

**Trade Adjustment Assistance | September 30, 2019**

- 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
- 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 Maryland Department of Labor [website](#).
- EXPIRATION:** Until cancelled or replaced.

**QUESTIONS:**

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## CANCELLATIONS

- Division of Workforce Development and Adult Learning (DWDAL) Workforce Investment Field Instruction, (WIFI) 16-04, “[NEG, TAA and Dual Enrollment Reporting Responsibilities](#),” June 29, 2005;
- DWDAL WIFI 16-04 Change 1, “[TAA Enrollment Policy Revision WIFI 16-04](#),” November 30, 2005;
- DWDAL WIFI 07-05, “[Serving TAA Participants with Limited English Proficiency](#),” dated February 17, 2006;
- DWDAL Policy Issuance 2014-9, “[Clarification on some issues surrounding Trade approved training](#),” dated May 15, 2014; and
- DWDAL Policy Issuance 2014 -12, “[Trade Program - Quarterly Monitoring](#),” dated June 24, 2014.

## ACRONYMS

AJC	American Job Center
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
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.

## OVERVIEW OF THE TRADE ADJUSTMENT ASSISTANCE PROGRAM (TAA)

### TAA Program Purpose

The Trade Adjustment Assistance (TAA) Program is a federal entitlement program established under the Trade Act of 1974<sup>1</sup> to assist workers 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 adversely affected workers 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 Trade-impacted worker’s former pay. Benefits and services available to Trade-impacted workers through the TAA program include funding support for training, monetary compensation once 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

The type and amount of benefits a Trade-affected worker may be eligible to receive, and the industry sectors covered differ, based on which reauthorization of the Trade Act of 1974 was in place when the impacted worker was separated from employment. This general 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, as described in the following table:

Applicable Law	Petition Filing Dates	Petition #s
Trade Act of 1974 and North American Free Trade Agreement – Transitional Adjustment Assistance	On or before November 3, 2002	Less than 50,000
TAA Reform Act of 2002	November 4, 2002 – May 18, 2009	50,000 – 69,999
Trade and Globalization Adjustment Assistance Act of 2009 (2009 Amendments)	May 19, 2009 – February 14, 2011	70,000 – 79,999

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

Applicable Law	Petition Filing Dates	Petition #s
2009 Amendments Sunset Provisions (Customer choice between 2002 and 2011 Acts)	February 15, 2011 – October 21, 2011	80,000 – 80,999
TAA Extension Act of 2011(TAAEA)	October 22, 2011 – December 31, 2013	81,000 – 84,999
TAA Reauthorization Act of 2015	On or after June 29, 2015	85,000 and above

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>.

## **TAA Liable and Agent States**<sup>2</sup>

The location where a Trade-related dislocation event has occurred also plays a role in how TAA program benefits are coordinated and delivered. In some cases, TAA participants receive program benefits from a single state because they continue to live in the state where they were employed when their job was Trade-impacted. Sometimes, though, a Trade-impacted worker 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 program benefits.

The Liable state is the state where the United States Department of Labor (USDOL) has determined the Trade impact occurred. Liable states are responsible for contacting impacted workers, initiating Trade claims, and making determinations regarding whether a customer is entitled to benefits under the TAA program. Liable states make all determinations, redeterminations, and decisions on appeals on all claims for program benefits, including waivers and revocations of waivers,<sup>3</sup> subsistence payments,<sup>4</sup> and transportation payments.<sup>5</sup> Liable states are responsible for publishing newspaper notices and furnishing information and assistance to all eligible workers covered by a Trade petition certification. If a Trade-impacted worker lives in the Liable state, then the Liable state is also responsible for furnishing that worker with reemployment services.<sup>6, 7</sup>

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. Agent state responsibilities include cooperating with Liable states in taking applications and claims for TAA. They must provide reemployment services to certified workers, provide interstate claimants with TAA program information and assistance, help applicants or claimants in filing claims for TAA program benefits and services, and cooperate with the Liable state by providing information needed to issue determinations, redeterminations, and decisions on appeals.

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.

<sup>2</sup> 20 CFR 617.26 “Liable and agent State responsibilities.”

<sup>3</sup> 20 CFR 617.19 “Requirement for Participation in Training.”

<sup>4</sup> 20 CFR 617.27 “Subsistence Payments.”

<sup>5</sup> 20 CFR 617.28 “Transportation Payments.”

<sup>6</sup> 20 CFR 617.4(d) “Benefit Information to Workers.”

<sup>7</sup> 20 CFR 617.20 “Reemployment Services.”

## MARYLAND'S APPROACH TO THE TAA PROGRAM

The *Benchmarks of Success for Maryland's Workforce System* is the framework adopted by the state's WIOA partner programs to build and continuously improve an integrated, effective workforce system. As Maryland seeks to strengthen and enhance its workforce system through implementation of WIOA, success requires a commitment to innovation, collaboration, and a true systems approach among workforce system partners. Taking a systems approach is crucial to the effective implementation of the state's TAA program, which is jointly administered by the Maryland Department of Labor's Division of Workforce Development and Adult Learning (DWDAL) and Division of Unemployment Insurance (DUI).

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

- The DUI Reemployment and Trade Unit (RTU) focuses on coordinating the distribution of monetary compensation with UI compensation through the Trade Readjustment Assistance (TRA) program<sup>8</sup>;
- The DWDAL Dislocation Services Unit (DSU) processes all training contracts and related invoices and provides training and technical assistance to the AJC staff responsible for serving TAA participants; and
- Applicable state merit staff working in AJCs are responsible for providing TAA participants with case management services.

All personnel funded by the TAA program must be state merit staff. State merit staff are permanent state employees covered by a merit system of personnel administration, in accordance with the United States Office of Personnel Management (OPM) regulations.<sup>9</sup> The TAA program is the primary funding source for services to Trade-impacted workers covered by certified petitions. However, these workers sometimes 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.<sup>10</sup> For example, if a Trade-affected worker 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 merit staff to meet the TAA program state merit staffing requirement.<sup>11</sup>

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<sup>8</sup> Additional information on the TRA program is provided on pages 14-16 of this policy issuance.

<sup>9</sup> 5 CFR 900.603 "[Standards for a merit system of personnel administration](#)," (2012).

<sup>10</sup> Training and Employment Guidance Letter (TEGL) 1-10, "[Promulgation of 20 CFR Part 618 Trade Adjustment Assistance: Merit Staffing of State Administration and Allocation of Training Funds to States](#)," dated July 2, 2010.

<sup>11</sup> 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.



# TAA PROGRAM ROLES AND RESPONSIBILITIES

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

Division	Title	Role
DWDAL Office of Workforce Development	Director	<ul style="list-style-type: none"> <li>• Supervises the activities of the DSU Program Manager and makes final decisions on appeals of denied training applications; and</li> <li>• Makes fiscal and program decisions.</li> </ul>
DWDAL Office of Workforce Development	Regional Business Services Staff	<ul style="list-style-type: none"> <li>• Promote TAA services to businesses;</li> <li>• Identify potential Trade impacts;</li> <li>• Research information on a potential Trade impact from business discussions;</li> <li>• Notify the DSU Program Manager of information related to potential Trade-impacted layoffs;</li> <li>• Coordinate with local TAA case managers to obtain information about the skills and resumes of training completers;</li> <li>• Conduct outreach to businesses to understand their skills needs, and connect them with qualified TAA participants exiting training;</li> <li>• Ensure local TAA staff are equipped with current information on in-demand occupations that may be of interest to impacted workers for training; and</li> <li>• Connect training completers to in-demand openings in region.</li> </ul>
DWDAL Office of Workforce Development	DSU Program Manager	<ul style="list-style-type: none"> <li>• Maintains regular communication with the DUI RTU regarding the development of Trade-related dislocation events;</li> <li>• Investigates dislocation events and files TAA application requests to USDOL for investigation;</li> <li>• Ensures Rapid Response<sup>12</sup> teams are activated when dislocation events occur;</li> <li>• Coordinates/delivers training for local TAA Case Managers;</li> <li>• Oversees statewide data integrity;</li> <li>• Prepares and submits performance data and reports required by USDOL;</li> <li>• Reviews Trade training appeals;</li> <li>• Works with Business Services staff to coordinate services;</li> <li>• Performs activities required as the Agent state and Liable state; and</li> </ul>

<sup>12</sup> Additional information on Rapid Response services is included on page 25 of this policy issuance.

<b>Division</b>	<b>Title</b>	<b>Role</b>
		<ul style="list-style-type: none"> <li>• Conducts informal monitoring of TAA Case Managers.</li> </ul>
DWDAL Office of Workforce Development	DSU Program Coordinator	<ul style="list-style-type: none"> <li>• Coordinates/delivers training for local TAA Case Managers and AJC staff as needed (Labor Exchange Administrators, workforce system partners);</li> <li>• Assists the DSU Program Manager with informal monitoring of TAA Case Managers;</li> <li>• Oversees processing of training contracts and invoices;</li> <li>• Oversees statewide data integrity;</li> <li>• Assists the Program Manager with administration of the TAA Program; and</li> <li>• Maintains regular communication with the DUI RTU regarding the development of Trade-related dislocation events.</li> </ul>
DWDAL Office of Workforce Development	DSU Staff	<ul style="list-style-type: none"> <li>• Notify TAA participants of certification and related benefits;</li> <li>• Approve all TAA training contracts, training applications, and additional item requests (such as books, test fees, certifications, and training provider invoices);</li> <li>• Work with training providers on invoicing and billing;</li> <li>• Provide Rapid Response materials; and</li> <li>• Provide technical assistance to TAA Case Managers.</li> </ul>
DWDAL Office of Workforce Development	Labor Exchange Administrators	<ul style="list-style-type: none"> <li>• Supervise TAA Case Managers working in local AJCs;</li> <li>• Assist in reviewing appeals when training waivers are denied; and</li> <li>• Ensure AJCs are providing seamless services to TAA participants and coordinating efforts with partner programs.</li> </ul>
DWDAL Office of Workforce Development	TAA Case Managers <sup>13</sup>	<p>Work directly with TAA participants to:</p> <ul style="list-style-type: none"> <li>• Provide employment and training counseling;</li> <li>• Assist participants in applying for TAA;</li> <li>• Serve as a liaison with the DUI RTU and the DWDAL DSU;</li> <li>• Ensure TAA participants receive a Rapid Response service;</li> <li>• Submit requests for approval for TAA-funded training to the DSU;</li> <li>• Record training benchmarks every 60 days for participants in training programs six months or longer; and</li> <li>• Document any degrees, certifications, or credentials earned during TAA funded training.</li> </ul>
DWDAL Office of Monitoring and Compliance	Monitoring and Compliance <sup>14</sup> Unit Staff	<ul style="list-style-type: none"> <li>• Conduct quarterly and annual monitoring of the local implementation of DWDAL TAA program activities.</li> </ul>

<sup>13</sup> A more detailed list of TAA Case Manager duties is included on pages 16-18 of this policy issuance.

<sup>14</sup> Additional information on monitoring of the TAA program is provided on page 29 of this policy issuance.

Division	Title	Role
DUI Reemployment and Trade Unit	Trade Readjustment Assistance Coordinator	<ul style="list-style-type: none"> <li>• Maintains regular communication with the DWDAL DSU regarding the development of Trade-related dislocation events;</li> <li>• Identifies and contacts Trade-impacted workers covered under certified petitions to notify them of their status as covered workers and explain program requirements and benefits;</li> <li>• Establishes Trade claims for Trade-impacted individuals who file for UI and wish to pursue TAA benefits;</li> <li>• Manages the distribution of TRA payments to eligible participants;</li> <li>• Tracks/records RTAA benefits; and</li> <li>• Communicates with TAA Case Managers regarding participant training status and/or RTAA status.</li> </ul>

# TAA PETITION PROCESS OVERVIEW

## FILING A TRADE PETITION<sup>15</sup>

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

- The company has shifted production or services to a foreign country;
- Foreign imports or the supply of services has caused a decline in sales or production;
- The company is a downstream producer or service supplier of a Trade-certified company;
- The International Trade Commission 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 group of three or more workers;<sup>16</sup>
- An employer of a group of workers;
- A Union;
- A State Workforce Official;
- AJC staff or partner program staff; or
- Another duly authorized representative.

Assistance in preparing trade petitions is available in Maryland AJCs. The locations of AJCs across the state are available online at <https://www.dllr.state.md.us/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 investigation<sup>17</sup> 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 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.

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<sup>15</sup> 19 CFR 206.13 “Who may file a petition.”

<sup>16</sup> All workers in the worker group must sign the petition.

<sup>17</sup> 29 CFR 90.12 “Investigation.”

## **DENIAL OF 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;
- Seek judicial review of the determination; and/or
- Seek reemployment services from other programs such as the WIOA Title I Dislocated Worker program available at AJCs.

### **Administrative Reconsideration**

Requests for reconsideration must: 1) be in writing; 2) include the TAA investigation number; 3) include petitioner signatures; and 4) describe the group of workers included in the petition. 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 days of Federal Register publication and may be emailed, mailed, or faxed to:

United States Department of Labor  
Employment and Training Administration  
Office of Trade Adjustment Assistance  
Attn: Reconsiderations  
Room N-5428  
200 Constitution Avenue, N.W.  
Washington, D.C. 20210  
Phone: 202-693-3560 or 1-888-DOL-OTAA (1-888-365-6822)  
Fax: 202-693-3584 or 3585  
Email: [reconsiderations.taa@dol.gov](mailto:reconsiderations.taa@dol.gov)  
Website: <https://www.doleta.gov/Tradeact>

### **Judicial Review**

As noted above, a Judicial Review process is available to workers denied certification under OTAA's initial determination or determination following administrative reconsideration. Appeals for judicial review must be filed 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.

Appeals must be filed within 60 days of Federal Register publication of the initial denial or administrative reconsideration denial.

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/> .

# TRADE ADJUSTMENT ASSISTANCE PROGRAM SERVICES AND REQUIREMENTS

The TAA program offers program supports to participants with a variety of services and benefits:

- Trade Readjustment Allowance;
- Case management;
- Training;
- Job Search Allowance;
- Relocation Allowance;
- Health Coverage Tax Credit; and
- Reemployment Trade Adjustment Assistance.

This section of the policy issuance describes each of the TAA services or benefits identified above. It discusses eligibility requirements and intersections with other programs and opportunities for systems integration.

## TRADE READJUSTMENT ALLOWANCE (TRA)

### Description

TRA<sup>18</sup> is a form of income support payments made to individuals who have exhausted all rights to UI compensation and whose jobs were impacted by a Trade-related dislocation event, as determined by a Trade certification of group coverage issued by USDOL. TRA benefits are the entry point into the TAA program for Trade-certified workers.

There are three types of TRA: Basic TRA, Additional TRA, and Completion TRA.

*Basic TRA* is payable to individuals who are 1) enrolled or participating in full-time TAA-approved training; or 2) have completed training prior to exhausting Basic TRA; or 3) have obtained a waiver of the training requirement. The duration of weekly payments for Basic TRA is typically 26 weeks.

*Additional TRA* is payable to eligible TAA program participants in full-time training approved by the DSU who have exhausted their Basic TRA. Additional TRA payments commence immediately following exhaustion of Basic TRA *or* when the two-year basic TRA completion eligibility period ends, whichever comes first. Additional TRA may be payable for up to an additional 65 weeks after the exhaustion of Basic TRA or after the period for Basic TRA eligibility during which the TAA participant received UI.

*Completion TRA*<sup>19</sup> provides up to 13 additional weeks of TRA funding for impacted workers whose training extends beyond the specified end date for Additional TRA. Completion TRA is only available when the requested additional weeks are necessary for the TAA program participant to complete training that leads to a degree or industry-recognized credential. To receive Completion TRA, the TAA participant must:

- Participate in training each covered week;

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<sup>18</sup> 20 CFR 617.11 “Trade Adjustment Allowances.”

<sup>19</sup> The TAA participant’s performance on benchmarks also impacts their eligibility to receive Completion TRA, as described on page 20 of this policy issuance. TAA participants who fail to meet two or more benchmarks are not eligible to receive the Completion TRA benefit.

- Have substantially met the performance benchmarks established in the approved training plan;
- Continue to make progress toward the completion of the approved training; and
- Be able to complete the training during the period authorized for receipt of Completion TRA.

### **Eligibility**<sup>20</sup>

The DUI RTU is responsible for working with UI claimants who are members of groups covered under a certified Trade petition to determine their individual eligibility for TRA benefits. To qualify for TRA benefits, an individual must:

- Be an adversely affected worker covered under a certification;
- Meet timeline requirements under the petition certification;
- Have worked for the Trade-certified firm or division within a firm for at least 26 weeks in the 52-week period ending with the week of the individual's first qualifying separation, at wages of \$30 or more a week;
- Be entitled to, and have exhausted all rights to, UI benefits;
- Be participating or enrolled in a full-time approved training program approved through the DSU
  - By the end of the allowable time after the certification was signed,
  - By the end of the allowable time of the TAA participant's most recent qualifying separation,
  - When the training requirement is waived prior to the deadline set forth under the specific authorization of the Trade Act governing the participant's benefits; or
- Have an approved waiver of the training requirement if not in training.

### **Program Roles and Service Integration**

The activities of the DUI RTU and DWDAL DSU are interdependent, particularly with respect to the distribution of TRA benefits. The goal of this section is to provide a high-level description of the general interactions and typical chronology of events when a Trade petition is certified impacting Maryland workers.

1. The USDOL OTAA certifies Trade petitions. The OTAA simultaneously sends a notice of the Trade certification to the DUI RTU and DWDAL DSU. To ensure the expedited delivery of information and reemployment services to impacted workers, the DWDAL DSU sends informational materials explaining Rapid Response services to workers identified by the impacted employer.
2. Upon notification of a Trade-related dislocation event, the DWDAL DSU Program Manager must initiate the communication process to activate a Rapid Response team, as described in the DWDAL policy issuance<sup>21</sup> on this service. The DWDAL DSU must schedule information sessions in AJCs or other suitable locations for impacted workers, when possible, and provide refresher training to staff in the AJCs where TAA participants will be served.
3. The DUI RTU Trade Readjustment Allowance Coordinator is responsible for broadly sharing information about the Trade-related dislocation event by arranging for the publication of the TAA certification in local newspapers. The Trade Readjustment Allowance Coordinator also reaches out to affected employers to

<sup>20</sup> 20 CFR 617.11 “Qualifying requirements for TRA.”

<sup>21</sup> DWDAL policy issuances are available at <https://www.dllr.state.md.us/employment/mpi/>.

secure the names of impacted workers, and must mail certification packages to identified Trade-impacted workers. Certification materials must include information on the petition certification number, TAA benefits and eligibility, contact information for the DUI RTU, and instructions for how to file a UI claim. The goal of these activities is to encourage Trade-impacted workers to contact the DUI RTU to establish a Trade claim and/or to visit local AJCs for additional information and assistance in filing a claim.

4. After certification packages are mailed, the DUI RTU responds to calls from impacted workers, assists individuals with initiating UI claims, and establishes Trade claims. The establishment of a Trade claim triggers an automated mailing from the DUI RTU that contains information new TAA participants need to receive TAA program benefits. The automated mailing includes the following information:
  - The TAA Petition Certification number;
  - The name of the TAA-Certified employer;
  - The impacted worker’s last day of work;
  - The deadline for enrollment in TAA-approved, full-time training;
  - Eligibility requirements for TAA/TRA benefits;
  - Instructions on how to access the AJC system; and
  - An informational brochure on the Health Coverage Tax Credit Program (HCTC).
5. UI claimants *must* visit an AJC<sup>22</sup> and present the information contained in the DUI RTU’s automated mailing to a TAA Case Manager to receive TAA benefits. A TAA participant qualified for TRA payments only has access to these benefits if they also meet TAA requirements for participation in training. TAA personnel must complete the TRA eligibility determination process and must attach eligible Trade-impacted workers to the TAA program in the Maryland Workforce Exchange (MWE), the statewide data system used by Maryland’s Department of Labor for case management and performance tracking.

## CASE MANAGEMENT

### Description<sup>23</sup>

The TAA program is a complex collection of services and benefits. TAA participants need the support of a knowledgeable Case Manager with expertise in the TAA program to help them navigate benefit-specific application processes, comply with petition-defined timelines, and coordinate services inside and outside of the TAA program to maximize value and impact. State merit staff funded under the TAA program are charged with providing TAA participants with case management services to ensure they benefit from full access to an integrated employment plan that leverages all of the available resources through Maryland’s workforce system.

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<sup>22</sup> The locations of AJCs in Maryland’s 12 local workforce areas can be accessed at <https://www.dllr.state.md.us/county>. Information on the location of AJCs across the United States may be accessed at [www.CareerOnestop.org](http://www.CareerOnestop.org).

<sup>23</sup> 20 CFR 617.20 “Responsibilities for the delivery of reemployment services.”



## **Case Manager Responsibilities**

TAA Case Managers are responsible for:

- Advising TAA program participants that they must apply for training while receiving UI payments in order to qualify for TRA payments, as required under the timeline for the relevant TAA reauthorization rules;
- Providing or procuring self-directed job search training and assisting TAA participants in identifying suitable employment opportunities;
- Ensuring the participant has received a Rapid Response service;<sup>24</sup>
- Registering program participants in the MWE;
- Informing program participants of the reemployment services, training funds, job search and relocation assistance and allowances, and how to apply for benefits;
- Developing a training plan with program participants that includes an analysis of training program costs, the potential for employment following completion of the training, and what process is required to procure the training;
- Developing, periodically reviewing, and updating individual employment plans for program participants;
- Making referrals, approving training programs, and monitoring the progress of workers in approved training programs;
- Documenting the standards and procedures used to select occupations and training institutions in which training is approved;
- Reviewing training waivers and revocations at least every 30 days to determine whether the conditions under which they are issued have changed;
- Coordinating the administration and delivery of employment services, benefits, training, and supplemental assistance for program participants;
- Recording training benchmarks every 60 days for participants in training programs that last six months or longer;
- Ensuring all required case notes, reporting and documentation are completed in compliance with federal and state requirements; and
- Protecting Personally Identifiable Information and maintaining confidentiality.<sup>25</sup>

## **Individual Employment Plans (IEPs)**

Case Managers must work with TAA participants to develop IEPs using the IEP Wizard in MWE. Developing an IEP with a TAA participant allows the Case Manager to: 1) document TAA participant's planning activities; 2) articulate the goals and objectives the participant wants to achieve; and 3) map out the services that will help the participant prepare for reemployment. The Case Manager must modify the IEP, as necessary, to reflect the participant's progress in achieving their goals. The collaborative activity of developing an IEP with a TAA participant facilitates focused communication, helps to set clear expectations, and establishes accountability.

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<sup>24</sup> The DWDAL policy issuance on Rapid Response is available at <https://www.dllr.state.md.us/employment/mpi/>.

<sup>25</sup> The DWDAL policy issuance on Privacy and Data Security is available at <https://www.dllr.state.md.us/employment/mpi/>.

## Eligibility

All Trade-impacted workers identified under a certified Trade petition are eligible to receive case management services delivered by a TAA-funded staff person working in one of Maryland’s AJCs.

## Program Roles and Service Integration

TAA Case Managers serve as a central point of contact for TAA program participants. They assist program participants in working with the DUI RTU to coordinate unemployment compensation and other monetary compensation, such as TRA with other training-related TAA benefits. TAA Case Managers are also an important conduit for connecting TAA participants to the benefits and services available under a wide range of other partner programs operating in and through Maryland’s network of AJCs.

## **TRAINING**

### Description

The TAA program includes funding to support training as a key strategy for helping adversely affected workers gain the skills, credentials, resources, and support they need to return to suitable employment<sup>26</sup> as quickly as possible. Training is available to TAA participants who do not have the skills to secure suitable employment in the existing labor market, as determined by researching local labor market information.

The TAA program funds several types of training:

<b>Type of Training</b>	<b>Description</b>
Remedial Training	Adult Basic Education and Family Literacy, English as a Second Language, and High School Equivalency preparation
Pre-Requisite Education	Coursework that a training institution requires for entry into the approved training program, including pre-apprenticeships <sup>27</sup>
Classroom Training and Distance Learning	Training available via a face-to-face delivery platform, technology, or a hybrid delivery model
Vocational/Occupational Skills Training	Training in technical skilled Trades occupations
On-the-Job Training (OJT)	Training conducted by an employer that provides the knowledge and skills essential for job performance in a specific occupation, and results in full-time employment on completion of training
Registered Apprenticeship	A model of job preparation that combines paid OJT with related instruction that progressively increases workers’ skill levels and wages - must include the components and meet the standards of apprenticeship programs described in TEGL 13-16, <a href="#">Guidance on Registered Apprenticeship Provisions and Opportunities in the Workforce Innovation and Opportunity Act (WIOA)</a> , dated January 12, 2017

<sup>26</sup> 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 Trade-impacted worker’s former pay.

<sup>27</sup> Under the TAA program, a course is a “sequential course” if it is a specific course listed as a prerequisite for another course. For example, if a training institution lists “Accounting 101 as a prerequisite to Accounting 102,” the courses are classified as sequential courses, not prerequisites.

Type of Training	Description
Customized Training	Training designed to meet the special requirements of an employer or a group of employers, with the agreement from employers to hire successful program completers.

Maryland does not have a cap on the cost of training, however, the allowed duration of training benefits and requirements related to full-time versus part-time student status vary by Trade certification. TAA participants are allowed only one training program per any one Trade certification, although the defined training program may require more than one component, (e.g., English Language Learners, Adult Education and Literacy, or high school equivalency preparation classes), and may require training at more than one institution. The program must include all training required to fully prepare the individual for a specific occupation.

TAA participants may also utilize [Pell grants](#) and [the GI Bill](#) to cover training and training-related costs, as well as other costs covered under the rules dictating allowable uses for these funds.

In addition to covering the costs incurred for training, the TAA program *may* cover other costs directly related to the training, including computer downloads, work-related clothing,<sup>28</sup> and the costs associated with exams and certification tests. The DSU must make payments directly to the vendor for such expenditures. Reimbursement to the TAA participant for these costs is not allowed.

**Eligibility**

The following conditions must be in place in order for a TAA participant to qualify for TAA training-related benefits.<sup>29</sup>

*There is not suitable employment.* The Trade-impacted worker is unable to find employment of a substantially equal or higher skill level than the worker's past adversely affected employment that pays wages of not less than 80 percent of the worker's previous average weekly wage, either within or outside of the commuting area. There is no reasonable prospect of identifying suitable employment in the foreseeable future.

*The customer would benefit from appropriate training.* There is a direct relationship between the needs of the worker for skills training/basic skills development and what would be provided by the training program, and the worker has the capabilities needed to successfully complete the training. This includes the further criterion that the individual will be job ready on completion of the training program.

*There is a reasonable expectation of employment as a result of training.* Given the job market conditions expected to exist at the time of the completion of the training program, there is a reasonable expectation that the worker will find a job, using the skills and education acquired through training.

*Training is reasonably available to the customer.* Training is accessible to the worker within the commuting area and is suitable for the worker. Although emphasis must be given to finding accessible training for the worker, training outside the commuting area may also be considered.

*Training is suitable for the customer and available at a reasonable cost.* TAA-funded staff should consider the following when determining whether costs are reasonable:

<sup>28</sup> E.g., work boots, hats, tools, lab coats, or other specialized clothing required for a class.

<sup>29</sup> 20 CFR 617.22 "[Approval of training](#)."

- Costs of a training program shall include tuition and related expenses (books, tools, and academic fees), travel or transportation expenses, and subsistence expenses<sup>30</sup>;
- In determining whether the costs of a particular training program are reasonable, first consideration must be given to the lowest cost training available within the commuting area. When training substantially similar in quality, content, and results, is offered at more than one training provider, the lowest cost training shall be approved; and
- Training at facilities outside the 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.

For additional information on the TAA training benefit application process and required materials, contact the DWDAL DSU Program Manager.

## **Benchmarks**

TAA-funded Case Managers must use a system of TAA training benchmarks to monitor TAA participants' progress in any training lasting six months or longer. Every 60 days TAA staff must measure the performance of TAA participants engaged in training on benchmarks to determine whether they are maintaining satisfactory academic standing (e.g., they are not on probation or determined to be at risk by the instructor or training institution) and are on track to complete the training within the time frame specified in their IEP.

TAA participants must meet the following benchmarks:

- Complete a training program that leads to completion of a degree or industry-recognized credential;
- Participate in a training during each week for which Completion TRA or Additional TRA is filed;<sup>31</sup>
- Have substantially met the performance benchmarks established in the IEP;
- Continue to make progress toward completion of the approved training; and
- Complete the training during the period authorized for receipt of Completion TRA.

TAA participants who fail two or more benchmarks during their program of training are ineligible to receive continued payments under Completion TRA.

## **Training Waivers**

To be eligible to receive TRA payments, a TAA certified worker must be enrolled in full-time TAA-approved training or have a waiver of the training requirement approved by the DUI RTU. Waiver criteria and timeline requirements vary by Trade certification. TAA Case Managers must work collaboratively with program participants to complete training waiver applications to ensure they address each participant's specific circumstances. TAA participants may appeal denied application waivers to the DUI RTU.

TAA participants are responsible for contacting their TAA Case Manager every 30 days to review the status of their training waiver to ensure that the reason for approving the waiver remains valid. Failure to comply with a waiver review is a TRA eligibility issue that will impact the TAA participant's continued eligibility for TRA

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<sup>30</sup> Subsistence payments are available to support TAA participants to cover maintenance costs when a training facility is located outside of the commuting area. More information on eligibility, coverage amounts, and the application process for subsistence payments is available at 20 CFR 617.27 "[Subsistence Payments](#)."

<sup>31</sup> Breaks in training are not allowed during receipt of Completion TRA.

compensation. When TAA participants do not participate in required waiver reviews, TAA Case Managers must immediately notify the DUI RTU and enter the information into the MWE case notes.

## **Program Roles and Service Integration**

TAA Case Managers funded under the TAA program make determinations regarding the approval of training costs. They must leverage and coordinate TAA benefits and requirements with those available under other programs to provide an integrated menu of workforce system services that meets the unique needs and circumstances of individual TAA participants. While the following list of opportunities for program integration provided in this section is not intended to be comprehensive, it describes the most basic requirements TAA Case Managers should meet when providing services to TAA participants:

- Ensure the DUI RTU stays informed regarding:
  - TAA participant enrollment in training;
  - The status of training waivers; and
  - Failure of TAA participants to meet benchmarks.
- Work with the DSU Program Manager/Director of the Office of Workforce Development to process training applications and appeals when training applications are denied;
- Consult with staff serving the TAA participant in any co-enrolled programs;
- Consult with WIOA Title II Adult Basic Education providers and other training vendors, when appropriate, to develop appropriate training plans; and
- Consult with business services staff to identify training opportunities related to apprenticeship, OJT, or customized training.

## **JOB SEARCH ALLOWANCE**

### **Description**

The TAA job search allowance benefit is designed to help program participants cover costs associated with job search expenses not covered by the potential employer, such as reimbursements for transportation to job interviews outside of the normal commuting area. Coverage levels vary by petition certification, and must be pre-approved by the DSU. All authorizations include a cumulative maximum. The job search allowance may cover costs for more than one job search event, and cover expenses only for the TAA participant and their immediate family.

### **Eligibility**<sup>32</sup>

TAA participants are eligible to receive the job search allowance if they:

- Are registered in the MWE;
- Are no longer employed by the Trade-impacted business and have no reasonable expectation<sup>33</sup> of securing suitable employment within a general commuting area of 50 miles or less, one way;

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<sup>32</sup> 20 CFR 617.32 "[Eligibility](#)."

<sup>33</sup> The term "reasonable expectation" in this sentence may be based on labor market research and/or the TAA participant's inability to successfully secure employment.

- Have a reasonable expectation of obtaining suitable employment of long-term duration outside the commuting area and in the area where the job search will be conducted, and have a verifiable job interview scheduled with an employer;
- Are willing to relocate, have a job interview scheduled, and are able to provide TAA Case Managers with documentation needed to verify contacts with employers;
- Apply for the Job Search Allowance benefit within 365 days of the petition certification or the most recent separation, or within 182 days after the last day of TAA-approved training;
- Complete<sup>34</sup> the job search within 30 days after the day on which the job search began; and
- Submit a written request in advance to their TAA Case Manager before beginning each job search trip.

## **Program Roles and Service Integration**

The DWDAL DSU administers the job search allowance benefit. TAA Case Managers must assist TAA participants in completing an application for job search allowance funding and collect required documentation for the benefit. Case Managers must submit completed applications to the DWDAL DSU for approval prior to the interview. The DWDAL DSU is responsible for reviewing applications and submitting all required documentation to the DUI. The DUI issues checks to approved TAA participants.

## **RELOCATION ALLOWANCE**

### **Description**

TAA participants may be eligible to receive a relocation allowance to help cover the costs associated with relocation in the United States when local work is not available *and* when a program participant receives a bona fide job offer. The benefit may cover allowable transportation and moving costs for a TAA participant, the participant's family<sup>35</sup>, and the participant's household goods. Coverage caps and time limits are defined within each authorization that offers the benefit.

### **Eligibility**

In order to qualify for the relocation allowance, the TAA participant must:

- Be included under a certified Trade petition;
- Have an active resume on file and visible in MWE;
- Be in a situation in which suitable work is not available within the normal commuting area;
- Be in a situation in which suitable employment is available that has a reasonable expectation of long-term duration, or a bona fide offer of such employment has been made in the area of the intended relocation and this is verified by TAA case management staff; and
- Submit a formal written request before the beginning of the relocation and within the required time limits defined under the petition.

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<sup>34</sup> A job search is deemed completed when the individual either secures employment or has contacted each employer to whom they were referred as part of the job search.

<sup>35</sup> Per 20 CFR 617.3 "[Definitions](#)," the term "family" includes members of an individual's household whose principal place of abode is with the individual in a home the individual maintains or would maintain but for unemployment: (1) A spouse; (2) An unmarried child, including a stepchild, adopted child, or foster child, under age 21 or of any age if incapable of self-support because of mental or physical incapacity; and (3) Any other person whom the individual would be entitled to claim as a dependent for income tax purposes under the Internal Revenue Code of 1986.

An application for a relocation allowance may not be approved unless submitted before: (1) The 425<sup>th</sup> calendar day after the date of the certification under which the individual is covered, or the 425<sup>th</sup> day after the date of the individual's last total separation, whichever is later, or (2) The 182<sup>nd</sup> day after the concluding date of TAA-approved training. Applications for a relocation allowance and a job search allowance may not be approved concurrently.

Regulations governing the application process for the Relocation Allowance benefit, eligibility criteria, required timelines, allowable award amounts, moving allowances, and the time and method of payment are available at [20 CFR 617.40 – 617.48](#).

## **Program Roles and Service Integration**

The DWDAL DSU administers the TAA relocation allowance benefit. TAA Case Managers providing services in AJCs must assist program participants in completing the application for relocation allowance funding and collect required documentation. Case Managers must submit completed applications to the DSU for approval prior to relocation. The DSU is responsible for reviewing applications and submitting all required documentation to the DUI. The DUI issues checks to approved TAA participants.

## **THE HEALTH COVERAGE TAX CREDIT (HCTC)**

### **Description**

The HCTC is a refundable tax credit that pays 72.5 percent of qualified health insurance premiums for eligible individuals and their qualified family members,<sup>36</sup> including the TAA participant's spouse<sup>37,38</sup>, or anyone claimed by the TAA participant as a dependent. Taxpayers may elect to receive the credit through their annual federal tax return or through advance monthly payments made directly to their Health Plan Administrator. Reauthorizations of Trade law have variably eliminated, reinstated, extended, and modified the HCTC benefit. Information on program benefits and requirements is available at <https://www.irs.gov/credits-deductions/individuals/hctc>. Information on how to apply is available at <https://www.irs.gov/credits-deductions/individuals/claiming-the-health-coverage-tax-credit>.

### **Eligibility**

Individuals eligible to receive TAA and Reemployment Trade Adjustment Assistance (RTAA) benefits are eligible to use the HCTC. Family members of individuals eligible for these programs may also take advantage of the HCTC benefit. A notification is automatically generated and mailed by DUI to eligible Trade-impacted workers each month that they are eligible to receive the benefit.

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<sup>36</sup> See <https://www.irs.gov/credits-deductions/individuals/qualifying-family-members> for more information.

<sup>37</sup> A spouse does not include someone who is legally separated from his or her spouse under a decree of divorce or of separate maintenance.

<sup>38</sup> IRS Form # 8885 is available at <https://www.irs.gov/pub/irs-pdf/i8885.pdf>.

## **Program Roles and Service Integration**

The Internal Revenue Service administers the HCTC program. The role of the Maryland Department of Labor with respect to the HCTC is to ensure TAA participants are aware of the benefit and process required to take advantage of it. A brochure designed to explain the HCTC is included in the automated mailing generated when the DUI RTU establishes a Trade claim for Trade-impacted workers covered under a certified petition. TAA Case Managers are also aware of the HCTC program and must be prepared to answer program participant questions regarding the benefit.

## **REEMPLOYMENT TRADE ADJUSTMENT ASSISTANCE (RTAA)**

### **Description**

RTAA is a wage supplement benefit designed to serve individuals 50 years of age or older who are reemployed at a wage that is lower than their Trade-impacted employment. RTAA covers a portion of the difference between a worker's new wage and old wage. Eligibility and timeline requirements, salary caps, maximum benefits, employment requirements, and training availability vary based on which reauthorization of Trade law was in effect at the time the petition was certified. TAA participants receiving RTAA benefits may be reemployed in full-time or part-time employment in combination with approved training. There is no deadline for RTAA program participants to be reemployed, although they may not return to work from which they were separated as a result of a certified Trade event.

More information on RTAA eligibility criteria, benefits, and timelines may be viewed at <https://www.dllr.state.md.us/employment/rtaa.shtml>.

## **Program Roles and Service Integration**

The DUI RTU distributes and manages RTAA compensation. DWDAL TAA Case Managers working in AJCs must assist TAA participants in applying for this benefit. (Note that TAA participants may receive TRA benefits followed by RTAA benefits). However, TAA participants *may not* receive the RTAA benefits first, followed by TRA benefits. Program participants may also receive RTAA benefits following the completion of OJT, as long as RTAA eligibility requirements are satisfied.



## OTHER RELATED PROGRAMS FOR DISLOCATED WORKERS

As a WIOA required partner, the TAA Program is responsible for providing access to TAA benefits and services to adversely affected workers through the AJC network.<sup>39</sup> 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 are encouraged to co-enroll TAA participants in partner programs when doing so is appropriate and beneficial for the program participant.

This section provides a non-exhaustive list of related programs for dislocated workers that offer co-enrollment opportunities for TAA participants:

- Rapid Response;
- National Dislocated Worker Grants; and
- The WIOA Title I Dislocated Worker Program.

Other programs not covered here should also be included in the IEPs of TAA participants, as appropriate.

### 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.<sup>40</sup> 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.

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.

### 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.<sup>41,42</sup> 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. While there may be some overlap of benefits covered by both the TAA program and the Dislocated Worker Program, the Dislocated Worker Program may offer complementary benefits not available through the TAA program. Co-enrollment in the Dislocated Worker program may bring valuable resources to bear that help TAA participants accelerate their reemployment process. Title I Dislocated Worker Program staff and state merit staff must establish collaborative case management and file management processes, to ensure services to co-enrolled customers are optimally integrated and coordinated, and monitoring and data validation audits are successful.

<sup>39</sup> TEGL 16-16, "[One-Stop Operations Guidance for the American Job Center \(AJC\) Network](#)," dated January 18, 2017.

<sup>40</sup> Training and Employment Notice (TEN) 31-11, "[The Rapid Response Framework](#)," dated March 1, 2012.

<sup>41</sup> 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.

<sup>42</sup> DWDAL policy issuances are available at <https://www.dllr.state.md.us/employment/mpi/>.

## **NATIONAL DISLOCATED WORKER GRANTS (NDWGs)**

NDWGs, formerly known as National Emergency Grants (NEGs), are discretionary grants awarded by USDOL that may be used to assist Trade-impacted workers. 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 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.<sup>43</sup> For more information on the NDWG grant program, visit [https://wdr.doleta.gov/directives/attach/TEGL/TEGL\\_02-15\\_Attachment\\_II\\_Acc.pdf](https://wdr.doleta.gov/directives/attach/TEGL/TEGL_02-15_Attachment_II_Acc.pdf).

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<sup>43</sup> TEGL 02-15, "[Operational Guidance for National Dislocated Worker Grants, pursuant to WIOA](#)," dated July 1, 2015.

# PERFORMANCE ACCOUNTABILITY AND REPORTING

## PERFORMANCE ACCOUNTABILITY<sup>44</sup>

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, 2<sup>nd</sup> Quarter After Exit* – The percentage of participants who are in unsubsidized employment during the second quarter after exit from the program.

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

*Median Earnings, 2<sup>nd</sup> 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 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.<sup>45</sup>

*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:

- Documented achievement of at least one educational functioning level of a participant who is receiving instruction below the postsecondary education level;
- Documented attainment of a secondary school diploma or its recognized equivalent;
- 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;
- 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
- 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.

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<sup>44</sup> TEGL 10-16, “[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.

<sup>45</sup> A participant who has attained a secondary school diploma or its recognized equivalent is included in the percentage of participants who have attained a secondary school diploma or its recognized equivalent only if the participant also is employed or is enrolled in an education or training program leading to a recognized postsecondary credential within one year after exit from the program.

## 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)<sup>46</sup>**

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 federal government posts goals for a set of 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.

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<sup>46</sup> TEGL 4-14, "[Trade Adjustment Assistance Data Integrity](#)," dated August 18, 2004.

# 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.<sup>47</sup> During onsite monitoring, the assigned monitor from the Monitoring and Compliance Unit 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 DSU Program Manager and the Director of the Office of Workforce Development. The DSU Program Manager must review the report and forward it to the LEA and AJC manager in the Local Workforce Development Area where the monitoring was completed. The LEA must complete any mandated corrective actions related to findings and/or concerns within 30 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 the corrective actions have been completed.

## 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 days following the completion of the monitoring.

The monitoring report must be submitted to:

### DWDAL

- The Director of the Office of Workforce Development
- The DSU Program Manager

### DUI

- The Deputy Assistant Secretary
- The 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 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.

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<sup>47</sup> 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.

## **FAIR PRACTICES AND ACCESSIBILITY**

It is the policy of the Maryland Department of Labor that all persons have equal opportunity and access to services and facilities without regard to race, religion, color, sex, age, national origin or ancestry, marital status, parental status, sexual orientation, disability or veteran status. 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 Plan<sup>48</sup> 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.

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<sup>48</sup> Available at <https://www.dllr.state.md.us/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](#), §§ 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 (2016);
- [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 617.3 “[Definitions](#)” (1986);
- 20 CFR 617.4(d) “[Benefit Information to Workers](#)” (1994);
- 20 CFR 617.11 “[Qualifying requirements for TRA](#)” (2006);
- 20 CFR 617.19 “[Requirement for Participation in Training](#)” (2011);
- 20 CFR 617.20 “[Reemployment Services](#)” (2006);
- 20 CFR 617.22 “[Approval of training](#)” (2006);
- 20 CFR 617.26 “[Liable and agent State responsibilities](#)” (1994);
- 20 CFR 617.27 “[Subsistence Payments](#)” (2006);
- 20 CFR 617.28 “[Transportation Payments](#)” (2012);
- 20 CFR 617.32 “[Eligibility](#)” (1994);
- 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); and
- 29 CFR 90.12 “[Investigation](#)” (1987).

### FEDERAL GUIDANCE

- Training and Employment Guidance Letter (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;

- [TEGL 1-10, “Promulgation of 20 CFR Part 618 Trade Adjustment Assistance: Merit Staffing of State Administration and Allocation of Training Funds to States,”](#) dated July 2, 2010;
- [Training and Employment Notice 31-11, “The Rapid Response Framework,”](#) dated March 1, 2012;
- [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;
- [Office of Management and Budget CFR Chapter 11, Part 200, et al., “Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards; Final Rule,”](#) dated December 26, 2013;
- [TEGL 02-15, “Operational Guidance for National Dislocated Worker Grants, pursuant to WIOA,”](#) dated July 1, 2015;
- [TEGL 16-16, “One-Stop Operations Guidance for the American Job Center \(AJC\) Network,”](#) dated January 18, 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 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 18-17, “Fiscal Year \(FY\) 2018 Trade Adjustment Assistance \(TAA\) Training and Other Activities \(TaOA\) Grant Management Guidance,”](#) dated June 15, 2018;
- [TEGL 13-18, “Fiscal Year \(FY\) 2019 Trade Adjustment Assistance \(TAA\) Training and Other Activities \(TaOA\) Grant Management Guidance,”](#) dated February 27, 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; and
- [TEGL 1-19, “Trade Adjustment Assistance Data Integrity,”](#) dated July 1, 2019.

## **OTHER RESOURCES**

- 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](#);
- United States Department of Education Website, [Pell Program Site](#);
- United States Department of Veterans Affairs, [“About GI Bill Benefits”](#);
- Website for the [Maryland Governor’s Workforce Development Board](#);
- USDOL, [TAA Participant Reporting Resources](#);
- United States Internal Revenue Service [Health Coverage Tax Credit Resources](#); and
- Technical Assistance Website for [TAA Reporting](#).