

- Mandatory
- Informational
- Best Practice
- Other



## TAA TECHNICAL ASSISTANCE

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**Contact:** [TAATrainingPlans@dwd.in.gov](mailto:TAATrainingPlans@dwd.in.gov)

**Department/Document Number:** Department of Workforce Development, TAA Unit/TA 20.04

**Topic:** TAA Required Employment and Case Management Services

**Purpose:** The purpose of this communication is to provide formal guidance for the required Employment and Case Management services under the Trade Adjustment Assistance (TAA) program.

### Content

#### Background

USDOL has mandated employment and case management services must be offered for all trade-affected workers beginning with the 2009 law and continued this requirement through the 2011 and 2015 law. The new regulations for the TAA program (20CFR618.100 et. sec) has codified this requirement. Additionally all trade-affected workers must receive an initial assessment to determine literacy, numeracy, English-language proficiency, and to document the availability of suitable employment.

#### Employment and Case Management Service Delivery

In order to support an integrated service delivery, employment and case management services provided to TAA program participants may be delivered through TAA case management or WIOA DW, Wagner Peyser (WP), Jobs for Veteran State Grant (JVSG), or other partner staff. If a partner program provides a required case management services, TAA should not duplicate that service. The integration of co-enrollment with WIOA and other partner programs, should not place additional barriers on the participant or cause duplication in services.

#### TAA Program Enrollment

The first step in serving a trade-affected worker and conducting a program enrollment is to complete a TAA program application in the case management system. To complete a TAA program application, complete the following steps:

- Complete a TAA program application in the case management system
  - Scan and upload copies of the required supporting documentation (I-9, petition certification, etc.) into the client documents section of the case management system.
  - A copy of the signed application must be scanned and uploaded into the client documents section of the case management system.

- Review the *Benefit Rights and Responsibilities* (State form 56147) with the participant
  - A copy of the signed attestation must be scanned and uploaded into the client documents section of the case management system.
- Complete the *Employment Information Affidavit for Consideration of Trade Readjustment Allowance (TRA)* form (State form 3860)
  - The completed and signed form must be scanned and uploaded into the client documents section of the case management system.
- Enter the required case note(s) documenting the offering of the required employment and case management services and TRA deadlines into the case notes section of the case management system.

For additional guidance related to case management system data entry required at program enrollment, please see the *TAA Activity Guide (TAAAG)* available on the WorkOne portal at: <https://www.in.gov/dwd/workonestaff/site/2608.htm>.

After completing a program application, the case manager must begin providing the required employment and case management services. While there is no specified progression of services, service delivery must be individualized to the participant's needs. It is important to note that the Initial Assessment and Individual Employment Plan (IEP) have required deadlines for completion, and the case manager must consider this when providing case management services to the participant.

### Initial Assessment

The initial assessment will build the basis for determining which TAA program benefits and services will support the likelihood of successful reemployment. In order to meet this regulatory requirement, Indiana will utilize the *Objective Assessment* available within the case management system. All Objective Assessments must be completed prior to the expiration of the participant's deadline for enrollment in training (26 weeks from TAA certification or 26 weeks from TAA-related separation, whichever is later).

To ensure that Indiana meets this deadline, the TAA Unit requires that case management staff complete the Objective Assessment in Indiana Career Connect within 60 days of program enrollment to align with the delivery of the IEP.

The Objective Assessment must address all of the following:

- The worker's previous education and employment background;
  - Assessments to evaluate a worker's skill levels (including literacy, numeracy, and English language proficiency) such as TABE, WIN, WorkKeys, or Accuplacer.
  - Assessments to evaluate the aptitudes and abilities of the worker such as Indiana Career Explorer, TORQ, or other career inventory assessments.
- Supportive service needs; and;
- Barriers to employment and/ or training
  - An assessment of the workers ability or inability to obtain suitable employment with their current skill set. The assessment of suitable employment must contain a review of the prevailing local labor market information with priority given to real-time data (e.g. job postings, insight from a BSR, etc.)
  - The assessment may take into account the following:
    - unemployment rate;
    - local employer skill demands and hiring prerequisites;
    - barriers to reemployment, such as the lack of applicability of skills from the worker's previous occupation to another occupation; and
    - skills that are in excess supply in the labor market area.

The results of the Objective Assessment will determine the best service strategy to assist the trade-affected worker in obtaining reemployment and will provide insight into which benefits and services under the TAA program and other partner programs that would be most beneficial to the worker.

If the case manager determines that suitable employment is not available to the worker through the initial assessment process, the case manager must provide the worker the employment and case management services and must advise the worker to apply for the training benefit.

### **Case Note**

A case note must support the initial assessment. The TAA Unit has developed a case note template to address the documentation of the review of labor market information and suitable employment. Case Managers are required to use this case note template, titled *TAA Objective Assessment*.

For a step-by-step guide on completing the Objective Assessment in the case management system, please refer to the *TAA Objective Assessment Guide* available on the WorkOne portal at: <https://www.in.gov/dwd/workonestaff/site/2608.htm>.

### **Required Employment and Case Management Services**

The following services are not an exhaustive list of all services available to trade-affected workers. Case Managers are required to offer all TAA program participants the below employment and case management services. While the requirement is to offer these services to all trade-affected workers, it should be noted that failing to provide (or if a worker declines) certain services may negatively effect eligibility for program benefits. Therefore, Indiana best practices is to provide all applicable services to the TAA participant. The required employment and case management services are as follows:

- Comprehensive and specialized assessments
- Individual Employment Plan (IEP)
- Information on how to apply for financial aid
- Short-term prevocational services
- Individual and group career counseling
- Provision of employment statistics information
- Information relating to the availability of supportive services

### **Comprehensive and Specialized Assessments**

Comprehensive and Specialized Assessments are used to expand upon the Initial Assessment (Objective Assessment) in determining the worker's interests, skills, aptitudes, and abilities, as well as in-depth interviewing to identify employment barriers and appropriate employment goals.

A comprehensive assessment will be used when determining if a TAA program participant meets eligibility criteria for TAA-funded training, as outlined in *20 CFR 618.610*. Comprehensive Assessments address literacy, numeracy and English-language proficiency as well as skills, aptitudes, and career interests.

### **Literacy and Numeracy Assessments**

- Worldwide Interactive Network (WIN) (Applied Math, Workplace Documents, and Graphic Literacy)
- Test for Adult Basic Education (TABE) (Reading and Math)
- WorkKeys National Career Readiness Certificate (NCRC)
- College entrance exam(s)
- Any other regionally defined assessment that is accepted for WIOA

### **Skills, Aptitudes, and Career Interests**

- Indiana Career Explorer (ICE)
- TORQ
- Any other regionally defined assessment that is accepted for WIOA

TAA does not have a minimum score or basic skills level requirement a participant must meet prior to the participant's application of training. However, the basic skill level should be sufficient to enter training and support the likelihood of a successful training outcome. If a participant does not have the basic skills level to enter the proposed training or meet the minimum skill level required for the training, case managers must work with the participant and partner programs, such as Adult Education, to evaluate the need for remediation. The remediation must be included as part of the TAA training plan and included in the training goal objective of the individual's IEP.

The comprehensive assessment must take into account the trade-affected worker's employment goals and career interests as they relate to employment opportunities either within the worker's commuting area or within an area to which the worker wishes to relocate.

### **Development of an Individual Employment Plan (IEP)**

All TAA participants must have an Individual Employment Plan (IEP) developed to identify employment goals and objectives, training needs to achieve the employment goal(s), as well as to address any barriers the participant may have in obtaining the employment goal. While all TAA program participants must be offered an IEP, it is considered an Indiana best practice to provide an IEP to all TAA program participants. However, workers who are already reemployed at program entry who do not wish to apply for TAA-funded training or job search allowance may decline participating in an IEP. If a worker declines to develop an IEP, it may result in a negative benefit determination. The development of an IEP is a requirement for all TAA training and job search allowance participants.

The participant's IEP must be supported by the initial and comprehensive assessments to assist in documenting a strategy to provide the trade-affected worker with the services needed to obtain suitable employment.

Case managers must jointly develop the IEP with the participant within 60 days of the TAA program application and must document all of the following:

- The participant's employment goal, including the targeted occupation and industry;
- If the worker is interested in pursuing training through the TAA program, a training goal must be developed to document the specific training occupational goal and program that is proposed in the TAA training plan; and
- If applicable, any supplemental assistance (subsistence or transportation payments) required for participation in training.

The individual's IEP is considered a "living document", this means that the IEP will remain open and active and should be a part of the on-going service delivery throughout the participant's program participation. This includes on-going monitoring of training benchmarks for those engaged in TAA-approved training to ensure the participant is meeting the attendance and progress requirements of the approved training program.

The case manager is required to review and update the IEP, as necessary, when there is a change in the training program, occupational goal, or if there is a change in the receipt of supplemental assistance.

### **Information on How to Apply for Financial Aid**

The TAA training benefit pays 100% of all training costs for eligible participants. However, participants must be advised on the requirements and benefits of filing a Free Application for Financial Student Aid (FAFSA). TAA training participants should never be advised to accept any student loans; however, any funding for which they are eligible through the PELL grant or other federal and/or state grants that may be paid to the worker can be used to offset the costs of living while they attend TAA-approved training.

Additionally, TAA case managers must notify participants that they may request that financial aid administrators use current-year income data, rather than preceding-year income data, for determining the amount of the worker's need for Federal financial assistance.

### **Short-Term Prevocational Services**

While not directly funded by TAA, trade-affected workers must be notified of the availability of short-term prevocational services available through WIOA and other partner programs. Short-term prevocational services include but may not be limited to: development of learning skills, communications skills, interviewing skills, punctuality, personal maintenance skills, and professional conduct to prepare trade-affected workers for employment or training. Whenever possible, trade-affected workers should be engaged in short-term prevocational services to support the likelihood of gaining suitable employment. Additionally, the participation in these activities may qualify an individual for Job Search Allowance benefits.

### **Individual and Group Career Counseling**

TAA case managers must actively engage TAA participants with counseling services. Counseling services consist of ongoing service delivery to assist a TAA participant in locating and securing suitable employment. These services may include, but are not limited to job search, placement counseling, and discussing the individual's past education, employment, and skills to determine the availability of suitable employment. These services should occur prior to a participant entering TAA-approved training, during the course of attending training, and after completing training.

### **Provision of Employment Statistics Information**

The provision of employment statistics information includes the delivery of local labor market information to a TAA participant for the purposes of developing appropriate training options and identifying suitable employment opportunities.

Case managers must work with the TAA participant to utilize local and regional labor market information for the participant's commuting area or may utilize national labor market data if the worker intends on relocating to an area outside of Indiana. Examples of useful labor market tools include:

- Indiana Career Connect (e.g. job vacancy listings and occupational outlooks)
- Hoosiers by the Numbers
- Partner program provided reports/data for the regional/local area

While working with the TAA participant to develop an occupational goal, TAA case managers must work with the customer to review all of the following:

- Job vacancy listings
- Information on the job skills necessary to obtain the occupational goal
- In-demand occupations for the area and the earning potential for those occupations
- Skill requirements for the occupations in the local area

### **Information relating to the availability of supportive services**

The TAA program has a vast array of benefits and services; however, TAA does not fund supportive services. Therefore, case management staff are required to notify all TAA participants of the availability to apply for supportive service assistance through partner programs and community services. Supportive services may include services relating to childcare, car repairs, dependent care, housing assistance, and other needs related payments that are necessary to enable a trade-affected worker to participate in or successfully complete training and obtain suitable employment.

## Worker Refusal

A worker may refuse any employment and case management service, including assessments. However, the case manager must make the trade-affected worker aware of the advantages of receiving the assessment since portions are necessary to determine eligibility for training and job search allowance benefits. A worker's refusal to provide necessary information could result in a denial of those benefits.

## Documenting the Offering of Required Employment and Case Management services

USDOL requires that all TAA participants who have completed, at minimum, a program enrollment must have the offering of the required employment and case management services documented in their case file. TAA case managers must include this documentation in the TAA program enrollment case note.

In addition to the required case note documentation, any required employment and case management service that is provided to a TAA participant must be documented through the case management activities and goals and objectives outlined in the IEP. All services must be accompanied by a supporting case note detailing the discussion and service delivery. For more information on the documentation requirements in the case management system, please see the *TAA Activity Guide (TAAG)* available on the WorkOne staff portal at: <https://www.in.gov/dwd/workonestaff/site/2608.htm>.

## Knowledge, Skills, and Abilities of staff performing assessments

Staff performing either the initial or comprehensive and specialized assessment must possess the following knowledge and abilities:

- Knowledge of the local labor market
- Knowledge of local employer and occupational skill demands and hiring prerequisites, such as educational and certification requirements
- The ability to identify transferable skills that a trade-affected worker may possess that would be valuable to other employers
- The ability to quickly evaluate a worker's ability to conduct a self-directed job search
- The ability to identify barriers to a worker's employment that could be overcome with training and case management services

The staff performing these initial, comprehensive, and specialized assessments may be from dedicated TAA staff or from any partner program.

## Co-Enrollment with Partner Programs

All TAA participants that are also WIOA DW eligible must be co-enrolled in the WIOA DW Program. Please refer to *DWD Policy 2020-04 Trade Adjustment Assistance (TAA) Co-Enrollment in the Workforce Innovation and Opportunity Act (WIOA) Dislocated Worker (DW) program* for additional guidance.

In an effort to support an integrated service delivery, the required employment and case management services outlined in this guidance may be provided to a trade-affected worker by a partner program staff person. However, if an IEP, Objective Assessment, or comprehensive assessment has been previously developed with a trade-affected worker by a partner program, it must be reviewed by the TAA case manager once the worker becomes TAA program-eligible to ensure it has the required components outlined above. If the IEP, Objective Assessment, or comprehensive assessment does not contain the required components, the TAA case management staff must update the document with the worker to ensure it is fully compliant with the TAA program requirements.

## TAA Dedicated Staff Role

The TAA program is required to pay for all training and related costs and the majority of employment and case management services. However, trade affected workers often benefit from WIOA's supportive services and post employment follow-up services, which cannot be funded through the TAA program. The implementation of a co-enrollment requirement does not change this; WIOA funding should be used to

provide services only when TAA funding may not be used for that service (i.e., supportive services and post-employment follow-up services). Therefore, at regional discretion, dedicated TAA Engagement Case Management staff may also serve as the TAA participant's WIOA case manager with the following requirements:

- The TAA participant must have an open/active TAA application or period of participation, and
- Once the TAA customer has a case closure and/or exit, the dedicated TAA staff must transfer the case management activity to a WIOA/partner staff to conduct all follow-up activities

### **Participant Notification Requirement**

Case managers must make trade-affected workers aware that they are being co-enrolled in the WIOA program. Evidence of the notification must be maintained in the participant's file. This notification must be documented in the *TAA Enrollment Case Note* template if the WIOA DW enrollment occurs on the same day as the TAA enrollment. For WIOA enrollments that occur after a TAA enrollment, a subsequent case note must be entered documenting the WIOA enrollment.

### **Participant Right to Decline**

A trade-affected worker may decline co-enrollment, which will have no effect on eligibility for benefits and services under the TAA program. Evidence of the declination must be maintained in the participant's file. The TAA Unit has developed a *TAA Participant Right to Decline WIOA Enrollment* form (State form 57020) that must be completed and maintained in the client documents section of ICC if the customer declines WIOA enrollment. Workers who are already employed at the time of TAA program enrollment who only wish to apply for the Reemployment Trade Adjustment Assistance (RTAA) program may decline enrollment into WIOA. However, the worker must be made aware of the benefits of the WIOA program and be provided notice that if their employment circumstances change during their RTAA participation, that they may elect co-enrollment at that time.

In rare circumstances, a TAA-eligible worker may not be eligible for co-enrollment into partner programs. For instance, if a worker has failed to register with the selective service, the participant is still eligible to receive TAA services; however the worker may not meet eligibility requirements under WIOA DW. Additionally, some Adversely Affected Incumbent Workers (AAIW) may not be immediately eligible for WIOA DW services since a qualifying separation has not yet occurred. Case managers must continually review the eligibility requirements for WIOA to ensure that if a worker later becomes eligible for WIOA DW enrollment, that WIOA enrollment is offered to the worker.

### **TAA Monitoring Process**

The TAA Unit conducts quarterly Comprehensive Reviews to monitor program effectiveness, identify and share best practices, identify and correct deficiencies, and identify and address staff training needs.

Quarterly, the TAA Unit will select a local workforce region and make a random selection of 20 participant files to review for data entry and document retention in the case management system as well as Participant Individual Record Layout (PIRL) reporting elements. The files selected will be from the previous quarter's PIRL report and must be comprised of workers from at least two (2) TAA certifications.

Areas that will be reviewed and compiled during the TAA Unit comprehensive review include, but may not be limited to:

- Participant demographics
  - Age, educational level at program entry, and post-program credential attainment
- Data on benefits received (training, job search, relocation, TRA, and RTAA)

- Number of workers receiving benefits under the TAA program
  - Number of workers receiving each type of benefit, including employment and case management services
  - Average number of weeks TRA was paid to workers
  - Number of workers who report that they have received benefits under a prior certification
  - Number of training waivers granted classified by type
  - Number of workers who received Rapid Response services
- Training participant outcomes
    - Delivery of case management and monitoring of training benchmarks through attendance and progress reports
    - Number of workers who exited TAA-approved training
    - Number of workers who received TAA-approved training, type of training (i.e. Apprenticeship, OJT, Occupational Skills Training)
    - Average duration of training
    - Number of workers who do not complete training and the average duration of the training such workers completed
    - Credential documentation and attainment
  - Service delivery of the required employment and case management services, including, but not limited to:
    - IEP goals and objectives
    - Counseling and career planning activities
    - Assessments
  - Co-Enrollment with partner programs
    - Number of workers co-enrolled with WIOA DW, WP, JVSG and other partner programs
  - Benefit cost generation
    - Average cost per participant of receiving TAA-approved training
  - Employment and Retention outcomes
    - Percentage of workers who received TAA approved training and obtained unsubsidized employment in a field related to that training
    - Median earnings of workers during the second quarter after program exit
    - Sectors in which workers are employed after receiving TAA program benefits

**Effective Date:** September 21, 2020.

Please direct all questions to the [TAATrainingPlans@dwd.in.gov](mailto:TAATrainingPlans@dwd.in.gov) inbox.