



To: Indiana's Workforce Investment System

From: Indiana Department of Workforce Development (DWD)

Date: May 11, 2021

Subject: DWD Policy 2020-12
Trade Adjustment Assistance (TAA) Training Provider and Program Selection

Purpose

To provide guidance on the Trade Adjustment Assistance (TAA) program's regulatory requirements for the selection of training providers and programs.

References

- 20 CFR 618 Trade Adjustment Assistance

Background

On August 21, 2020 the U.S. Department of Labor Employment and Training Administration (USDOL-ETA) published the Final Rule for TAA for workers in the Federal Register. The Final Rule went into effect September 21, 2020. It amends 20 CFR § 617 (Trade Adjustment Assistance for Workers under the Trade Act of 1974), 20 CFR § 618 (Trade Adjustment Assistance under the Trade Act of 1974, as Amended) and 29 CFR § 90 (Certification of Eligibility to Apply for Worker Adjustment Assistance) to expand protection and support for U.S. workers adversely impacted by foreign trade. 20 CFR § 618 codifies the requirement for states to document their procedures and standards for training approval.

Content

Selection of Training Providers

For purposes of TAA training, states may choose an Eligible Training Provider (ETP) established under WIOA section 122. In Indiana, under the TAA program, ETP's may be selected from the INTraining, Eligible Training Provider List (ETPL) without additional standards or procedures. However, as provided in 20 CFR § 618.620 (a)(2)(i) states must **not** limit training approved under this section to only programs on the ETPL under title I of WIOA.

Any provider, regardless of ETPL status, must meet the following criteria in order to be considered for TAA funding:

- Have completed a TAA Financial Worksheet detailing the estimated costs of an individual's requested program.

- Supply a detailed curriculum of an individual's requested program.
- Provide program-specific graduation and placement rates, when requested, to the perspective student or to the DWD TAA Unit.
- Be able and willing to contract with the State and agree to the State's contract terms and conditions.

To complete a contract with the State of Indiana, any provider, regardless of ETPL status, must meet the following criteria:

- If the provider is not a public institute, register with the Indiana Secretary of State.
- Register as a Vendor with the State of Indiana Auditor system.
- Register as a Bidder within the State's Peoplesoft system.
- Clear with Indiana UI Tax and Indiana Department of Revenue (DOR).

It is required that TAA case management staff request a preliminary clearance check to verify the above contracting requirements prior to submitting an individual training plan for determination by emailing the TAA Unit at TAATrainingPlans@dwd.in.gov. Requests must include the training provider name, address of the training provider location and Federal Employer Identification Number (FEIN).

Non-ETPL Providers

Non-ETPL providers include any educational provider that is not listed on the INTraining list. TAA participants requesting training with a non-ETPL provider must show that the selected training provider offers training that meets at least one of the following conditions:

- Provides education of higher quality, content, and results; or
- Offers a shorter duration of training which allows the participant to return to the workforce faster; or
- Training is available at a more reasonable financial cost

The above requirements must be documented within the participant's TAA training application and ***Training Plan Research Packet***¹. Training approval is on a case-by-case basis and is made at the sole discretion of the TAA Unit.

Conditions for Exclusion from TAA Funding

A provider or program may not be considered for the approval of TAA funding if the program and/or provider has a proven history of failing to provide successful outcomes under the TAA program. A provider or program shall be excluded from TAA funding if the provider intentionally supplies inaccurate information, misrepresents costs or services, substantially violates the law or regulations under TAA, when the provider has been barred by the federal government from receiving federal funds, or if the provider is unable to contract with the state.

¹ <https://www.in.gov/dwd/workonestaff/site/files/Training-Plan-Research-Packet.pdf>

NOTE: link requires logon credentials for the DWD Staff Portal

Types of Approvable Training

Eligible trade-affected workers must be provided training using at least one or a combination of the following methods:

(1) Work-based Training

Work-based training includes apprenticeships (both state-defined and USDOL registered apprenticeship programs), on-the-job training (OJT), and customized training. Work-based training is only available to adversely affected workers who have been fully separated from their TAA-certified employer. Work-based training is **not** available to adversely affected incumbent workers who have **not** been separated from their TAA-certified employer.

(2) Institutional and Higher education training

Institutional training includes all technical certificates and occupational licenses/certifications from public area career and technical education schools and community colleges. Higher education training includes all accredited colleges, universities, and educational institutions for the purposes of obtaining a certification or degree. Advanced degrees may be approved, and states may not restrict access to advanced degrees when the criteria for the approval of training under 20 CFR 618.615 have been met.

(3) Distance Education training

Distance education may be approved when all or part of an educational or vocational program is conducted online and only when the final certificate or degree that is awarded is the equivalent in standard of achievement and content to the certificate or degree awarded for in-person institutional training. Any provider of distance learning must be based in the United States. In addition, the worker must be physically within the United States when participating in distance learning to maintain eligibility for the TAA program.

(4) Remedial Education

Remedial education includes Adult Basic Education (ABE) courses, High School Equivalency (HSE) preparation courses, and English Language Learner (ELL) courses. Remedial training may occur before, or while participating in, other approvable types of training.

(5) Prerequisite Training

Prerequisite training includes any program of prerequisite education or coursework required by a training provider before advancing to further training.

Action

Local Workforce Development Boards (WDBs) must develop and implement appropriate procedures to operationalize this policy within their local area.

Effective Date

Immediately

Ending Date

Upon rescission.

Additional Information

Questions regarding the content of this publication should be directed to DWD Policy, policy@dwd.in.gov.