

EASTERN WASHINGTON PARTNERSHIP

WORKFORCE DEVELOPMENT COUNCIL

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WDC Policy #: 276
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SUBJECT Co-enrollment of Trade Adjustment Assistance participants into the WIOA Title I-B Dislocated Worker program.

PURPOSE

The purpose of this policy is to communicate the requirement to co-enroll Trade Adjustment Assistance (TAA) participants into the Workforce Innovation and Opportunity Act (WIOA) Title I-B Dislocated Worker program if they are eligible, unless they decline.

BACKGROUND:

The U.S. Department of Labor (DOL) published the updated and consolidated TAA Final Rule on August 21, 2020. 20 CFR 618.325 requires co-enrollment of all TAA participants into the WIOA Title I-B Dislocated Worker (DW) program, subject to eligibility, unless they decline.

Though there is no equivalent WIOA Final Rule or WIOA-operating guidance, DOL commented on page 51913 of the TAA Final Rule that States, under their Governor-Secretary Agreements, are required to implement the Final Rule. The Agreements bind state governments to the terms and conditions of the Agreement and implementation of the TAA program, including the co-enrollment requirement, and the ability to enforce the co-enrollment requirement at the state and local levels.

POLICY:

TAA participants, including Adversely Affected Incumbent Workers (see definition below), must be accepted for co-enrollment into the WIOA Title I-B DW program if they are determined eligible, unless the participant declines.

TAA participants may not be eligible for WIOA Title I-B DW if they are male and not registered with the Selective Service System or if they are Adversely Affected Incumbent Workers (see definition below).

Recognizing that enrollment into WIOA Title I-B DW may precede TAA enrollment the following process is required .

- a. Once an individual is determined eligible for TAA enrollment the TAA case manager and the WIOA Title I-B DW case manager will collaborate to determine if:
 1. The individual is already enrolled in Title I-B DW,
 2. The individual is eligible for and wants to participate in Title I-B DW, or
 3. The individual declines to participate in Title I-B DW.
- b. If the individual is already enrolled in Title I-B DW, a case note will be recorded by both the TAA and Title I-B DW case managers indicating the co-enrollment.
- c. If the individual is determined to be eligible for and wants to participate in Title I-B DW, the Title I-B DW case manager will begin the process of enrollment within fifteen (15) days of referral and will notify the TAA case manager once enrollment is complete. Both will document the co-enrollment in the case notes.
- d. If the individual is determined to not be eligible for Title I-B DW a case note will be recorded by both the TAA and Title I-B DW case managers explaining the determination of ineligibility.
- e. If the individual declines co-enrollment before meeting with the Title I-B DW case manager a case note will be recorded by the TAA case manager explaining the declination. If the individual declines co-enrollment while meeting with the Title I-B DW case manager, the Title I-B DW case manager will notify the TAA case manager of the declination, and a case note will be recorded by the Title I-B DW case manager explaining the declination. Documentation of TAA participants not wanting to be co-enrolled into WIOA Title I-B DW does not prevent them from pursuing eligibility determination for enrollment and services through WIOA Title I-B DW program at a later date.

DEFINITIONS

Adversely Affected Incumbent Workers (AAIW) - A worker who: (1) Is a member of a worker group certified as eligible to apply for the TAA program under subpart B of the TAA Final Rule; (2) has not been totally or partially separated from adversely affected employment; and (3) DOL determines, on an individual basis, is threatened with total or partial separation.

REFERENCES:

20 CFR 618.325, Integrated service strategies and Workforce Innovation and Opportunity Act co-enrollment, Trade Adjustment Assistance Final Rule, Federal Register, Volume 85, No. 163, August 21, 2020, page 51987.