

TEXAS WORKFORCE COMMISSION
Workforce Development Letter

ID/No:	WD 18-21, Change 1
Date:	March 18, 2024
Keyword:	TAA; WIOA; WorkInTexas.com
Effective:	April 15, 2024

To: Local Workforce Development Board Executive Directors
Commission Executive Offices
Integrated Service Area Managers
Courtney Arbour

From: Courtney Arbour, Director, Workforce Development Division

Subject: **Coenrollment in the Trade Adjustment Assistance and Workforce Innovation and Opportunity Act Dislocated Worker Programs—Update**

PURPOSE:

The purpose of this WD Letter is to provide Local Workforce Development Boards (Boards) with guidance regarding the coenrollment of Trade Adjustment Assistance (TAA) participants in the Workforce Innovation and Opportunity Act (WIOA) Dislocated Worker program.

This updated WD Letter provides clarifications relating to the implementation of WorkInTexas.com as the Texas Workforce Commission's (TWC) workforce case management system.

RESCISSIONS:

WD Letter 18-21

BACKGROUND:

The US Department of Labor Employment and Training Administration published a Final Rule implementing the Trade Adjustment Assistance Reauthorization Act of 2015 on August 21, 2020. 20 CFR §618.325 mandates coenrollment in the WIOA Dislocated Worker program for TAA participants. This program partnership ensures the availability of a comprehensive array of services and resources that can be leveraged to serve trade-affected workers.

Similarly, the WIOA Dislocated Worker program is designed to help dislocated workers overcome barriers to employment and return to work as quickly as possible. When individuals become dislocated workers due to job loss, mass layoffs, global trade dynamics, or transitions in economic sectors, the WIOA Dislocated Worker program provides services to help them in reentering the workforce.

Coenrollment of workers improves the Boards' ability to meet WIOA performance standards. Coenrollment in the WIOA Dislocated Worker and TAA programs is a TAA Data Integrity (TAADI) measurement.

PROCEDURES:

No Local Flexibility (NLF): This rating indicates that Boards must comply with the federal and state laws, rules, policies, and required procedures set forth in this WD Letter and have no local flexibility in determining whether and/or how to comply. All information with an NLF rating is indicated by “must.”

Local Flexibility (LF): This rating indicates that Boards have local flexibility in determining whether and/or how to implement guidance or recommended practices set forth in this WD Letter. All information with an LF rating is indicated by, “may” or “recommend.”

Coenrollment

NLF: Boards must be aware that 20 CFR §618.325(a)(1) requires coenrollment of all eligible trade-affected workers in the WIOA Dislocated Worker program.

NLF: Boards must be aware that trade-affected workers may receive Dislocated Worker services at any time after a notice of a layoff, including before or at the point a TAA petition is filed, while a petition is under investigation, and after the petition is certified.

NLF: Boards must ensure that prior to the TAA petition certification, Workforce Solutions Office staff:

- conducts a dislocated worker eligibility determination for all potential trade-affected workers; and
- provides Dislocated Worker services such as career assessments and training to the potential trade-affected workers based on their needs.

NLF: Boards must ensure that Workforce Solutions Office staff members use WIOA funds to provide services when TAA program funding may not be used, in accordance with WD Letter 30-20, issued December 14, 2020, and titled “Trade Adjustment Assistance (TAA) Final Rule” and WD Letter 16-21, Change 1, issued March 18, 2024, and titled “Trade Adjustment Assistance Reversion 2021—Update.”

NLF: Boards must ensure that after the TAA petition is certified, Workforce Solutions Office staff:

- enrolls the trade-affected worker in the WIOA Dislocated Worker program through expedited eligibility, if not enrolled prior to certification; and
- provides and enters into the state’s case management system a minimum of one WIOA participatory service per quarter for the duration of program participation.

Customer Declination

NLF: Boards must ensure that Workforce Solutions Office staff members complete the Trade Adjustment Assistance Coenrollment Declination Form (Attachment 1) if a trade-affected worker declines coenrollment. Workforce Solutions Office staff must file the form in the TAA participant's case management file.

NLF: Boards must ensure that, when completing TAA applications for trade-affected workers who decline WIOA Dislocated Worker services and coenrollment, Workforce Solutions Office staff members select the following fields of the TAA program application's Eligibility Summary tab in WorkInTexas.com:

- Referred to WIOA staff for possible coenrollment–No
- Individual has declined WIOA coenrollment–Yes

NLF: Boards must ensure that Workforce Solutions Office staff members do not document declination of coenrollment in the WorkInTexas.com TAA program application unless a customer has completed and signed the Trade Adjustment Assistance Coenrollment Declination Form.

NLF: Boards must ensure that every quarter Workforce Solutions Office staff provides the state office a record of trade-affected workers who declined or were ineligible for coenrollment. The notification should be in an Excel spreadsheet that includes the trade-affected worker's:

- last name;
- WorkInTexas.com State ID; and
- reason for ineligibility or declination.

INQUIRIES:

Send inquiries regarding this WD Letter to wfpolicy.clarifications@twc.texas.gov.

ATTACHMENTS:

Attachment 1: Trade Adjustment Assistance Coenrollment Declination Form

Attachment 2: Revisions to WD Letter 18-21 Shown in Track Changes

REFERENCES:

20 CFR Part 618, Trade Adjustment Assistance under the Trade Act of 1974, as Amended

Training and Employment Guidance Letter No. 04-20, issued October 29, 2020, and titled "Guidance on Integrating Services for Trade-Affected Workers under the Trade Adjustment Assistance Program (TAA Program) with the Workforce Innovation and Opportunity Act (WIOA) Title I Dislocated Worker (DW) Program"

WD Letter 30-20, Change 1, issued March 18, 2024, and titled "Trade Adjustment Assistance (TAA) Final Rule—Update"