:** Local TAA and WIOA staff are to utilize the guidelines provided regarding the co-enrollment of TAA participants in the WIOA DW program and update local guidance and policies accordingly.

## **A. Co-Enrollment**

All trade-affected workers must be co-enrolled with WIOA DW when eligible. Co-enrollment occurs when an eligible participant is enrolled in more than one workforce program and supports and optimizes the participant's success. In accordance with federal requirements, co-enrollment includes simultaneous enrollment in the WIOA DW and the TAA programs. Co-enrollment across funding streams helps leverage limited resources to meet the needs of all participants working towards suitable employment.

TAA forms should continue to be utilized as the primary documentation to avoid duplication of efforts. In addition, the dislocated worker's assessment (20 CFR 618.345), or the individual employment plan that outlines the assessment results, employment, and occupation/training goals must also be uploaded to NCWorks Online. To the extent possible, local WIOA and NCWorks TAA staff should work together to share common forms for services such as attendance and travel reimbursement. Based on funding availability, TAA funds should continue to be used to pay for training costs, and WIOA program funds may be used to supplement services (20 CFR 618.804 (h)(4)).

Co-enrollment necessitates a high level of communication and coordination amongst program staff to maximize effectiveness and avoid the duplication of services. Local Area Workforce Development Boards (WDBs) must develop a local co-enrollment procedure documenting the seamless delivery of services to co-enrolled participants. Local procedures shall be readily available for state or federal review.

Local co-enrollment guidance shall address the following:

- The participant's flow through both programs
- Coordination and sharing of assessments and assessment results
- Reporting of assessments in NCWorks
- Coordination of case management services
- Reporting of all case management services in NCWorks
- Training services and documentation of the six TAA training criteria
- Reporting of all training costs
- Provision of WIOA supportive services
- Provision of post-training employment, financial aid, or pre-vocational services
- Provision of WIOA follow-up services
- Common exit procedures

Co-enrollment requires that the WIOA DW program fund a minimum of one service within the first four quarters (one year). The service will be collaboratively selected by the TAA case manager and the participant, in communication with the WIOA staff member, to maximize the utility of benefits and services for participants. For example, the WIOA service may be a career assessment, a supportive service not authorized by TAA, a workshop

including resume writing, interviewing and other employment skills, a specialized assessment, or a follow-up service not authorized by TAA. The service or services used to commence participation for WIOA are left to the WDB's discretion.

Statewide co-enrollment performance outcomes are captured by the quarterly Trade Adjustment Assistance Data Integrity (TAADI) report which requires a minimum of seventy-five percent of all TAA participants to be co-enrolled in the WIOA DW program.

### **B. Eligibility**

Co-enrollment between TAA and WIOA DW must occur for individuals who are determined eligible for both programs and eligibility must be included as part of the TAA-funded training approval process. Most trade-affected workers meet the definition of a Dislocated Worker (DW).

There may be select cases where a trade-affected worker may not be eligible for WIOA DW services. If a worker is found not eligible for WIOA (e.g., not registered with selective service) the right to decline DW Benefits & Services must be noted in case notes in NCWorks documenting that the participant was considered but not eligible for co-enrollment. The DOL target measure for co-enrollment performance is seventy-five percent (75%). The target allows for circumstances that may preclude TAA participants from being co-enrolled in WIOA DW.

It is recommended that WIOA conduct orientation in coordination with the TAA informational session required for certified Trade Act petitions. Co-enrollment of trade-affected workers provides earlier intervention, and orientation may occur prior to certification of the Trade Act petition. Throughout co-enrollment, the TAA case manager will maintain responsibility for the provision of the training services and primary case management, while WIOA must provide a minimum of one service or activity that meets the needs of the participant as determined by both workforce program partners and the participant. All steps, courses, workshops, certifications, etc. towards suitable employment, whether provided by TAA or WIOA, shall be documented in the participant's Individual Employment Plan (IEP) in addition to case notes in NCWorks. Local Area WDBs shall work with the State Trade Office to cross-train staff to build collaborative, informed partnerships and streamline co-enrollment.

For workers who are eligible for WIOA programs and are awaiting the result of a Trade Act petition investigation by the US Department of Labor (DOL), the provision of services should not be delayed while the DOL is conducting its investigation. WIOA Dislocated Worker may fund initial assessment(s) of the participant for later consideration by the TAA Case manager. As indicated by DOL's studies, enrollment of dislocated workers into the WIOA DW program will reduce the time between their layoff and return to suitable

employment. [https://www.dol.gov/sites/dolgov/files/ETA/tradeact/pdfs/Co-Enrollment\\_FAQ-3.pdf](https://www.dol.gov/sites/dolgov/files/ETA/tradeact/pdfs/Co-Enrollment_FAQ-3.pdf)

After the DOL certifies the petition and the participant is enrolled in the TAA program, then TAA shall be the primary funder of training and provide the required TAA case management services. Prior to the approval of WIOA DW program-funded training, WIOA Case Managers must coordinate with TAA Case managers to determine that the training meets the six criteria for the approval of TAA training found under 20 CFR 617.22 to ensure the seamless transition from WIOA-funded training to TAA-funded training. Once the participant is engaged in TAA-funded training, he or she may continue to be enrolled in WIOA services that meet their needs as determined by the WIOA Case Manager and approved by the TAA Case Manager.

### **C. Case Management**

The TAA case managers will take primary responsibility for case management while the participant is completing TAA-funded training. A coordinated service strategy shall be built into the Individual Employment Plan to ensure case management and employment services between WIOA Case Managers and TAA case managers are seamless. During this process, the participant should not experience being frequently passed between various case managers.

Throughout participation, the TAA Case Manager must communicate regularly with the WIOA Case Manager to provide updates on the needs of the participant, measurable skills gains, credential attainment, and the need for any appropriate supportive service(s). Upon completion of the TAA-funded training, the TAA Case manager and the appropriate career center staff should assist the participant with job placement into suitable employment. The WIOA DW funds may support resume writing, financial literacy, computer literacy, interviewing skill development, and other workshops or pre-vocational skills to obtain suitable employment. Upon gaining suitable employment and common program exit of the applications in NCWorks, all programs will receive credit for the placement and associated outcomes.

### **D. Rapid Response**

[Rapid Response](#) encompasses the strategies and activities necessary to plan for and respond to announcements of a business closure, layoff, or mass job dislocations. In accordance with 20 CFR 682.330, Rapid Response delivers services to enable dislocated workers to transition to new employment as quickly as possible. Rapid Response promotes economic recovery by providing layoff aversion services to employers, responding to layoffs and dislocations of any size, and minimizing the impact on workers, businesses, and communities. Section 221(a)(2)(A) of the Trade Act requires that Rapid Response services are delivered to all affected workers covered by a Trade Act petition. However, Rapid Response services are triggered by separation. Rapid Response is timely, and it does not require the Trade Act petition to be officially certified by the DOL to proceed. Rapid Response services must be coordinated during the TAA

information session to ensure that all individuals receiving TAA services have received Rapid Response services. Regarding Rapid Response sessions strictly for trade-affected workers, the TAA Case manager may conduct the session or is highly encouraged to attend the session. Documentation that trade-affected workers received Rapid Response services must be present in the participant's NCWorks profile. Rapid Response services are required and do not constitute co-enrollment between WIOA and TAA, regardless of whom administers the service.

To ensure that the local coordination is informed and timely, WIOA DW Case Managers and TAA Case Managers must be regularly updated on local layoffs, local market changes, local natural disasters, and other emergency events, and all Rapid Response activities taking place in their respective areas, including when Trade Act petitions are [filed](#). This shall be completed by the WDBs sharing and/or publishing all scheduled Rapid Response activities in the region, post-Rapid Response events on their websites, post-event information on social media, or sending out regular e-mails announcing every Rapid Response event. The WDBs shall ensure the appropriate staff are receiving Worker Adjustment and Retraining Notification (WARN) e-mails. If there is a change in staff, WDBs are responsible for submitting a notification to the State Trade Office.

#### **E. Eligible Training Provider List**

TAA participants enrolled in the WIOA DW program prior to the certification of a Trade Act petition are required to use the WDB's Eligible Training Provider List (ETPL) for the selection of training providers and programs. If the eligibility status for TAA is understood at the time of the co-enrollment, then the ETPL is not required.

It is recommended that providers be on the ETPL for the approval of a TAA training application. Training providers not on the ETPL may be utilized if it is confirmed that the training institution is accredited and that there is a reasonable expectation of employment following the successful completion of such training. The TAA does not require that a provider be added to the ETPL for the approval of training.

The WDBs must verify providers not listed on the ETPL are accredited and have met the requirements of the Commission for Independent Education to operate a non-public postsecondary school or college in the state of North Carolina. It is encouraged that providers on the ETPL offering comparable training within the local area be given strong consideration over providers not on the ETPL as these providers have been locally verified as offering training programs aligned with the WDB's local in-demand occupations and sectors. However, WDBs are not authorized to restrict TAA-funded training exclusively to providers from the ETPL.

#### **F. Funding**

WIOA and TAA program funds must be managed in a coordinated manner.

Duplication of payment for training costs is prohibited. The TAA program is the primary source of assistance for co-enrolled participants. If a TAA participant requires assistance not authorized under the TAA program or program funds are unavailable or insufficient, then assistance shall be made available through workforce partner programs.

Under certain circumstances, TAA participants may receive WIOA-funded training that would otherwise be provided under the TAA program. The most common circumstance is when a worker has been laid off while a Trade Act petition is awaiting determination from DOL. To facilitate early intervention, WIOA funds must be used for training in the short-term, until the TAA program determines the worker's individual eligibility and approves the training. In the event of a negative eligibility determination, and the petition is denied, the worker may continue as a WIOA participant.

When WIOA training funds have already been expended for a TAA program participant prior to the Trade Act petition certification, then WIOA cannot be reimbursed for funds. Upon the receipt of a Trade Act petition certification, the WIOA participant's training may be modified by the TAA program to allow a worker additional training under the TAA program to satisfy retraining needs as indicated in an Individual Employment Plan. The TAA program participant will remain co-enrolled in WIOA until the common program exit.

### **G. Reporting**

Upon receiving a new participant covered by the requirements of this policy, WDBs will utilize the Common Intake Form (Combined Enrollment) feature in North Carolina's online labor exchange and case management system, NCWorks, to create the applications and reduce duplicate efforts. Additional information for the Common Intake Form is available in Section 3: Manage Individuals of the NCWorks Virtual One-Stop User Guide for Staff.

In accordance with each workforce program's individual reporting requirements, all program activities, service codes, case notes, attachments, and costs will be reported in NCWorks per the NCWorks Service Code Guide and the NCWorks Virtual One-Stop User Guide for Staff. Upon obtaining suitable employment, participants will exit both applications using a common exit date.

### **H. State and local monitoring**

Federal law requires the services and activities provided under TAA to be monitored annually for compliance with TAA program requirements. The DWS TAA staff will conduct monitoring for the requirements outlined in this policy and operating procedures. Additionally, WDBs must establish local monitoring policies and procedures that include, at minimum:

- Roles of the TAA participant and WDB staff; and
- Local monitoring procedures, deliverables, and monitoring schedules for implementation of this and all Administrative Policies.

## **I. Definitions**

**Affected Worker List** - A list of trade-affected workers, typically provided by the trade-impacted employer, who were 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.

**Dislocated Worker (DW)** - An adversely affected individual who has been terminated, laid off, or notified of layoff, is eligible for or has exhausted Unemployment Compensation benefits, and is unlikely to return to his or her previous occupation.

**Individual Employment Plan** - A negotiated agreement between the TAA participant and the TAA program detailing what the TAA participant will do to return to suitable employment and what the TAA program will do to support his/her efforts. An Individual Employment Plan is required for participants who lack the skills to secure suitable employment in the existing labor market and will be entering training. The plan must precede the approval of any training or waiver of training requirements. If any relevant barriers that may hinder the participant's ability to successfully complete training or obtain employment were identified during the comprehensive assessment, then the steps, objectives, and/or WIOA supportive services necessary to complete training must be included in the participant's plan.

**Layoff Aversion** - strategies and activities, including those provided in §682.320, §682.330, and §682.340, to prevent or minimize the duration of unemployment resulting from layoffs.

**Petition** - A request submitted to DOL to certify an employer as adversely impacted by global trade or competition.

**Suitable Employment** - Work of a substantially equal or higher skill level than the trade-affected worker's past trade-affected employment, with wages no less than 80 percent of the trade-affected worker's average weekly wage from the trade-affected employment. **TAA Participant** - Any trade-affected worker who completes the initial TAA application and is enrolled in the TAA program by a TAA Case manager by receiving a staff-assisted service.

**Trade Adjustment Assistance Data Integrity (TAADI) Report** - The TAA program has sixteen performance measures that seek to ensure data accuracy and gauge the program's effectiveness. The DWS receives a quarterly report card from DOL known as the TAADI report. It is a standardized review of high-quality data that is essential to evaluating the program's effectiveness and monitoring service delivery.

**Trade Adjustment Assistance Case Manager** - A merit-staff employee designated by the state to determine TAA eligibility and to provide TAA case

management and employment services with the goal of leading participants to suitable employment.

**Trade-Affected Worker** - An adversely affected individual who has been totally or partially separated from trade-affected employment in a firm or subdivision of a firm that has been certified under TAA.

**Worker Adjustment and Retraining Notification (WARN) Act** - A federal act that helps ensure advance notice in cases of qualified plant closings and mass layoffs per 20 CFR Part 639.

**Workforce Innovation and Opportunity Act (WIOA)** - A federal act that provides direction and guidance for the workforce system in every state. The law prioritizes a market-driven approach to talent development that prepares people seeking employment for the jobs of today and of the future. The WIOA is a transformative law designed to strengthen our nation's public workforce system, helping job seekers, particularly those with barriers to employment, access the education, training, and support services they need to obtain and advance in quality jobs and careers and to help businesses hire and retain the skilled workers they need to succeed in a global economy.

**Effective Date:** Immediately

**Expiration:** Indefinite

**Contact:** State Trade Adjustment Assistance Coordinator