

Integration of Trade Services for Dislocated Workers: A Comprehensive Guide



TEXAS WORKFORCE COMMISSION

**Integration of Trade Services
for
Dislocated Workers:
A Comprehensive Guide**

**Produced by
Texas Workforce Commission**

Integration of Trade Services for Dislocated Workers: A Comprehensive Guide

About the guide...

The Texas Workforce Commission (TWC) developed this comprehensive guide for Texas Workforce Center, Local Workforce Development Board (Board), and all TWC staff. The *Integration of Trade Services for Dislocated Workers: A Comprehensive Guide* (Trade Services guide) replaces the previously issued Trade Services guidelines.

The Trade Services guide provides statewide policy and resources for operational guidance and oversight of services. It is one in a series of guides that includes Choices, Employment Service, Workforce Investment Act Eligibility, and Food Stamp Employment and Training.

TWC maintains the Trade Services guide online at <http://www.twc.state.tx.us/boards/guides/guides.html> to facilitate access to current statewide policy and guidance information. Workforce Development (WD) Letters and Technical Assistance (TA) Bulletins can affect guide contents. When applicable, WD Letters and TA Bulletins include a statement announcing that the Trade Services guide will be revised to incorporate new information.

A List of Revisions is included at the end of the guide and listed in the Table of Contents. The List of Revisions documents the date and topic of each revision and the section of the guide it affects. Readers can use the List of Revisions to determine whether a printed version contains current statewide policy and operational guidance.

**Integration of Trade Services
for
Dislocated Workers:
A Comprehensive Guide**

Table of Contents

About the Guide i

Part A

GlossaryA-1

Part B

Introduction

B-100: Overview of Guide.....B-1

 B-100.1: Purpose of GuideB-1

 B-100.2: ObjectivesB-2

B-200: The Trade ProgramB-3

 B-200.1: Goal of the Trade ProgramB-3

 B-200.2: Trade Act of 2002 ProvisionsB-3

 B-200.3: Trade Act Web Site.....B-4

B-300: Trade Program Benefits and StrategiesB-5

 B-300.1: Trade Program BenefitsB-5

 B-300.2: Trade Service StrategyB-5

 B-300.3: General Board ResponsibilitiesB-6

B-400: Using the GuideB-8

 B-400.1: Guide.....B-8

Part C

Pre-Trade Certification

C-100: Trade Petitions and Rapid ResponseC-1

 C-100.1: Trade Petition ProcessC-1

 C-100.2: Triggers for Rapid ResponseC-2

C-200: Rapid Response CoordinatorC-3

 C-200.1: Rapid Response Coordinator’s Role.....C-5

C-300: Rapid Response ServicesC-5

 C-300.1: Rapid Response ServicesC-5

 C-300.1.1: Workshops and Seminars.....C-5

 C-300.1.2: Employee OrientationC-5

 C-300.1.3: Intake Overview.....C-6

 C-300.1.4: Rapid Response RegistrationC-7

 C-300.1.5: Petition InquiryC-7

 C-300.1.6: Dislocated Worker Service DeliveryC-7

Table of Contents (continued)

C-400: Core Services C-9

 C-400.1: Sequence of Services Structure..... C-9

 C-400.2: Core Services C-10

 C-400.2.1: Explanation of Services Form..... C-10

 C-400.2.2: Waiver of the Training Requirement C-10

 C-400.2.3: Reasons for Training Waiver C-11

 C-400.2.4: Initial Assessment C-12

 C-400.2.5: Limited English Proficiency C-13

 C-400.2.6: Suitable Employment..... C-14

 C-400.2.7: Labor Market Information C-15

 C-400.2.8: TRACER..... C-15

 C-400.2.9: SOCRATES C-16

 C-400.2.10: Moving to Intensive Services C-16

Part D

Post-Trade Certification

D-100: Eligibility Determination..... D-1

 D-100.1: Certified Petition D-1

 D-100.2: TWIST Petition Information D-1

D-200: Intensive Services D-2

 D-200.1: Co-enrollment..... D-2

 D-200.2: Individual Employment Plan D-3

 D-200.3: Comprehensive Assessment D-4

 D-200.4: Individual Employment Plan Document D-5

 D-200.5: Supportive Services D-6

D-300: Trade Adjustment Assistance Benefits..... D-8

 D-300.1: Job Search Allowances..... D-8

 D-300.2: Relocation Allowances D-9

 D-300.3: Relocation Allowances–Eligibility Criteria..... D-9

 D-300.4: Trade Readjustment Allowances D-10

 D-300.5: Waiver of the Training Requirement..... D-10

 D-300.6: Health Coverage Tax Credit D-11

 D-300.7: Alternative Trade Adjustment Assistance D-12

 D-300.8: Appeals and Complaints..... D-12

 D-300.9: Training Criteria D-13

D-400: Training Services..... D-15

 D-400.1: Appropriate for Training?..... D-15

 D-400.2: Training Referral D-16

 D-400.3: Types of Training D-17

 D-400.4: Training Program Amendment..... D-18

 D-400.5: Follow-up Services During and After Training..... D-18

 D-400.6: Common Measures D-19

Table of Contents (continued)

Part E

Additional Trade Programs

E-100: Health Coverage Tax Credit	E-1
E-100.1: Health Coverage Tax Credit Overview	E-1
E-100.2: Health Coverage Tax Credit Eligibility	E-1
E-100.3: Qualified Health Care Plans	E-2
E-100.4: Health Coverage Tax Credit Contacts	E-2
E-200: Alternative Trade Adjustment Assistance.....	E-3
E-200.1: Overview of Alternative Trade Adjustment Assistance	E-3
E-200.2: Alternative Trade Adjustment Assistance Eligibility	E-3
E-200.3: Alternative Trade Adjustment Assistance Certification	E-4
E-200.4: Alternative Trade Adjustment Assistance Application Requirement	E-4
E-300: TAA for Farmers.....	E-5
E-300.1: Trade Adjustment Assistance for Farmers Eligibility.....	E-5

Part F

Appendices

Appendix F-100: Trade Adjustment Assistance Rules	F-1
Appendix F-200: Training and Employment Guidance Letters	F-2
Appendix F-300: Workforce Development Letter 29-05	F-3
Appendix F-400: Forms.....	F-4

Part G

Revisions

List of Revisions	G-1
-------------------------	-----

Part A: Glossary of Terms and Definitions

ABE	Adult Basic Education
ATAA	Alternative Trade Adjustment Assistance
Average Weekly Wage (AWW)	One-thirteenth (1/13) of the total wages paid to a worker in the worker's high quarter. The high quarter for the worker is the quarter in which the total wages paid to the worker were highest among the first four of the last five completed calendar quarters preceding the worker's last qualifying separation.
Board	Local Workforce Development Board
COBRA	Consolidated Omnibus Budget Reconciliation Act of 1985. COBRA provides the right to temporary continuation of health coverage at group rates for certain former employees, retirees, spouses, former spouses, and dependent children. Eligible individuals must have lost coverage due to a qualifying event and have been enrolled in their employer's health plan while working.
Core Services	Workforce Investment Act (WIA) services available to the universal population include, but are not limited to: <ul style="list-style-type: none"> • determinations of eligibility for WIA assistance; • outreach and intake; • orientation to Texas Workforce Center (Workforce Center) services; • initial assessment of skill levels; • support service needs; • job search and placement; • information on local, regional, and national labor markets; and • information on the 80 percent wage replacement goal as it pertains to the demand occupations in the local workforce development area.
Dislocated Worker	A worker who was permanently laid off or received a notice of termination or layoff from employment, or is employed at a facility at which the employer made a general announcement that the facility will close.
DOL	United States Department of Labor
ESL	English as a Second Language
ETPS	Eligible Training Provider System. A Texas Workforce Commission (TWC) review process that requires training providers to register with the state in order to be eligible to provide services funded by WIA. Training providers must attain ETPS certification with TWC.
GED	General Education Development

Glossary of Terms and Definitions (continued)

Group Plan	Health coverage sponsored by an employer or employee organization (such as a union) for employees and their eligible dependents.
HCTC	Health Coverage Tax Credit
High Risk Pool	High risk pools are subsidized health insurance pools that are organized by some states and offer health insurance to individuals who were denied health insurance because of a medical condition or whose premiums are rated significantly higher than average due to health status or claims experience. High risk pools can be a form of qualified health coverage for the HCTC if they are deemed state-qualified.
Hourly Wage	All pay normally earned per hour, including bonuses, tips, gratuities, commissions, and overtime pay.
Impact Date	The date identified in a Trade Act certification, on which either total or partial separations began or threatened to begin in a firm or subdivision of a firm.
IEP	Individual Employment Plan. An intensive service in which Workforce Center staff works with the participant to identify an occupation in demand that meets the 80 percent wage replacement goal, then develops a plan to address the occupational goal, the appropriate achievement objectives, and the combination of services needed for the participant to obtain his or her long-term occupational goals. The IEP names the specific occupation to be obtained as well as a training plan that makes the participant “job ready” at the completion of training.
Intensive Services	Services that can include diagnostic testing and other tools to assess support service needs and that must provide tools to assess skill levels. Other intensive services include individual case management, IEP development, and short-term prevocational skills. Workforce Center staff can provide these services when a participant receives at least one core service, and staff determines that the participant needs more intensive services to obtain employment, or to obtain and retain employment that leads to self-sufficiency, or as necessary prior to referral to dual-language vocational skills training.
Job Location	A worker’s physical place of work at the time the worker was separated from a trade-affected employer.
Layoff	A suspension of, or separation from, employment by a firm for lack of work, initiated by the employer, and expected to be for a definite or indefinite period of no less than seven consecutive days.
Long-term Employment	Employment expected to last at least 150 days.
NEG	National Emergency Grant is an additional funding source opportunity available under WIA.

Glossary of Terms and Definitions (continued)

Number of Hours Worked Per Week	The usual number of hours of work scheduled per week, including overtime, in whole hour increments (no fractions of hours).
PBGC	Pension Benefit Guaranty Corporation. Entity created on September 2, 1974, when the “Employee Retirement Income Security Act (ERISA) of 1974” was enacted. A defined benefit pension plan that does not have enough money to pay benefits may be terminated if the employer responsible for the plan faces severe financial difficulty, such as bankruptcy, and is unable to maintain the plan. The PBGC then pays pension benefits under the terms of the plan, subject to legal limits, to plan participants and beneficiaries.
Petition Status	The status of a Trade petition throughout the U.S Department of Labor (DOL) investigation process. The status is identified by these terms: <ul style="list-style-type: none"> • Petition filed • Investigation terminated • Certified • Not certified
RRS	Rapid Reemployment Services. Previously WPRS.
SOCRATES	Standardized Occupational Components for Research and Analysis of Trends in Employment System is a tool to assist Boards in performing a regional labor market analysis. It allows Boards that are conducting WIA planning to generate lists of targeted industries and targeted occupations. It is also excellent for researching regional Texas labor markets and identifying occupational training possibilities or to justify new program submission and approval. The analytical tools and regional narrative reports within SOCRATES follow the planning guidelines issued for targeted industries and occupations and approved by TWC.
State Qualified Health Plan	Health plans that have been qualified by the Texas Department of Insurance (DOI) as meeting the requirements set forth in the Trade Adjustment Reform Act of 2002. A list of these plans will be submitted to the Treasury Department by DOI.
Suitable Employment	With respect to a Trade-certified worker, work of a substantially equal or higher skill level than the worker’s past employment, with wages of not less than 80 percent of the worker’s average weekly wage. The availability of suitable employment is used to determine whether or not the participant is eligible for trade-funded training.
Supportive Services	Services such as transportation, child care, dependent care, and housing that are necessary to enable a participant to participate in activities authorized under WIA.
TA Bulletin	A Technical Assistance Bulletin distributed to Boards by TWC.

Glossary of Terms and Definitions (continued)

TAA	Trade Adjustment Assistance
TEGL	Training and Employment Guidance Letter. A DOL guidance letter distributed to states.
TRA	Trade Readjustment Allowances. Weekly TRA may be payable to eligible claimants when they exhaust unemployment benefits. TRA benefits will be paid if a claimant is enrolled in a TAA-approved training program or has a waiver of the training requirement. TRA payment is the basis for HCTC eligibility.
TRACER	Texas Rapid Access to Career and Economic Resources is a dynamic labor market information delivery system in Texas, backed up by the combined experience of 80 economists.
Training Services	Under WIA and TAA, training services may include occupational skills training, vocational skills training, dual-language training—which provides the necessary vocational skills and remedial education together in an integrated curriculum (also called contextual learning or integrated vocational skills training)—or employer-based training such as On-the-Job Training (OJT) and customized training.
TWC	Texas Workforce Commission (State)
TWIST	The Workforce Information System of Texas
UI	Unemployment Insurance
WD Letter	Workforce Development Letter. A guidance letter distributed to Boards by the Workforce Development Division of TWC.
Waiver	A determination that training is not currently feasible for a TAA participant. Also known as “ Waiver of the Training Requirement, ” “ Waiver of Training, ” or “ Training Waiver. ”
WARN Notice	Worker Adjustment and Retraining Notification
WIA	Workforce Investment Act

Part B: Introduction

Part B-100 — Overview of Guide

B-100.1:
Purpose of
Guide

The purpose of this guide is to:

- enable the Texas workforce system to fully integrate the Dislocated Worker and Trade programs into the service delivery mix of the Texas Workforce Centers (Workforce Centers) and to assist Trade-certified workers in identifying employment that meets the 80 percent wage replacement goal;
 - alert Unemployment Insurance (UI) Tele-Center staff to fully advise Trade-certified claimants applying for UI or Trade Readjustment Allowances (TRA) of the work search requirements for TRA and refer the workers to Workforce Centers to conduct job search activities;
 - assist Local Workforce Development Boards (Boards) and Workforce Center staff members to perform their responsibilities, including Rapid Response and Orientation to Trade services, to issue waivers of the training requirements as needed, and to identify appropriate vocational skills training or dual-language training opportunities in demand occupations for Limited English Proficiency (LEP) participants;
 - inform Board and contractor staff of the requirement to co-enroll/register Trade-certified workers into services that address barriers to reemployment;
 - clarify the required sequence of services for Trade-certified workers, including referral to vocational skills or dual-language training in occupations that will allow them to meet the goal of 80 percent wage replacement of prior wages;
 - demonstrate strategies for leveraging state and federal funding sources to maximize services to Trade-certified workers; and
 - emphasize the importance of developing On-the-Job Training (OJT) opportunities for Trade-certified workers.
-

B-100.2
Objectives

This guide will help readers:

- apply the Workforce Investment Act (WIA) Sequence of Services;
 - identify dislocated workers who may be Trade-certified;
 - describe the necessary components of the Individual Employment Plan (IEP);
 - improve referrals to training for LEP participants;
 - understand co-enrollment requirements; and
 - ensure that Trade-certified workers are informed of the wage replacement goal of 80 percent as part of selection of occupational/vocational skills training.
-

Part B-200 — The Trade Program

B-200.1: Goal of the Trade Program

The primary purpose of the Trade program is to move Trade-certified workers into suitable employment—new jobs that meet an 80 percent wage replacement goal—and to do so as quickly and effectively as possible. Changes to the federal Trade Act of 1974, as amended (Trade Act), require intervention strategies that offer the opportunity for rapid, suitable, and long-term employment for Trade-certified workers and align the length of training with the availability of income support (UI and TRA).

Full integration of employment and training services is accomplished by allowing Trade-certified workers to access all appropriate services in the Workforce Centers—including Labor Market Information, training referrals, case management, and follow-up services—to help them reenter the workforce.

B-200.2: Trade Act of 2002 Provisions

The Trade Act of 2002:

- consolidates NAFTA-TAA into TAA (dislocated workers certified for NAFTA-TAA under petitions received before November 4, 2002, continue to receive NAFTA-TAA services as long as they are eligible);
- expands eligibility to secondary worker groups including suppliers and downstream producers;
- extends eligibility to farmer groups certified by the U.S. Department of Agriculture under the TAA for Farmers program;
- requires timeliness of Rapid Response assistance and petition investigation; and
- adds new benefits by establishing other Trade programs such as Health Coverage Tax Credit (HCTC), Alternative Trade Adjustment Assistance (ATAA), and TAA for Farmers.

The changes to the Trade Act offer Boards greater opportunities and flexibility for serving Trade-certified workers.

**B-200.3:
Trade Act
Web Site**

For additional information, visit the Trade Act Web site at:

http://www.doleta.gov/tradeact/2002act_index.cfm

Part B–300 — Trade Program Benefits and Strategies

B-300.1: Trade Program Benefits

Several options are available to Workforce Center staff under the Trade program to develop reemployment strategies for eligible Trade-certified workers. The options include:

- HCTC — provides assistance with the payment of premiums for eligible health coverage programs.
- ATAA — alternative benefit for workers who are at least 50 years of age.
- Job Search Allowance — covers expenses incurred in seeking employment outside the normal commuting area.
- Relocation Allowance — provides reimbursement to an individual for approved expenses when relocation is required.
- TRA — provides cash payments after UI benefits are exhausted while a claimant is in a Trade-approved, full-time training program, or on a waiver of the training requirement for basic TRA.
- Training, including OJT and customized training — for reemployment in another job or career when suitable employment is not available. If possible, such training must assist workers in achieving a wage of 80 percent of their previous wage.

Note: Part C-400 covers these options in greater depth.

B-300.2: Trade Service Strategy

The strategic planning process for each Board shall include the development of local policies for a trade service strategy that coordinates various service approaches to accomplish all of the following:

- Assist Trade-certified workers to obtain suitable employment as quickly as possible.
- Promote the use of WIA Core and Intensive services to support rapid reattachment to the workforce, where an 80 percent wage replacement goal is achievable.

**B-300.2:
Trade Service
Strategy
(continued)**

- Refer participants to prevocational and vocational training if suitable employment is not available to the participant.
- Develop OJT and customized training opportunities with employers with jobs in occupations that meet the 80 percent wage replacement goal for Trade-certified participants, including opportunities for participants to supplement OJT with remedial education as necessary before and during OJT.
- Provide training that offers dual-language training programs as necessary to assist LEP participants in achieving job readiness in a demand or targeted occupation with long-term employment opportunities.
- Assist in job retention and career advancement.

Note: The primary goal of the Trade program is for the Trade-certified participant to be completely job ready at the completion of training. The 80 percent wage retention goal must be attained if at all possible. In any case, the participant must not be denied training or retained on a waiver only because the 80 percent wage retention goal cannot be met. If the participant lacks the entrance requirements to enroll in Trade-approvable training (see D-200.4 for criteria for approvable training), remedial training to meet the entrance requirements is required. Dual-language training or OJT combined with remedial education are approvable alternatives.

**B-300.3:
General Board
Responsibilities**

Board Planning — amend and modify the Board’s strategic plan to incorporate and coordinate the design, policy development, and management of the integration of Trade-funded activities and other funded supportive services, as well as address plans for meeting the training needs of LEP participants. Boards must work with training providers to ensure that dual-language training is available and included on the Statewide List of Eligible Training Providers. Boards must also make a strong effort to develop OJT opportunities with employers. To help LEP workers access employer-based training, OJT may be preceded or accompanied as necessary by remedial skills training or by employer-designed classroom training that meets the needs of the employers.

**B-300.3:
General Board
Responsibilities
(continued)**

Reporting — ensure that Workforce Center staff documents all services in The Workforce Information System of Texas (TWIST), in the IEP, and on a hard copy of the signed Explanation of Services form and the Occupation Selection form. This documents that participants are fully informed of the options for training in demand or targeted occupations as well as whether the selected occupation will meet the 80 percent wage replacement goal. Workforce Center staff retains such documentation in the participant's files. Documentation must be available if there is an appeal of a determination.

Monitoring — ensure the monitoring of program requirements and participant activities.

Operating — ensure the implementation of a customer service strategy that:

- identifies suitable employment;
 - issues waivers of training;
 - provides assessment;
 - develops an IEP;
 - refers to training;
 - manages cases; and
 - conducts follow-up.
-

Part B-400 — Using the Guide

B-400.1: ***Guide***

This guide is a resource to help readers familiarize themselves with the Trade program's purpose, goals, rules, services, and best practices.

Trade information is organized into four parts, plus a glossary and appendices.

This guide is consistent with the Texas Workforce Commission's (TWC) official policies concerning Board administration of the Trade Act and replaces any previous guide or manual.

This guide conforms with and must be interpreted as consistent with Commission rules at 40 TAC, Chapter 849.

Part C: Pre-Trade Certification

Part C-100 — Trade Petitions and Rapid Response

**C-100.1:
Trade Petition
Process**

The first step in the Trade petition process is to determine whether to file a petition. The answers to the following questions may help you decide:

Does the company produce a product?

Did foreign imports cause a decline in sales or production for the company?

Did the company shift production to a foreign country?

Note: “Yes” to any of the above questions could indicate trade-related job loss.

When in doubt, file a petition.

Any **one** of the following can file a petition with the United States Department of Labor (DOL):

- A group of three workers
- An official of a labor organization representing the workers
- An official of the employer or company
- Designated Texas Workforce Center (Workforce Center) staff or partners
- Staff with the Texas Workforce Commission (TWC) Dislocated Worker Unit

DOL conducts an investigation and certifies or denies petitions within 40 days of receiving the petition.

**C-100.1:
Trade Petition
Process
(continued)**

Note: During the 40-day certification period, provide core services including Rapid Response orientation, workshops, and initial assessment. Continue with intensive services if the dislocated worker is not job ready.

Petition forms are available in English and Spanish on the Internet at <http://www.doleta.gov/tradeact/petitions.cfm>.

**C-100.2:
Triggers for
Rapid
Response**

Initiate Rapid Response services when you receive a:

- filed Trade petition;
 - Worker Adjustment and Retraining Notification (WARN) notice; or
 - public announcement of a layoff or closure.
-

Part C-200 — Rapid Response Coordinator

C-200.1: Rapid Response Coordinator's Role

When the layoff has not yet occurred, the local Rapid Response coordinator initiates and schedules Rapid Response services by contacting the employer within 48 hours of notification. The Rapid Response coordinator schedules an on-site management meeting that includes representatives of the employer and workers. A union representative is included in the meeting when a union represents the workers.

As part of the on-site management meeting, collect the following information:

- Timeline for layoff
- Number of employees affected
- Types of positions affected
- Work shifts involved
- Space for on-site seminars/workshops
- Company severance package
- Security provisions
- Contracted services
- Information that assists in determining if filing a Trade petition is appropriate

As part of the on-site management meeting, share the following information:

- Overview of all Workforce Center services
- Trade petition process
- Trade program benefits for eligible employees
- Rapid Response team access to employer facilities

C-200.1:
Rapid
Response
Coordinator's
Role
(continued)

- Employee orientation scheduled around shifts
- Crisis counseling for employees
- Contact information for Rapid Response coordinator

Note: Early intervention is key to coordinating services with management and the workers subject to layoff.

If the layoff has already occurred, the local Rapid Response coordinator requests a mailing list of affected workers from the employer in order to conduct outreach.

Part C-300 — Rapid Response Services

C-300.1: Rapid Response Services

Rapid Response is a component of core services. The Local Workforce Development Boards (Boards) must ensure Rapid Response services are provided.

C-300.1.1 Workshops and Seminars

Rapid Response services include workshops and seminars for employees at the work site, including:

- financial management and budgeting, including financial literacy;
 - labor market information, including a list of area demand occupations with wage information;
 - stress management;
 - resume writing;
 - interviewing skills; and
 - job search.
-

C-300.1.2 Employee Orientation

The employee orientation meeting for potentially Trade-certified workers must include:

- completion of Rapid Response registration and survey;
- orientation to the Trade program—an explanation of the Trade benefits notification process and instructions on what to do if the petition is approved;
- registration for work as required by WorkInTexas.com, TWC's job matching and service tracking system for the public labor exchange services;
- distribution of Trade program brochures and related materials;
- time frames for approval of Unemployment Insurance (UI) claims, application for Trade Readjustment Allowances (TRA), which may require enrollment in training, and Trade petitions; and

**C-300.1.2
Employee
Orientation
(continued)**

- information on the Health Coverage Tax Credit (HCTC) and Alternative Trade Adjustment Assistance (ATAA).

Note: HCTC and ATAA are covered in Part D.

**C-300.1.3
Intake
Overview**

The initial intake process collects information about the participant to determine the most effective approach to assist with reentry into the workforce. The more thorough the information collected at the beginning of the process, the better the foundation for coordination of services. This is an early opportunity to ensure that:

- the participant is fully aware of the wages associated with the Board's demand and targeted occupations;
- whether the occupations will meet the goal of 80 percent wage retention of the participant's previous wage; and
- what training is required to enable the worker to enter and successfully complete the training for these occupations.

Share information regarding the local labor market, available jobs, wage information, and programs and services with the participant during intake. Complete appropriate forms, such as the Explanation of Services form and Occupational Selection form.

An initial decision is made on whether the participant has sufficient job skills to find suitable employment. If not, training options must be explained. If a decision is made that the customer can test the job market, it in no way diminishes the possibility that training can be considered at a later date.

An initial waiver of the TRA training requirement must be approved to allow the customer time to test the job market or select an appropriate training opportunity. Failure to approve a waiver may jeopardize the customer's eligibility for TRA and HCTC benefits.

**C-300.1.4
Rapid
Response
Registration**

At the completion of the employee orientation, enter the dislocated worker's Rapid Response registration information in The Workforce Information System of Texas (TWIST). This creates a TWIST "Intake – Common" record in which Workforce Center staff can add intake information at the Specialized Services Intake Level as it is received. The additional information helps expedite the eligibility for Workforce Investment Act (WIA) Dislocated Worker services as well as the co-enrollment process with the Trade program.

The first service is automatically recorded in TWIST's Service Tracking based on the Rapid Response registration. This simplifies the data entry process.

**C-300.1.5
Petition
Inquiry**

Petition information is entered into TWIST by state office TWC staff. Upon the entry of the petition information, a TAA Program Detail record is created in TWIST. Board and Workforce Center staff may perform a petition inquiry from TWIST Group Actions by performing a search by petition number or company name.

**C-300.1.6
Dislocated
Worker
Service
Delivery**

Boards may use WIA Dislocated Worker funds to support the design and delivery of services to dislocated workers, including those who are Trade-certified. The Trade program is a complement to Dislocated Worker services, not a replacement for it.

Note: All Trade-certified workers are also eligible dislocated workers.

Dislocated Worker services begin when:

- a Trade Act petition is filed; or
- a layoff notice is received.

TWC's Rapid Reemployment service identifies UI claimants who are likely to exhaust benefits.

WIA funding allocated to the Boards for Dislocated Worker services includes funding for:

- Rapid Response—orientation, workshops, etc.;

**C-300.1.6
Dislocated
Worker
Service
Delivery
(continued)**

- outreach, reemployment assistance, assessment, and case management, including the development of an Individual Employment Plan (IEP);
- referrals to training;
- supportive services; and
- follow-up services for both Trade-certified and non-Trade-certified dislocated workers.

Trade funding for out-of-area job search and relocation remains at the state level but is available to Trade-certified workers based on the Board's assessment and referral and the availability of such funds from DOL.

The delivery of these services must flow seamlessly from initiation of Rapid Response services to reemployment, provide an integrated array of services, and allow eligible customers to benefit from activities that are most suitable for their needs.

Note: The Trade Act require Boards to provide Rapid Response services, core services, and intensive services available under WIA and other federal programs to dislocated workers filing a Trade petition.

Part C-400 — Core Services

C-400.1: Sequence of Services Structure

Follow the WIA Sequence of Services when serving eligible Trade-certified workers who request assistance. The sequence is:

Core > Intensive > Training

The Trade Act of 1974, as amended (Trade Act), establishes certain time frames for decisions concerning suitable employment and referrals to training. These timelines affect the participant's eligibility for TRA benefits. The case manager must be aware of these deadlines at all times. For example, the Trade-certified worker will remain in core services only until Workforce Center staff determines whether suitable work is available.

All customers (Universal Population) who enter the Workforce Center have access to core services.

- Boards must obtain preregistration data from customers (including Trade-certified) who receive core services. Use the Specialized Services intake level in TWIST to capture the information. This data collection is strongly encouraged, because it allows TWC and Boards to track the core services provided.
- Boards can use WIA and Employment Service funds to provide core services.

Note: For details regarding documentation requirements, refer to the WIA Guidelines for Determining WIA Eligibility, available at <http://www.twc.state.tx.us/boards/wia/txwia.html>.

**C-400.2
Core Services**

Core services begin at the Rapid Response orientation. Do not wait for the completion of the petition investigation before you start serving the potentially Trade-certified worker, because the petition investigation may take up to 40 days for DOL to complete. **You must immediately initiate the activities below to help the customer:**

- Complete Explanation of Services form, which outlines the potential program services and benefits as well as documents the review of the Board's demand occupations and their ability to meet the 80 percent wage retention goal on completion of training.
- Complete waiver of training form, which protects future Trade benefits associated with TRA and HCTC.
- Perform an assessment of knowledge, skills, and abilities.
- Identify availability of suitable employment.
- Ensure customer completed an application for TRA (BS-100) by calling a Tele-Center or UI field specialist. This is a separate application from the application for UI benefits.

Note: See Appendix F-400 for sample forms.

**C-400.2.1
Explanation
of Services
Form**

The Explanation of Services form identifies the potential Trade program services and benefits and acts as the bona fide application for training. **The dislocated worker signs this form, and staff retains it permanently in a local file.**

**C-400.2.2
Waiver of
the Training
Requirement**

To be eligible to receive TRA payments, a Trade-certified worker must be enrolled in Trade-approved training or have a waiver of the training requirement. A waiver can be valid for up to six months, with monthly reviews to ensure that the reason for issuing the waiver is still valid. If the initial waiver is completed outside the Workforce Center, it will be limited to 30 days. The Trade-certified worker must come to the Workforce Center for an additional waiver.

**C-400.2.2
Waiver of
the Training
Requirement
(continued)**

To protect potential TRA benefits, complete the waiver of training form during:

- the Rapid Response employee orientation; **or**
- the first visit to the Workforce Center; **but before**
- the Waiver/In Training Deadline Date.

The Waiver/In Training Deadline Date is eight weeks from the petition certification date or 16 weeks of the last qualifying separation, whichever is later.

**C-400.2.3
Reasons for
Training
Waiver**

Below are six acceptable reasons to waive the training requirement.

1. **Worker subject to recall within six months.** This reason is applicable if the worker has a definite recall date that Workforce Center staff has verified with the employer. Enter the scheduled return to work date on the waiver document.
2. **Worker possesses marketable skills.** This reason is applicable while the worker tests the market for suitable employment, or it appears the worker possesses marketable skills. As with every reason for a waiver, Workforce Center staff must reevaluate it at least every 30 days. The worker is eligible for TRA while conducting a work search as prescribed by state UI regulations.
3. **Worker in poor health.** This reason is applicable if the worker is unable to attend school or work due to a health problem. Workforce Center staff must approve the waiver to protect future eligibility, although the worker may be disqualified from receiving UI and TRA. Document this in the TWIST Counselor Notes.
4. **Retirement.** Worker is within two years of retirement in accordance with a private retirement plan or Social Security.
5. **First available enrollment date is within 60 days.** This reason applies when training is available, but the enrollment date is in the future. For purposes of TRA, the enrollment date is the date on which the worker is considered to be in training and can be up to 30 days before the first day of training. Approve the waiver if the enrollment date is less than 60 days in the future.

**C-400.2.3
Reasons for
Training
Waiver
(continued)**

6. **Training is not available, or is not available at a reasonable cost, or no funds are available under TAA or federal law.** This reason applies if guidance has been provided to the Board that all available Trade funding in the State has been exhausted, or if there is no approvable training within the local commuting area.
-

**C-400.2.4
Initial
Assessment**

The preliminary assessment of knowledge, skills, and abilities helps identify dislocated workers (including Trade-certified workers) who possess marketable skills needed by local employers. It may also identify dislocated workers (including Trade-certified workers) who need additional services at the intensive service level. The initial assessment includes:

- testing of skill levels such as math, reading, and writing to determine grade-level equivalencies;
- evaluating aptitudes, abilities, and supportive service needs;
- identifying transferable skills such as computer, problem solving, time management, and organization;
- assessing English language proficiency (command of the English language);
- identifying knowledge of foreign languages that may help an employer;
- assessing supportive service needs such as child care or transportation; and
- evaluating the need for referral to community resources.

Note: Each Board must have assessment tools that are designed for Limited English Proficient (LEP) workers.

**C-400.2.5
Limited
English
Proficiency**

Characteristics of persons who are LEP:

- Do not speak English as their primary language.
- Have a limited ability to read, speak, write, or understand English.
- Native language is not English.
- Live in a family or community environment in which a language other than English is dominant.

Workforce Center staff must take reasonable steps to ensure that LEP customers have access to translators and language-appropriate material describing programs, services, and information.

LEP workers must receive case management services throughout their participation, but it is particularly important that they receive such services at the training selection stage in order to ensure that they meet the TAA goal (See Part B-200.1). Therefore, case managers must consider the following when assisting LEP workers in selecting training programs:

- Thorough exploration of the entire range of possible demand or targeted occupations is essential, with particular attention paid to the transferable skills and long-term employment goals of the worker.
- OJT can be supplemented with remedial education to enable LEP workers to participate in OJT as the preferred form of training.
- Dual-language training programs (defined in Part D-400.3) have proved more effective than other forms of classroom training for LEP workers; therefore, encourage participants to derive as much of their classroom training as possible through Board-approved, dual-language training opportunities.
- Enrolling LEP workers in any form of stand-alone remedial education (including without-limitation English as a Second Language, General Educational Development, Adult Basic Education, and basic computer skills courses) must be avoided unless:

**C-400.2.5
Limited
English
Proficiency
(continued)**

- (1) assessment indicates that the worker only needs remedial education, and no vocational skills, to become job ready in an appropriate demand or target occupation; or
 - (2) the stand-alone remedial education is of limited duration and approved in conjunction with dual-language or standard vocational training, and the case manager reasonably expects the worker to complete both the remedial and vocational parts and be job ready within the time allowed under TAA.
-

**C-400.2.6
Suitable
Employment**

Based on assessment results, Workforce Center staff may conclude that a Trade-certified worker has the skills for “suitable employment.”

Note: It is important to document in TWIST Counselor Notes whether suitable employment is identified for the trade-affected worker.

During the initial assessment of participants, the term “suitable employment” is related to the decision to approve training. If no suitable work is identified and training is required, the goal of such training is to ensure that, where possible, the occupation for which the participant is being trained meets the goal of 80 percent wage replacement of the participant’s previous wage. Under the Trade Act, suitable employment means:

- work of a equal or higher skill level; **and**
- pay of at least 80 percent of the average weekly wage of the trade-affected job.

Note: A participant may decide to enroll in training that does not meet the 80 percent wage replacement goal. The participant’s decision must be documented in TWIST Counselor Notes.

If suitable employment is not available, the worker continues through the WIA Sequence of Services.

**C-400.2.7
Labor
Market
Information**

Use Texas Rapid Access to Career and Economic Resources (TRACER) and Systems for Application, Verification, Eligibility, Referral and Reporting (SOCRATES) to analyze the local labor market to:

- determine employer needs;
- determine emerging, targeted, and demand occupations;
- identify employment opportunities that will allow participants to meet the goal of 80 percent wage replacement of their previous wage; and
- identify employer-based training opportunities, such as OJT or customized training.

This analysis and the job seeker's job search experience are important activities in the development of the IEP.

**C-400.2.8
TRACER**

TRACER is a system that provides the following five basic Internet programs containing useful data and statistics:

1. **Covered Employment and Wages Program** — collects information from many Texas employers.
2. **Current Employment Statistics Program** — produces current employment and wage data.
3. **Local Area Unemployment Statistics Program** — generates total employment, unemployment, and unemployment rates.
4. **Occupational Employment Statistics Program** — develops occupational profiles by industry.
5. **Mass Layoff Statistics Program** — gathers information from employers that recently had large layoffs.

Access TRACER on the Internet at <http://www.tracer2.com>.

C-400.2.9
SOCRATES

SOCRATES is a tool to assist Workforce Center staff in performing regional labor market analysis. Staff uses it to generate lists of targeted industries and targeted occupations. It is also excellent for researching regional labor markets in Texas and identifying occupational training possibilities. Using information gathered from SOCRATES helps narrow a dislocated worker's job search.

Access SOCRATES on the Internet at:

<http://socrates.cdr.state.tx.us/>.

C-400.2.10
Moving to
Intensive
Services

After initial assessment, background information, labor market information, and identification of whether suitable employment is available, determine **one** of the following steps:

- Job search
 - Referral to training at the intensive services level, in an occupation that will allow the participant to meet the goal of earning 80 percent of his or her previous wage, to the maximum extent possible. However, in any case, the participant must not be denied training **only** because the 80 percent wage retention goal cannot be met.
-
-

Part D: Post-Trade Certification

Part D-100 – Eligibility Determination

**D-100.1:
Certified
Petition**

When the U.S. Department of Labor (DOL) completes its investigation of a petition, it certifies or denies the petition and e-mails the determination to the Texas Workforce Commission (TWC).

When TWC receives a certified petition, staff: notifies the appropriate Local Workforce Development Board (Board);

- updates the Trade Adjustment Assistance (TAA) petition status in The Workforce Information System of Texas (TWIST);
- requests a list of all workers under this petition from the employer, and enters the list into TWIST; and
- sends a letter of *potential eligibility* to each worker, with instructions to contact the Texas Workforce Center (Workforce Center).

Note: Receipt of a letter does not mean the worker is Trade certified. Eligibility is documented under the Eligibility Criteria tab in TWIST.

**D-100.2:
TWIST
Petition
Information**

TWIST contains the information on whether a dislocated worker is Trade-certified. In TWIST, go to Customer Information>Program Detail>TAA>Eligibility tab.

TWC requests certain information from the employer and makes an eligibility determination based on the response.

The status must be “yes” for all criteria for a dislocated worker to be Trade-certified and eligible to receive Trade benefits.

The dislocated worker is now Trade-certified but must still follow the Workforce Investment Act (WIA) Sequence of Services to access Trade benefits.

If the dislocated worker disagrees with the eligibility determination, the worker may file an appeal. (See Part C-300.1.5.)

Part D-200 – Intensive Services

D-200.1: Co-enrollment

At the time WIA Intensive services begin or a waiver of the training requirement is entered into TWIST, you must enroll all Trade-certified workers in WIA Dislocated Worker services.

Co-enrollment in both WIA and Trade programs allows the Trade-certified worker to fully benefit from WIA-funded case management and supportive services. If a Trade-certified worker is trained with Trade program funds and placed in employment using WIA resources, the Dislocated Worker program receives credit for the successful outcome.

Here are key points to remember.

- Trade-certified workers **are** dislocated workers.
- All dislocated workers receive core services, including Rapid Response services and initial assessments.
- The overall goal is to provide early intervention services that lead to rapid reemployment where the participant can expect an 80 percent wage replacement based on the prior employment.
- All dislocated workers covered under a filed petition must receive Rapid Response services, Employment Service (ES) as part of core services, and WIA Intensive services, including a referral to vocational skills or dual-language training when no suitable employment is available, if appropriate.

Co-Enrollment Services	
WIA funded	TAA funded
<ul style="list-style-type: none"> ▪ Rapid Response and Core Services ▪ Assessment – Initial and Comprehensive ▪ Career Counseling, including a review of demand occupations that will address the goal of 80 percent wage retention ▪ Case Management ▪ Supportive Services ▪ Job Development and Placement ▪ Follow-up 	<ul style="list-style-type: none"> ▪ Intensive (including short-term prevocational training) ▪ Training (vocational/occupational or dual-language), On-the-Job Training (OJT), or customized training ▪ Trade Readjustment Allowances (TRA) ▪ Health Coverage Tax Credit (HCTC) ▪ Alternative TAA for Older Workers (ATAA)

**D-200.1:
Co-enrollment**

Note: If Rapid Reemployment is not possible, continue with a comprehensive assessment, develop an Individual Employment Plan (IEP), and refer the dislocated worker to training or OJT, if appropriate.

**D-200.2:
Individual
Employment
Plan**

IEP is a tool that allows you to work in partnership with the Trade-certified worker to identify an occupation in demand that can meet the 80 percent wage replacement goal and to develop a reemployment plan. An IEP must:

- be complete and thorough;
- outline a reasonable path to reemployment;
- include labor market information (LMI) regarding targeted and demand occupations and wage information by occupation, as well as length of training;
- identify specific occupations for the Trade-certified worker that will meet an 80 percent wage replacement goal;
- identify barriers for the selected occupation, and clearly establish how training will remove those barriers (Participants must be given the widest range of choices of demand occupations that will meet the 80 percent wage replacement goal, so that they can make an informed decision regarding their selection.); and
- ensure that, if the participant selects an occupation that will not meet the 80 percent wage replacement goal, the case notes and the IEP reflect the participant's decision.

In selecting an occupation, the focus must be on local employers' job requirements. Be certain to connect training elements in the IEP to the specific occupation.

**D-200.3:
Comprehensive
Assessment**

Comprehensive and specialized assessments are necessary to determine the range of realistic demand occupations for each participant who needs TAA training. The purpose of the comprehensive assessment is to ensure the participant:

- makes an informed choice;
- has the skills and qualifications to participate successfully in the selected training services; and
- understands the training needs and the time commitment involved in the decision.

Be sure to coordinate with your assessment specialist at this stage of the process.

The testing is more detailed than Rapid Response or core services. It may include:

- a battery of tests to identify basic and transferable skills;
- interest inventories; and
- employer-suggested assessment instruments.

You must consider employer-based training such as customized training or OJT as options. Job developers or the Business Services Unit (BSU) can provide information regarding employer requirements.

Note: Employer-based training promotes employment placements, retention, earnings, and credential attainment.

Conduct in-depth interviewing and evaluation during the comprehensive assessment. This provides an opportunity for customer input and career counselor feedback. It helps determine what training programs may be successful and builds the dislocated worker's commitment and desire to follow the IEP.

**D-200.3:
Comprehensive
Assessment
(continued)**

Speak with your assessment specialist about the tools used in your local workforce development area (workforce area). Ensure that the assessment tool is appropriate for the LEP customer as well as other dislocated workers. Some examples of assessment tools are:

- Test of Adult Basic Education (TABE);
 - Comprehensive Adult Student Assessment System (CASAS);
 - Career Occupational Preference System (COPS); and
 - other skill assessment tools and interest inventories.
-

**D-200.4:
Individual
Employment
Plan Document**

The IEP document consists of entries and documentation in TWIST or a Board-approved document. This documentation is mandatory before a training referral can be approved. A hard copy signed by the customer must be kept in the customer's files.

Six critical elements you can include in the development of an IEP are:

1. Job skills, work history, and education
2. Assessment and other test results
3. Specific occupation, selected in consultation with the participant and meeting the 80 percent wage replacement goal, which will be reasonably available on completion of training, or for which the worker is willing to relocate
4. Job skills, requirements, certifications, or licenses that the worker lacks for employment in the selected job
5. How the training plans meet all of the skills needs of the occupation (includes acquisition of English proficiency, basic education, and prerequisites required for the job) within the available weeks of TRA benefits, unless other income support is available
6. LMI that includes wage information, including whether the occupation will meet the 80 percent wage replacement goal

**D-200.4:
Individual
Employment
Plan Document
(continued)**

Before you approve any type of training, regardless of whether it falls under prevocational, intensive, or training services, remember to document that the following six criteria are met.

1. No suitable employment is available.
2. The participant must potentially benefit from the training based on a comprehensive assessment of the participant's knowledge, skills, and abilities.
3. A reasonable expectation of employment following completion of the training exists based on local targeted or demand occupations, or a bona fide job offer.
4. Training is reasonably available to the participant within the commuting area.
5. The participant is qualified to undertake and complete the training based on a comprehensive assessment of his or her knowledge, skills, abilities, and interest.
6. Training is available for the selected occupation at a reasonable cost based on a review of similar Board-approved training in the workforce area. Reasonable cost comparisons, particularly for training programs for LEP workers, are discussed in detail under Part D-300.9.

**D-200.5:
Supportive
Services**

Assess and determine the need for supportive services, and include this information in the IEP. These services help Trade-certified workers:

- remain in the program;
- focus on the coursework;
- stay on task; and
- complete components successfully according to their IEP.

***D-200.5:
Supportive
Services
(continued)***

Examples of supportive services are:

- child care;
- transportation (e.g., bus tokens, gas vouchers); and
- referral to community resources.

Check your Board's supportive services policy for details.

Part D-300 – Trade Adjustment Assistance Benefits

D-300.1: Job Search Allowances

Job search allowances help participants (who also have an active ES work application on file) with job search expenses such as reimbursements for transportation to job interviews outside the normal commuting area. Job search allowances may be approved if a participant:

- is willing to relocate and has a bona fide job interview;
- applies within 365 days of the petition certification or most recent separation; or
- applies within 182 days after the last day of TAA-approved training.

Job search allowances reimburse up to 90 percent of the allowable cost for job searches outside the normal commuting area, up to a cumulative maximum of \$1,250 if the individual meets the following criteria:

- Suitable employment is not available within the normal commuting area.
 - There is a reasonable expectation the participant will obtain suitable full-time employment of long-term duration in the area where the job search is conducted (part-time employment is not allowed).
 - The participant makes a written request and sends it to the TWC Dislocated Worker Unit through Workforce Center staff before beginning each job search trip.
 - The participant arranges at least one job interview before leaving for the job search trip that TWC can verify after the trip.
-

**D-300.2:
Relocation
Allowances**

The participant may use job relocation allowances to help relocate within the United States when local work is not available, and the participant receives a *bona fide* job offer. The participant can receive an allowance of up to 90 percent of the allowable transportation and moving costs for the participant, the participant's family, and the participant's household goods. The participant can also receive a lump sum payment equal to three times the participant's average weekly wage, up to a maximum of \$1,250.

**D-300.3:
Relocation
Allowances—
Eligibility
Criteria**

Consider these criteria for relocation allowances eligibility:

- The participant is Trade-certified.
- The participant has an active ES work application on file.
- Suitable work is not available within the normal commuting area.

The participant must obtain either:

- suitable employment with a reasonable expectation of long-term duration (at least 150 days or five months); **or**
- a *bona fide* offer of such employment in the area of intended relocation that is verified by TWC.

The participant must submit the formal written request before the beginning of the relocation and:

- before day 425 after petition certification or the date of the most recent total separation; **or**
- before day 182 after completing TAA-approved training.

Time limits for beginning and completing a relocation move expire 182 days after the date of application for relocation allowance or 182 days after the completion of training, whichever is later.

- If the participant uses a commercial mover, the maximum allowable weight for household goods is 18,000 pounds. "Self moves" are also allowable.

**D-300.3:
Relocation
Allowances—
Eligibility
Criteria
(continued)**

- The maximum insurance charge allowed is \$50.
 - Temporary living expenses are not reimbursable.
 - Expenses are paid only for the participant and immediate family members residing with the participant.
 - Amounts payable by TAA shall be reduced by any amount to which the participant is entitled or is reimbursed from any other source.
 - With prior written approval from TWC, relocation allowances may be made available and approved to include:
 - storage of furniture for a maximum of 60 days; and
 - extension of the relocation move expiration date.
-

**D-300.4:
Trade
Readjustment
Allowances**

Eligible participants may receive weekly TRA following exhaustion of their UI benefits. TRA benefits are generally paid only if the participant is enrolled in a TAA-approved training program or has a waiver of the training requirement.

**D-300.5:
Waiver of the
Training
Requirement**

The waiver of the training requirement pertains to TRA eligibility. To be eligible for TRA, a participant must:

- be in training within eight weeks of the petition certification date or within 16 weeks of his or her qualifying separation, whichever is later; or
- have a waiver of the training requirement within the same time frame.

The waiver of training form identifies the acceptable reasons training is not feasible for the participant. Valid reasons are described in Part C-400.2.3.

**D-300.5:
Waiver of the
Training
Requirement
(continued)**

The waiver is issued for up to six months. The waiver of the training requirement is an ongoing assessment. Workforce Center staff must review it at least every 30 days to ensure the reason for approving the waiver is still valid. Staff must document this review in TWIST Counselor Notes. If there is no longer a valid reason, staff must revoke the waiver. At the end of the waiver period, if training is still not feasible, Workforce Center staff can issue another waiver. There is no limit to the number of waivers that can be approved as long as an acceptable reason is still valid.

If the participant fails to satisfy the 30-day review, and efforts to contact the participant are unsuccessful, then the waiver must be revoked. If the participant satisfies everything required by the case manager, a new waiver can be approved if an acceptable reason is valid.

Workforce Center staff must begin developing a reemployment plan within 90 days of the start date of the initial waiver if the participant is not employed, within two years of retirement, subject to recall, or has a health issue keeping him or her from training.

If the participant does not adhere to the 30-day review requirements or reemployment planning process, Workforce Center staff must recommend that the waiver be revoked.

Note: Workforce Development (WD) Letter 29-05, issued May 12, 2005, and entitled “Trade Adjustment Assistance: Waiver of the Training Requirements” provides detailed guidance on the approval and management of the waiver of TAA training requirements for TRA recipients. WD Letter 29-05 is Appendix F-300 of this guide. It is also available online at:

<http://www.twc.state.tx.us/boards/wdletters/wdletters.html>.

**D-300.6
Health
Coverage Tax
Credit**

HCTC is a federal tax credit program that may pay 65 percent of the premiums paid by eligible Trade-certified workers receiving TRA benefits who are enrolled in qualified health coverage programs.

Training is an important component of the Trade program and is linked to other Trade benefits. To take advantage of HCTC, the Trade-certified worker must:

D-300.6
Health
Coverage Tax
Credit
(continued)

- receive or be eligible to receive TRA payments but must not have exhausted UI;
 - have filed a TRA claim; and
 - have enrolled in a TAA-approved training program or have a waiver of the training requirement.
-

D-300.7:
Alternative
Trade
Adjustment
Assistance

ATAA is a benefit for Trade-certified workers at least 50 years of age who have attained a full-time position different than their previous position within 26 weeks of layoff. The Trade-certified worker receives 50 percent of the difference between his or her former and current wages for up to two years (\$10,000 maximum). The current annual wage must be less than \$50,000.

Note: See Part E-100 for more information.

A Trade-certified worker who begins receiving payments under ATAA cannot receive other TAA benefits and services except for relocation allowances and HCTC. This means a Trade-certified worker who accepts ATAA is no longer eligible for the training benefit or TRA.

Note: See Part E-200 for more information.

D-300.8:
Appeals and
Complaints

Boards must ensure that Workforce Center staff understands the appeals process as it relates to TAA-funded services and informs participants. Boards must establish procedures to ensure that any request for Trade services or benefits that is not approved results in a negative recommendation transmitted to the TWC Trade Unit. The Trade Unit makes the final determination on any negative determinations such as denial of training or waiver and will notify the participant of the determination and the appeals process and deadlines. Any failure to provide a requested benefit within a suitable time is a denial of that benefit.

**D-300.8:
Appeals and
Complaints
(continued)**

Appeals must be submitted in writing within 14 calendar days of the date of the TWC Trade Unit's determination at:

The Appeals Department
101 East 15th Street, Room 410
Austin, Texas 78778-0001
Fax: (512) 463-2590

Boards must also ensure that participants understand the complaint process under WIA, including complaints about training providers.

**D-300.9:
Training
Criteria**

The goal of TAA is to ensure that Trade-certified workers become reemployed as soon as possible. However, if no employment opportunities meet the 80 percent wage replacement goal, these workers may require training.

There is no cap on the cost of Trade-funded training either for an individual or for a particular occupation. The term "reasonable cost," as used in the criteria for selecting approvable vocational skills or dual-language training means the cost of similar training in a workforce area. It also means the cost of training is the same as the cost for nonsubsidized students.

It is assumed that dual-language training will cost more than standard vocational skills training. Boards are encouraged to expand the opportunities for dual-language training in their workforce area by encouraging training providers to develop integrated curriculum and by taking appropriate actions to put the training on the Statewide List of Eligible Training Providers.

The Board's WIA cost training cap cannot be the only basis for the denial of training, and is not in itself evidence that the cost of training is unreasonable. WIA allows a participant to pay for part of the cost of training. This is not allowed by Trade regulation. To be approved for TAA, the entire required cost of training must be subsidized.

Training is similar for cost-comparison purposes to the extent that it prepares the participant for a similar occupation with similar wage and employment prospects, does so in similar time, and is similar in quality. Moreover, reasonable cost comparisons must be made over the entire course of training.

**D-300.9:
Training
Criteria
(continued)**

For example, it would not be an appropriate assessment of reasonable cost to compare the costs of an English as a Second Language (ESL) program versus a dual-language training program. It would be appropriate to compare the cost of a dual-language program to the total cost of a program comprising stand-alone ESL followed by stand-alone vocational training, but only if the two programs were similar in quality and in time required to complete.

Workforce Center staff is responsible for assisting participants in selecting approvable training. Approvable training is training that meets the criteria in Part D-200.4, and is provided by a training provider certified under the Eligible Training Provider Certification System (ETPS). Also, the worker's assessment must indicate that the participant can successfully complete the training. Approving and referring a participant to training is a local decision.

If a participant insists on applying for training that Workforce Center staff determines does not meet the approval criteria, and Workforce Center staff is unable to refocus the participant on approvable training, Workforce Center staff must recommend that TWC's Trade Unit deny the training request.

The assessment of the participant is critical to both the approval process and the recommendation of a denial of training.

Workforce Center staff must track the Trade eligibility criteria and document the assessment information in the TWIST record.

Part D-400 – Training Services

D-400.1: Appropriate for Training?

If the completed IEP indicates the participant needs training to return to employment, Workforce Center staff and the participant must determine the appropriate training.

Use the assessment results, evaluation information, and interview outcomes to answer these questions:

Is suitable employment unavailable for the participant without training?

Will the participant benefit from appropriate training, and will the training ensure that the participant is completely “job ready” at the end of the training?

Does a reasonable expectation of employment exist following the training, and was the participant fully informed as to the ability of the occupations to meet the 80 percent wage replacement goal?

Is training available at a reasonable cost? (Reminder: Trade-certified trainees must not pay for any required training costs.)

Does the participant have qualifications, capabilities, and the background to undertake and complete the training successfully?

Is the training available with a Board-approved vendor?

<p>Note: If the answer is “yes” to these questions, a training referral may be appropriate.</p>
--

Additional approval considerations:

- Training must be full time:
 - When available, stand-alone ESL, Adult Basic Education (ABE), or General Educational Development (GED) programs will be more effective if at least 30 hours; or
 - Twelve hours per semester for a credit-hour program; or
 - Full time as defined by the training provider.

**D-400.1:
Appropriate for
Training?
(continued)**

- Normally, training may not last longer than 104 weeks, but if remedial training is required, one additional week of training can be approved for each week of remedial training, up to an additional 26 weeks of training. Under no circumstances can the total TAA-approved training time exceed 130 weeks.
 - Training must be conducted within the United States.
 - The proposed training program must provide all the skills and requirements upon completion that are needed for the worker to be job ready. For example, if the occupation for which the proposed training is preparing the worker requires a license, then the training program must include obtaining the license.
-

**D-400.2:
Training
Referral**

When making a training referral, Workforce Center staff:

- assists in selecting the training based on the Board's targeted and demand occupations, OJT, customized training opportunities, or where a bona fide job offer exists;
- provides information regarding the wages of such occupations and their ability to assist the participant in meeting the 80 percent wage replacement goal;
- provides information on all area training providers in the ETPS that provide training for the selected occupation or are Board-approved to provide remedial or other short-term prevocational skills training; and
- ensures that the selected training meets the guidance on "reasonable cost" as described in Part D-300.9.

Note: For more information on ETPS and a list of approved training providers, visit TWC's Web site at:

<http://www.twc.state.tx.us/boards/wia/tpcs/etpc.html>

To complete the training referral process:

- Workforce Center staff refers the participant to the training provider.

**D-400.2:
Training
Referral
(continued)**

- The training provider sends Workforce Center staff the training program outline.
 - Workforce Center staff enters the referral into TWIST in the TAA Program Detail.
-

**D-400.3:
Types of
Training**

Remedial Training consists of:

- ESL;
- ABE; and
- GED.

Remedial training is appropriate if required for the participant to be job ready in the selected occupation.

Short-term Prevocational Skills Training prepares individuals for suitable employment or appropriate training referrals. It is generally less than six months in duration and must be tied to specific targeted or demand occupational training. **Example:** A short-term computer literacy class may apply to various occupations.

Vocational or Occupational Skills Training is for skilled workers such as plumbers, electricians, auto mechanics, air conditioning and heating repair persons, bookkeepers, and office assistants. Use your Board's list of targeted or demand occupations in helping the skilled worker.

Dual-Language Training (Integrated Vocational Skills Training or Contextual Learning) provides necessary vocational skills and remedial education together in a single integrated curriculum (also called contextual learning or integrated vocational skills training). This training blends ESL and other training with vocational skills training appropriate for LEP individuals (see Part C-400.2.5).

OJT is conducted by an employer and results in full-time employment on completion of training. This type of training provides knowledge and skills essential for job performance. The duration of the training is based on the time required for the individual to become proficient in the occupation. Under OJT, the Board may reimburse employers a percentage of the trainee's wage rate based on the Board's sliding fee scale.

**D-400.3:
Types of
Training
(continued)**

Customized Training is designed to meet the special requirements of an employer or group of employers. Like OJT, the employer must commit to hiring an individual who successfully completes the training. Customized training for Trade-certified participants must meet the same criteria used for WIA.

Note: For both OJT and customized training, the employer must be identified and skill requirements must be known. The employer plays a major role in the development of the training or curriculum. Review your Board's OJT and customized training contracts.

**D-400.4:
Training
Program
Amendment**

Boards must only make changes to an approved training program for justifiable reasons. Decisions about changes must involve the participant, Workforce Center staff, and the training provider. Changes must be based on a thorough review of the participant's progress in the current occupational training and a reasonable expectation that the training can be completed successfully. A change in the training occupation or in the training provider must be made, if possible, within the first three months of training. The participant must be able to complete the selected training program within the Trade program time limits. All approved training weeks count toward the time limit, even if the program, occupation, or provider is changed.

If a substantial change to the training program curriculum or cost is necessary, the participant must return to the Workforce Center to update his or her IEP.

**D-400.5:
Follow-up
Services During
and After
Training**

After the participant begins training activities, Workforce Center staff must follow up with the participant on a regular basis. A good time to assess progress is when the participant comes to the Workforce Center to sign for supportive service items (e.g., bus tokens and gas vouchers).

Workforce Center staff may use the following criteria to evaluate the trainee's progress:

- *Is the participant progressing in his or her class work?*
- *How are the participant's grades?*
- *Does the participant need other supportive services?*
- *What else can you, as a Workforce Center staff member, do to assist the participant?*

**D-400.5:
Follow-up
Services During
and After
Training
(continued)**

Supportive Services: Continue WIA-funded supportive services after the participant successfully completes the training, if appropriate. Participants often need supportive services until they get a job and start receiving paychecks. (Review your Board's supportive services policy for details.)

Job Development: Identify available positions in your workforce area with the help of your job developers or the Workforce Center's BSU. Work with these staff members to create a good job match between the employer and the job seeker. Coordinate the employer's requirements with the newly obtained skills and credentials of the job seeker to create a win-win situation for both of your customers—the employer and the job seeker. OJT is considered a particularly valuable resource for participants. A creative BSU representative may find that employers are more willing to establish an ongoing OJT program if short-term prevocational skills training, remedial education, or intensive dual-language training precedes the OJT.

Job Readiness: Provide job readiness workshops that include topics such as interviewing skills, dressing for success, or resume writing.

Gather Performance Information: After the participant finds employment, continue regular contact to gather additional information. Enter all information into TWIST.

**D-400.6:
Common
Measures**

All programs administered by the DOL's Employment and Training Administration will be subject to a Common Measures policy. The programs include TAA, WIA Dislocated Worker services, and National Emergency Grants.

These are the adult measures that will apply to TAA:

- Entered Employment
- Employment Retention
- Earnings Increase
- Efficiency

**D-400.6:
Common
Measures
(continued)**

When the Common Measures policy becomes effective, separate guidelines will be issued for each program.

All TAA participants are counted in performance under the Common Measures performance measures.

Dislocated Worker Common Measures description and calculation:

Entered Employment

Of those **not** employed at the date of participation:

$$\frac{\text{\# of participants employed in the first quarter after exit}}{\text{\# of participants who exit during the quarter}}$$

Retention

Of those employed in the first quarter after exit:

$$\frac{\text{\# of participants employed in both the second and third quarters after exit}}{\text{\# of participants who exit during the quarter}}$$

Earnings Increase

Of those employed in the first quarter after exit:

$$\frac{\text{Earnings in the first quarter after exit} - \text{Earnings in the quarter prior to the date of participation}}{\text{Earnings in the quarter prior to the date of participation}}$$

and

$$\frac{\text{Earnings in the third quarter after exit} - \text{Earnings in the first quarter after exit}}{\text{Earnings in the first quarter after exit}}$$

Efficiency

$$\frac{\text{Program appropriation level}}{\text{\# of program participants}}$$

Note: For more information about Common Measures and performance, review Training and Employment Guidance Letter (TEGL) 15-03.

Also, it is important to review your Board's follow-up policy.

Part E: Additional Trade Programs

Part E-100 — Health Coverage Tax Credit

E-100.1:
Health
Coverage Tax
Credit
Overview

The Trade Adjustment Reform Act of 2002 (Trade Act) created a federal insurance program to subsidize health insurance coverage for the following two groups of Trade-certified workers and their qualifying family members:

1. Trade Readjustment Allowance (TRA) recipients
2. Alternative Trade Adjustment Assistance (ATAA) recipients

The Health Coverage Tax Credit (HCTC) is a federal program that helps pay 65 percent of health insurance premiums for health coverage under qualified plans. Workers may claim it as:

- a tax credit on a federal tax return filed at the end of the year; or
- an advance reimbursement option upon paying 35 percent of the premium to HCTC.

Note: Provide an HCTC brochure to potentially trade-affected dislocated workers during Rapid Response orientation events or on their first visit to the Texas Workforce Center (Workforce Center).

E-100.2:
Health
Coverage Tax
Credit Eligibility

The Texas Workforce Commission's (TWC) Unemployment Insurance (UI) and Regulation Division provides monthly lists to the HCTC program of customers eligible under the Trade program. The list includes Trade Adjustment Assistance (TAA) participants who:

- receive TRA; or
- are eligible for TRA but have not exhausted UI benefits; and
- have filed a TRA application; and

E-100.2:
Health
Coverage Tax
Credit Eligibility
(continued)

- are enrolled in TAA-approved training or have a waiver of the training requirement; or
- receive a benefit under the ATAA program.

The HCTC program is responsible for determining workers' eligibility.

The participant must be enrolled in TAA-approved training or have a waiver of the training requirement. Workforce Center staff should provide the participant with a copy of the HCTC Program Kit (in English or Spanish) and the HCTC hotline number (1-866-628-4282 or TDD-TTY 1-866-626-4282).

E-100.3:
Qualified Health
Care Plan

Health care plans qualified for purposes of HCTC:

- COBRA continuation coverage
- Spousal coverage plans in which the spouse's employer pays for less than 50 percent of the premium (only available for 2003 federal tax return)
- Individual (non-group) health coverage that began at least 30 days prior to separation from employment
- State-qualified health plans.

Note: The Texas Health Insurance Risk Pool evaluates and designates "qualified" health care plans. The administrator of the pool is Blue Cross Blue Shield of Texas.
Customer service: www.txhealthpool.org or 1-888-398-3927.

E-100.4:
Health
Coverage Tax
Credit Contacts

Additional HCTC information is available from:

- Internal Revenue Service Web site: www.irs.gov (keyword "HCTC")
 - Hotline: 1-866-628-4282 or TDD-TTY 1-866-626-4282 for specific questions about insurance options or monthly payments
-

Part E-200 — Alternative Trade Adjustment Assistance

E-200.1: Overview of Alternative Trade Adjustment Assistance

The Trade Act established ATAA for Trade-certified older workers for whom retraining may not be appropriate. The application for Trade certification must include an indication of the intent to file for ATAA within the regular petition document.

The primary focus of ATAA reemployment benefits is rapid, suitable, and long-term employment. ATAA allows Trade-certified workers 50 years of age or older, who find full-time employment within 26 weeks of their separation, to receive supplemental payments to help bridge the salary gap between their old and new wages.

Note: Rapid Response teams ensure the dissemination of information prior to and following the notification of layoff, petition filings, and certifications.

E-200.2: Alternative Trade Adjustment Assistance Eligibility

Trade-certified workers with the following characteristics may receive up to half the difference between the old wage and new wage:

- Are 50 years old at the time of separation
- Obtain different, full-time employment within 26 weeks of separation from the adversely affected employment
- Receive wages less than those earned in the previous employment
- Earn less than \$50,000 per year in new employment

A maximum of \$10,000 during a two-year eligibility period may be paid as supplemental wages under ATAA.

**E-200.3:
Alternative
Trade
Adjustment
Assistance
Certification**

Criteria for ATAA certification:

- A significant number of a company's Trade-certified workers are age 50 or older, equaling:
 - five percent of the affected workforce;
 - fifty workers; or
 - at least three workers are age 50 or older in a firm with less than 50 workers.
- Trade-certified older worker possesses job skills that are not easily transferable.
- Adversely competitive conditions exist within the Trade-certified older worker's industry.

Note: ATAA-certified workers may receive relocation and HCTC benefits, but are ineligible to receive any other benefits, including training and job search allowances.

**E-200.4:
Alternative
Trade
Adjustment
Assistance
Application
Requirement**

From the date of work separation, the ATAA-certified worker has 26 weeks to obtain employment. The worker's application must be completed and submitted to TWC's UI and Regulation Division in Austin after the worker obtains employment. After approval by TWC UI staff, the Workforce Center and the ATAA-certified worker are notified, and payments begin.

Part E-300 – TAA for Farmers

E-300.1
Trade
Adjustment
Assistance for
Farmers
Eligibility

The Trade Act created a separate program for farmers. The program also assists shrimpers and fishermen.

Eligibility determinations for TAA for farmers are the responsibility of the U.S. Department of Agriculture. The county farm service agents, working where the farmers reside, perform the actual determinations.

Farmers certified under the program are eligible for the same basic reemployment services and training that other Trade-certified customers receive. However, farmers are **not** eligible for job search or relocation allowances, weekly TRA, HCTC, or ATAA. Because farmers are not eligible for TRA, waivers of the training requirement are not appropriate. Also, there is no “Waiver in Training Deadline Date” or “Training Application Deadline Date.”

Just as with any Trade customer, TAA-approved training must adhere to all of the TAA approval criteria.

Note: Additional information is provided in Technical Assistance Bulletin #83, issued November 23, 2004, and titled “Trade Adjustment Assistance Services Available to Farmers through Texas Workforce Centers.” Technical Assistance Bulletin #83 is available through the TWC Web site at:

<http://www.twc.state.tx.us/boards/tabull/tabull.html>.

Appendix F-100

**Texas Workforce Commission
Rules**

**Employment and Training
Activities and Support Services
for
Dislocated Workers
Eligible for Trade Benefits**

40 TAC Chapter 849. Employment and Training Activities and Support Services for Dislocated Workers Eligible for Trade Benefits.

ADOPTED RULES WITH PREAMBLE TO BE SUBMITTED TO THE *TEXAS REGISTER*. THIS DOCUMENT WILL NOT HAVE ANY SUBSTANTIVE CHANGES BUT IS SUBJECT TO FORMATTING CHANGES AS REQUIRED BY THE *TEXAS REGISTER*.

The Texas Workforce Commission (Commission) adopts a new Chapter 849 relating to Employment and Training Activities and Support Services for Dislocated Workers Eligible for Trade Benefits, and new:

Subchapter A. General Provisions, §§849.1-849.3;

Subchapter B. Trade Services Responsibilities, §§849.11-847.12;

Subchapter C. Trade Services, §849.21;

Subchapter D. Support Services, §849.41; and

Subchapter E. Complaints and Appeals, §§849.51-849.52

without changes to the proposed text as published in the September 12, 2003, issue of the *Texas Register* (28 TexReg 7964). The text will not be republished. The Commission also adopts new Subchapter C. Trade Services, §849.22 and §849.23 with changes to the proposed text.

Purpose: The purpose of these rules is to implement the Trade Act of 2002, which amended the Trade Act of 1974, particularly the requirements for the provision of services available under the Workforce Investment Act (WIA) to dislocated workers eligible for Trade benefits. For purposes of this preamble, references to the "Trade Act" shall include references to the federal statutes relating to the Trade Act of 1974 and the Trade Act of 2002. It is the goal of the Commission to ensure that dislocated workers, including Trade-certified workers, receive services available through the One-Stop Service Delivery Network to ensure rapid reattachment to the workforce through the identification or development of suitable employment. Further, the Commission has determined that the participants under WIA and the Trade Act are best served through the Local Workforce Development Boards (Boards). The Commission has allocated to the Boards the necessary resources to support the outreach, including Rapid Response services, orientation, case management, job development, and follow-up services for dislocated workers eligible for Trade benefits. Federal Trade benefits include funding for Trade Readjustment Allowances (TRAs), out-of-area job search, job relocation, and Trade-approved training.

Background: The Trade Act of 2002, signed by the President in August 2002, and effective November 4, 2002, made sweeping changes in the administration of the Trade program. Several new benefits were added, such as the Health Coverage Tax Credit and the Alternative Trade Adjustment Assistance for Older Workers. The changes create a seamless system of services for WIA dislocated and trade-affected workers, that further enhance the positive outcomes anticipated by the amendments. Congressional action on WIA Reauthorization and pending federal regulations for the Trade Act may require modification of this rule.

The primary goal of the Trade program is to assist trade-affected workers in locating new jobs as rapidly and effectively as possible. The Trade Act of 2002 amends the Trade Act of 1974 to ensure that intervention strategies used for programs, benefits, and services will offer rapid, suitable, and long-term employment for adversely affected workers. Commission action promotes the full integration of employment and training services and activities by providing resources to the Boards to support certain activities related to the federal Trade program, and will allow trade-affected workers to access appropriate services within the strict time limits for Trade benefits.

Seeking closer alignment with other workforce services, the U.S. Department of Labor (DOL) in 2000 issued Training and Employment Guidance Letter (TEGL) 5-00, entitled "Guidance on Integrating Services Under the Trade Act Programs—the Trade Adjustment Assistance (TAA) Program and the North American Free Trade Agreement-Transitional Adjustment Assistance (NAFTA-TAA) Program (Including the Secondary Worker program)—with the Workforce Investment Act (WIA)." TEGL 5-00 provided guidance promoting the seamless integration and coordination of services, including secondarily impacted workers, provided under the Trade Act with WIA. Additionally, an agreement between the Governor and the Secretary of Labor outlines goals for the implementation of the Trade Act. The goals include:

- * Increasing the focus on early intervention, up-front assessment, and reemployment services for adversely affected workers.
- * Using Texas Workforce Centers as the main point of participant intake and delivery of benefits and services.
- * Maintaining fiscal integrity and promoting performance accountability in accordance with §231(c) of the Trade Act.

TEGL 5-00 sets out activities under the Trade Act that must be conducted by the Commission and those trade-related activities that may be conducted under WIA by the Boards. Pending WIA reauthorization may change certain aspects of this guidance. At this time, the Commission is responsible for the following activities:

- * outreaching by providing a legal notice of certification or noncertification through publication in a local newspaper;
- * providing notification to Boards of filed Trade petitions;
- * notifying trade-affected workers of approved Trade certifications;
- * requesting, receiving, and entering the list of certified workers in the Commission's automated reporting system;
- * approving, reviewing, and revoking Board-recommended training waivers;
- * providing regular updates to Boards on federal Trade funds, WIA National Emergency Grant funds, and additional assistance funds that may be available to support training for trade-affected workers; and
- * determining eligibility and hearing appeals related to determinations and decisions concerning Trade Act-funded benefits and other services, including the following:
 - (i) TRAs;
 - (ii) job relocation allowances;
 - (iii) job search allowances;
 - (iv) subsistence allowances while in training, including certain costs associated with an approved training plan at a provider outside the commuting area, as defined by applicable unemployment insurance law or regulation; and
 - (v) training programs as approved courses of study.
- * entering information into the Commission's automated reporting system, including information such as determinations for items (i-v) in this section of the preamble;
- * approving use of a reimbursement method as determined to meet the criteria established by DOL and the Commission to ensure the adequate oversight and integrity of federal funds made available for Trade-approved training;
- * providing required reports to DOL and other federal and state agencies as required by law or regulation; and
- * ensuring the integrity of data for reports provided to federal and state agencies as required by law or regulation.

The specific purpose for the rules is to set forth the roles and responsibilities of the Boards, trade-affected workers, and others regarding the enhanced implementation of the trade-affected worker provisions, as follows:

Section 849.1 sets out the purposes of the rules.

Section 849.2 sets out the definitions.

Section 849.3 sets out criteria for Trade service strategy.

Section 849.11 sets out general Board responsibilities.

Section 849.12 sets out participant responsibilities.

Section 849.21 sets out the activities prior to certification of a Trade petition.

Section 849.22 sets out the activities for post-certification of a Trade petition.

Section 849.23 sets out the procedures for training referrals.

Section 849.41 sets out the support services for dislocated workers eligible for Trade benefits.

Section 849.51 sets out procedures for appeals of Commission determinations on Trade Act activities.

Section 849.52 sets out the procedures for discrimination complaints.

Coordination Activities: Prior to proposing this new rule, the Commission circulated a policy concept paper outlining the changes to the Board chairs, members and executive directors, the Workforce Leadership of Texas (WLT) Policy Committee, and the U.S. Department of Labor Regional Office.

For information about the Commission, please visit our web page at www.texasworkforce.org.

Comments were received from the Rural Capital Workforce Development Board and the Upper Rio Grande Workforce Development Board. The commenters did not express whether they were for or against the rule, but stated concerns and requested clarification on some items.

Comment: Regarding §849.11(c)(5), one commenter expressed concern regarding a Board's ability to meet the requirement to notify the Commission when a participant drops out of training.

Response: The Commission has determined that the current Master Enrollment Agreements with training providers require the training providers to notify the Commission when a participant drops out of training. This procedure addresses the concern expressed in the comment. Therefore, the Commission does not see a need to change the rule.

Comment: Regarding §849.22, one commenter requested clarification on the inclusion of demand as well as targeted occupations as appropriate training referrals for trade-affected workers. The commenter was concerned that Boards would be expected to build a demand occupations list just for TAA and submit it as part of the plan modification, and would then be required to solicit training providers for those demand occupations.

Response: The Commission uses the terms demand and targeted occupations to provide the Boards with greater flexibility in making training referrals for trade-affected workers. A Board is not required to submit a separate list of demand occupations. The Commission intends to ensure that workers who are better suited to a demand occupation than a targeted occupation be permitted to access the occupation. This provides the Boards the flexibility to make employment and training referrals based on the identified needs of the worker. For example, some workers may require intensive language and basic skills training in order to succeed in vocational skills training or meet the entry-level training requirements for targeted occupations. However, based on an assessment, these workers may be able to enter and complete training for certain demand occupations within the period of their trade benefits. For these reasons, the Commission disagrees with changing the provision.

Comment: Regarding §849.22(b)(6), one commenter requested that the term "board-approved" be further defined.

Response: The Commission agrees with clarifying the use of the term. The Commission has added in §849.22(b)(6) a reference to §849.23(a)(1)-(4) to clarify the term "board approved." The rule change will provide the clarification needed to respond to the comment. Furthermore, the Commission has modified §849.23(a)(1)(A) to clarify the requirement in the training referral approval process that the Boards must provide the recommendation prior to final Commission determination.

Comment: Regarding §849.22(b)(6), one commenter inquired as to how students already enrolled in trade-funded training in schools not in the Training Provider Certification System (TPCS) will be handled and how these schools will be brought into TPCS.

Response: The Commission clarifies that students currently enrolled in trade-funded training will not be required to move into training in an Eligible Training Provider Certification System (ETPS). The Commission will notify all schools serving trade-funded participants to contact the Board for information regarding the Board's policy for inclusion in the ETPS or for other procurement and vendor-approval requirements. Those training providers seeking new referrals of trade-affected participants must meet the criteria for ETPS or Board-approved training. For these reasons, the Commission disagrees that a change to the rule is needed.

Comment: Regarding §849.23(a) and (b), one commenter inquired whether a specific vendor would meet the requirements for the Trade-funded training of Limited English Proficiency (LEP) clients as set forth in this section.

Response: A determination regarding whether a specific vendor will be approved will be based on each Board's procurement or vendor approval-process for WIA intensive services, such as for prevocational skills training. This allows the Board to select vendors to address barriers that may inhibit a participant's successful employment and job retention. Therefore, the Commission disagrees that a change to the rule is necessary.

Comment: One commenter asked when the rules would be effective.

Response: After the Commission has approved the rules, the rules will be filed with the *Texas Register*. The rules will be effective twenty days after the date of filing with the *Texas Register*.

In addition to the changes discussed above that resulted from comments, the Commission made the following technical corrections to update terminology and for ease of reading. In §849.23 (a)(1)(A) the phrase "Training Provider Certification System" was changed to "Eligible Training Provider Certification System". In §849.23(a)(1)(C) the word "is" was changed to "as" and in paragraph (a)(4) the words "can be" were changed to "be".

The new rules are adopted under the following sections:

Section 301.0015, Texas Labor Code, which provides that the Commission has authority to adopt rules necessary to administer the Commission's policies, including rules necessary for the administration of Title 4, Texas Labor Code, relating to employment services and unemployment;

Section 302.002(d), Texas Labor Code, which authorizes the Commission to adopt, amend, or repeal such rules in accordance with Chapter 2001, Texas Government Code as necessary for the proper administration of the Workforce Development Division; and §302.021, Texas Labor Code, which consolidated under the jurisdiction of the Commission job-training, employment, and employment-related educational programs and other functions listed in the section (including, but not limited to, the trade adjustment assistance program, under Part 2, Subchapter II, Trade Act of 1974 [19 U.S.C. §2271 et. seq. and job-training programs funded under the Workforce Investment Act of 1998 (29 U.S.C. Section 2801 et. seq.)].

Texas Labor Code, Title 4, and primarily Chapter 301 and Chapter 302, will be affected by the proposed new rules.

CHAPTER 849. EMPLOYMENT AND TRAINING SERVICES FOR DISLOCATED WORKERS ELIGIBLE FOR TRADE BENEFITS

SUBCHAPTER A. GENERAL PROVISIONS

§849.1 Purpose.

- (a) The purposes of this rule are to ensure:
 - (1) statewide availability of services under the federal and state statutes and regulations relating to services to dislocated workers eligible for Trade benefits through the Texas Workforce Centers consistent with Chapter 801 of this title relating to the One-Stop Service Delivery Network;
 - (2) coordination and integration of services to dislocated workers eligible for Trade benefits through the Texas Workforce Centers, consistent with state law and the Workforce Investment Act (WIA);

- (3) provision of Rapid Response services, as set forth in §849.21(b) of this chapter, upon receipt of a filed petition for Trade certification with the U.S. Department of Labor (DOL); and
 - (4) co-enrollment of Trade-certified workers in WIA, as appropriate, consistent with the Trade Act and WIA. For purposes of this subchapter, references to the "Trade Act" shall include references to the federal statutes relating to the Trade Act of 1974 and the Trade Act of 2002.
- (b) The purposes of services to dislocated workers eligible for Trade benefits under the Trade Act and WIA are to:
- (1) ensure that dislocated workers eligible for Trade benefits are assisted in rapid reattachment to employment;
 - (2) fund such services to develop or enhance the vocational skills necessary to meet employers' needs when rapid reattachment to the workforce cannot be obtained; and
 - (3) provide other such services, as may be funded under state or federal programs, for post-employment activities, as needed.

§849.2 Definitions.

The following words and terms, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise.

- (1) ATAA--Alternative Trade Adjustment Assistance for Older Workers. Benefits are available to workers in an eligible worker group who are at least 50 years of age and who obtain different, full-time employment within 26 weeks of separation from adversely affected employment, at wages less than those earned in the adversely affected employment. These workers may receive up to half of the difference between the worker's old wage and the new wage, as set forth in the Trade Act.
- (2) Bona Fide Application for Training--any document developed by a Board or provided by the Commission that meets the requirements of 20 CFR §617.3(h)(1)(i), and is signed and dated by the participant, which includes the participant's name, Trade petition number, and specific occupational training.

- (3) Contextual Learning--learning, which includes English and basic skills, presented in the context of the selected vocational skills training.
- (4) Employer-Based Training--training services specifically designed to meet an employer's staffing and skill needs, including on-the-job and customized training, as defined by WIA and the Trade Act.
- (5) HCTC--Health Coverage Tax Credit. This benefit provides a tax credit of 65% of the cost of coverage of the eligible individual and qualified family members under qualified health insurance, as set forth in the Trade Act.
- (6) IEP--Individual Employment Plan. An individual employment plan and service strategy that must identify the results of a comprehensive and objective assessment of the knowledge, skills, abilities, and interests; employment goals; a description of the training services; and the appropriate combination of services for the participant to achieve employment goals and objectives.
- (7) Rapid Response Services--as defined by WIA §134; 20 CFR 652 Subpart. C; 20 CFR §665.300, §665.310, §665.320; and the Trade Act.
- (8) Suitable Employment--any employment prior to a referral to Trade-approved training that meets the requirements of 19 U.S.C §2296 [as referenced in 20 CFR 617 Subpart. C, Reemployment Services, and in particular §617.22(a)(1)(i)], which is employment that results in work of a substantially equal or higher skill level than the worker's past adversely affected employment, with wages of not less than 80% of the worker's average weekly wage.
- (9) Trade Act-- the federal statutes relating to Trade Adjustment Assistance, and TRAs. For purposes of this rule, references to the "Trade Act" shall include references to the federal statutes relating to the Trade Act of 1974 and the Trade Act of 2002.
- (10) Trade-Affected Worker--any dislocated worker, as defined in WIA §134, or secondarily impacted worker as referenced in 19 U.S.C. §2272, who states that his or her job was adversely affected by trade, or has filed, or whose company has filed, or who has been assisted in filing a petition for Trade certification with the U.S. Department of Labor (DOL).
- (11) Trade Benefits--benefits available to dislocated workers certified by DOL as eligible for Trade benefits, which are funded through the federal Trade program administered by DOL.

- (12) Trade-Certified Worker--any worker meeting the definition of trade-affected worker who is covered by a certification of eligibility as a result of a petition and determination of certification under 19 U.S.C. §2273 by the Secretary of the U.S. Department of Labor.
- (13) TRAs--Trade Readjustment Allowances. Income-support benefits available to certain trade-affected workers.
- (14) UI--Unemployment Insurance program, as set forth in Texas Labor Code §201.001 *et seq.*.
- (15) Waiver of Training-- any document developed by a Board or provided by the Commission that meets the requirements of the Trade Act, which recommends waiving the requirement to be enrolled in Trade-funded training in order to receive TRAs and the HCTC.
- (16) WARN--The Worker Adjustment and Retraining Notification Act, as set forth in WIA and the Trade Act.

§849.3 Trade Service Strategy.

- (a) Boards shall ensure that their strategic planning process includes an analysis of the local labor market to:
 - (1) determine employer needs;
 - (2) determine emerging, targeted, and demand occupations;
 - (3) identify employment opportunities, which include those with a potential for career advancement; and
 - (4) identify employer-based training opportunities.
- (b) Boards shall set local policies for a Trade service strategy that coordinate various service delivery approaches to:
 - (1) assist dislocated workers eligible for Trade benefits in obtaining suitable employment as an alternative to referral to training;
 - (2) promote the use of WIA core and intensive services to support the rapid reattachment to the workforce;
 - (3) refer to prevocational and vocational training in demand and targeted occupations; and
 - (4) assist in job retention and career advancement.

- (c) Boards shall ensure that dislocated workers eligible for Trade benefits, who are unable to find suitable employment through WIA core services, are co-enrolled in WIA Title I dislocated worker services for referral to Trade-funded intensive and training services.
- (d) Boards shall ensure that dislocated workers eligible for Trade benefits receive the following services:
 - (1) career counseling;
 - (2) job development and placement;
 - (3) case management;
 - (4) follow-up services upon completion of training; and
 - (5) support services, such as child care and transportation, funded through other sources based on applicable Board policy and procedure.

SUBCHAPTER B. TRADE SERVICES RESPONSIBILITIES

§849.11 General Board Responsibilities.

- (a) **Board Planning.** A Board shall amend and modify its integrated workforce training and services plan to incorporate and coordinate the design, policy development, and management of the delivery of Trade activities and support services with the delivery of other workforce employment, training, and educational services identified in Texas Government Code §2308.251 *et seq.*, as well as other training and services included in the One-Stop Service Delivery Network as set forth in Chapter 801 of this title.
- (b) **Reporting.** Boards shall ensure that documentation is maintained as required by the Commission, including documentation required in the Commission's automated reporting system.
- (c) **Monitoring.** A Board shall ensure that the monitoring of program requirements and participant activities is part of the monitoring required under Chapter 800, Subchapter I of this title, relating to monitoring and, in particular, that the monitoring is ongoing and frequent, as determined appropriate by the Board, and consists of the following:
 - (1) timely and accurate reporting of data required for the provision of services to the trade-affected worker;
 - (2) tracking and reporting of participation;

- (3) tracking and reporting of support services;
- (4) ensuring progress toward achieving the goals and objectives in the Individual Employment Plan (IEP), as defined by WIA and in §849.2(6) of this chapter;
- (5) notifying the Commission if a participant drops out of training; and
- (6) monitoring other requirements, as prescribed by the Commission.

§849.12 Participant Responsibilities.

As required by the Trade Act, dislocated workers eligible for Trade benefits shall:

- (1) apply for UI benefits in the manner, and pursuant to the time limits, prescribed by federal and state statutes and regulations; and
- (2) contact the local Workforce Center and register for full-time work by enrolling in the Commission's automated job matching system;
- (3) attend Rapid Response and Trade orientation activities;
- (4) report to the employer to whom they are referred for suitable employment;
- (5) accept a job offer, if it meets the criteria for suitable employment;
- (6) attend scheduled appointments with the case manager, if no suitable employment is available;
- (7) participate in training that is full time as defined by the training provider or Commission;
- (8) notify the case manager within one week of having dropped out of approved Trade-funded training; and
- (9) report to employers, as referred by case managers, upon completing training.

SUBCHAPTER C. TRADE SERVICES

§849.21 Activities Prior to Certification of a Trade Petition.

- (a) Boards shall develop intervention strategies for providing Texas Workforce Center services, which ensure rapid, suitable, and long-term employment for trade-affected workers and dislocated workers eligible for Trade benefits.
- (b) Boards shall ensure that layoff assistance is provided in the local workforce development areas (workforce areas) consistent with WIA Title I Rapid Response services, including the following:
 - (1) contacting the employer immediately on receipt of a filed Trade petition, WARN letter, or other notification of pending layoff;
 - (2) scheduling an on-site meeting with the employer and workers to ensure notification of Rapid Response services, including availability of UI mass claims;
 - (3) assisting with filing a Trade petition with DOL, including a request for certification under ATAA;
 - (4) providing initial assessment of the workers English, math, and reading levels as well as transferable skills and interests;
 - (5) registering for work for purposes of entering information in the Commission's automated job matching system;
 - (6) scheduling on- or off-site services for workers, including:
 - (A) orientation to federal Trade Act benefits, which includes the following:
 - (i) TRAs;
 - (ii) Trade Act-funded employment and training activities;
 - (iii) Health Coverage Tax Credit (HCTC);
 - (iv) A bona fide application for training ensuring that the worker has been notified of all available benefits to which he or she may be eligible; and

- (v) A signed waiver of training ensuring eligibility for HCTC and other Trade benefits that have regulatory time limits. A waiver is appropriate if the worker has significant barriers to reemployment, such as
 - (I) obsolete skills in the worker's most recent occupation;
 - (II) similar skills to other workers representing an excess supply of similarly skilled workers in the labor market area; and
 - (III) limited English language proficiency coupled with limited or no skills in demand in the local labor market area.

- (B) orientation to labor market information, including wage data and the availability of demand and targeted occupations as defined by the Board.

§849.22 Post-Certification of a Trade Petition.

- (a) Boards shall ensure that Trade-certified workers referred to intensive or training services are co-enrolled in WIA dislocated worker services.

- (b) Boards shall ensure that prior to referring a trade-affected worker to intensive or training services, each of the following six criteria are met and documented in the IEP:
 - (1) no suitable employment;
 - (2) ability of the worker to benefit from training, based on a comprehensive assessment of the worker's knowledge skills and abilities;
 - (3) reasonable expectation of employment following completion of the training;
 - (4) training is reasonably available to the worker, within the commuting area as defined in the Texas Unemployment Compensation Act;
 - (5) worker is qualified to undertake and complete the training based on a comprehensive assessment of the worker's knowledge, skills, abilities, and interests; and
 - (6) training is available at a reasonable cost based on a review of Board-approved training as set forth in §849.23(a)(1)-(4) of this subchapter in the workforce area for like training for the selected occupation.

- (c) Boards shall ensure that referrals to training and amendments are submitted timely to the training provider and the Commission's Trade Unit for final determination, as appropriate, and include the following:
 - (1) a comprehensive assessment of the worker's knowledge, skills, abilities, and interests;
 - (2) an IEP based on the assessment and a Board's demand and targeted occupation list; and
 - (3) information regarding the occupation selected in the counseling process.

§849.23 Training Referrals.

- (a) Boards shall ensure that referrals to Trade-funded training are Board approved as set forth in §849.23(a)(1)(A)-(C) of this subsection, prior to final Commission determination:
 - (1) Meet the six criteria established in §849.22(b)(1-6) of this subchapter; and
 - (A) training providers are in the Eligible Training Provider Certification System as defined Chapter 841 of this title;
 - (B) prevocational or vocational skills training as approved by the Commission; or
 - (C) training that offers contextual learning opportunities for Limited English Proficient (LEP) clients as approved by the Board.
 - (2) Meet the time limitations for Trade benefits;
 - (3) Meet the needs of employers for demand or targeted occupations, or that the participant has a bona fide job offer; and
 - (4) Be completed during the 104 weeks of Trade-funded benefits, unless otherwise determined by the Commission.
- (b) Boards shall ensure that the following types of intensive and training services are considered:
 - (1) employer-based training;
 - (2) contextual vocational skills training, particularly for Limited English Proficiency (LEP) clients;
 - (3) remedial training, including literacy, particularly English as a Second Language (ESL), Adult Basic Education (ABE), or certificate of general equivalence (GED) training as stand-alone or linear training only when

consistent with the needs of the participant to qualify for certain vocational skills training; or the requirements of employer-based training, as identified in the IEP; and

- (A) the training provider has submitted amendments to the IEP; and
- (B) the case manager has approved the amendments in order for the Commission to make the final determination for extended training.

SUBCHAPTER D. SUPPORT SERVICES

§849.41 Support Services for Dislocated Workers Eligible for Trade Benefits.

- (a) Boards shall ensure that support services available under WIA Title I dislocated worker services are made available to dislocated workers eligible for Trade benefits and co-enrolled in WIA under existing Board policies and procedures.
- (b) Support services may include payment or reimbursement from sources other than Trade Act funds for:
 - (1) child care services that are governed by rules contained in Chapter 809 of this title;
 - (2) transportation services that may be provided for participating workers;and
 - (3) work, training, or education-related items, not directly related to the training and not authorized under the Trade Act.

SUBCHAPTER E. COMPLAINTS AND APPEALS

§849.51 Appeals of Commission Determinations on Trade Act Activities.

- (a) A Commission determination or decision may be appealed by the party who is adversely affected by the decision. The decision shall include the information necessary to appeal the decision. Decisions that may be appealed include determinations pertaining to eligibility for Trade Act activities, services, and monetary allowances regarding a trade-affected worker's application for:
 - (1) waivers of training;
 - (2) job search allowances;
 - (3) job relocation allowances;
 - (4) Trade Readjustment Allowances;
 - (5) training; and
 - (6) any other appealable action allowable under the Trade Act.
- (b) Appeals under the Trade Act shall be in accordance with Texas Labor Code, Chapter 212, V.T.C.A., and Commission rules contained in Chapter 815 of this title and as provided with the determination or decision.
- (c) Boards shall ensure that participants are informed of their rights to appeal a determination related to certain non-Trade-funded activities and the procedures for an appeal of the determination, and for requesting a hearing from the Commission as specified in the applicable statutes and regulations relating to the services, including but not limited to Chapters 823 and 841 of this title.

§849.52 Discrimination Complaints.

- (a) A participant alleging discrimination on the basis of age, race, color, national origin, or physical or mental disability has a right to file a written complaint of alleged discriminatory acts within 180 calendar days from the date of the alleged discriminatory acts. Complaints shall be submitted to the Texas Workforce Commission Equal Opportunity Department, 101 East 15th Street, Room 220, Austin, Texas 78778-0001.
- (b) Boards shall ensure that the Board or the Board's service providers advise individuals who express an interest in filing a discrimination complaint of their right to file a complaint and the complaint procedures.

Appendix F-200

**Department of Labor
Training and Employment
Guidance Letters**

URL: http://www.doleta.gov/tradeact/2002act_index.cfm

[TEGL 10-02](#) - Use of National Emergency Grant Funds Under the Workforce Investment Act, as Amended, to Develop Systems for Health Insurance Coverage Assistance for Trade-Impacted Workers

[TEGL 11-02](#) - Operating Instructions for Implementing the Amendments to the Trade Act of 1974 Enacted by the Trade Act of 2002

[TEGL 11-02](#) - Attachment (Title I and Title II of the Trade Act of 2002)

[TEGL 11-02, Change 1](#)

[TEGL 13-02](#)- Petition Form for the Trade Adjustment Assistance (TAA) Program Including a Spanish Version

[TEGL 16-02](#) - Health Insurance Tax Credit for Eligible Trade Adjustment Assistance Recipients. The TEGL refers to the process of notifying potentially eligible TAA recipients about the health insurance tax credit.

[TEGL 20-02](#) - Provides policies and procedures governing the use of Workforce Investment Act (WIA) National Emergency Grants (NEG) for health insurance coverage assistance and support services to eligible trade-impacted workers and other eligible individuals, as specified in the Trade Adjustment Assistance Reform Act of 2002.

[TEGL 2-03](#) - Interim Operating Instructions for Implementing the Alternative Trade Adjustment Assistance (ATAA) for Older Workers Program Established by the Trade Adjustment Assistance Reform Act of 2002

[UIPL 33-03](#) - Questions and Answers About Implementation of the Advance Health Coverage Tax Credit

[UIPL 24-03](#) - Implementation of the Advance Health Coverage Tax Credit (HCTC) for Eligible Trade Adjustment Assistance/Trade Readjustment Allowances (TAA/TRA) Recipients

[UIPL 5-03](#) - Health Insurance Tax Credit for Eligible Trade Adjustment Assistance/Trade Readjustment Allowance (TAA/TRA) Recipients. The UIPL requests state workforce agencies to issue a notice informing potentially eligible TAA recipients about the health insurance tax credit and related requirements.

[UIPL 2-03](#) - Health Insurance Tax Credit for Eligible Trade Adjustment Assistance/Trade Readjustment Allowance (TAA/TRA) Recipients

Appendix F-300

**Workforce Development Letter
29-05**

TEXAS WORKFORCE COMMISSION LETTER

ID/No: WD 29-05

Date: May 12, 2005

Key Word: TAA

To: Local Workforce Development Board Executive Directors
Commission Executive Staff
Integrated Service Area Managers

From: Luis M. Macias, Director, Workforce Development Division

Subject: **Trade Adjustment Assistance: Waiver of the Training Requirements**

PURPOSE:

To provide Local Workforce Development Boards (Boards) with guidance on the approval and management of the waiver of Trade Adjustment Assistance (TAA) training requirements for Trade Readjustment Allowances (TRA) recipients.

REFERENCES:

The Trade Act of 1974, as amended (Pub. L. 93-618, as amended)
The Trade Act of 2002 (Pub. L. 107-210); 20 C.F.R. Part 617
U.S. Department of Labor Training and Employment Guidance Letter No. 11-02, issued October 10, 2002, and entitled "Operating Instructions for Implementing the Amendments to the Trade Act of 1974 Enacted by the Trade Act of 2002"
U.S. Department of Labor Unemployment Insurance Program Letter No. 24-03, issued April 14, 2003, and entitled "Implementation of the Advance Health Coverage Tax Credit (HCTC) for Eligible Trade Adjustment Assistance/Trade Readjustment Allowances (TAA/TRA) Recipients"
U.S. Department of Labor Training and Employment Guidance Letter No. 11-02, Change 1, issued November 6, 2003, and entitled "Change 1 to the Operating Instructions for Implementing the Amendments to the Trade Act of 1974 Enacted by the Trade Act of 2002"
Texas Workforce Commission Employment and Training Activities and Support Services for Dislocated Workers Eligible for Trade Benefits Rules: 40 TAC Chapter 849
Integration of Trade Services for Dislocated Workers: A Comprehensive Guide Technical Assistance Bulletin #89, issued January 25, 2005, and entitled "Trade Adjustment Assistance Data in The Workforce Information System of Texas"
Technical Assistance Bulletin #90, issued March 9, 2005, and entitled "Health Coverage Tax Credit"

FLEXIBILITY RATINGS:

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. Federal and state laws, rules, policies, and required procedures with a “No Local Flexibility” rating are indicated by the acronym, **NLF**, in the margin to the right of the applicable paragraph. Additionally, all information with a “No Local Flexibility” rating is indicated by “must” or “shall.”

Failure to comply with the federal and state laws, rules, policies, and required procedures with a “No Local Flexibility” rating may result in corrective action, up to and including sanction and penalty.

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 guidance or recommended practices with a “Local Flexibility” rating are indicated by the acronym, **LF**, located in the margin to the right of the applicable paragraph. Additionally, guidance or recommended practices with a “Local Flexibility” rating are indicated by “may” or “recommend.”

Boards are not subject to corrective action for failure to comply with guidance or recommended practices with a “Local Flexibility” rating.

BACKGROUND:

In order to receive TRA under the Trade Act of 1974, as amended, an otherwise eligible worker must:

- be enrolled in training;
- be participating in training;
- have completed a TAA-approved training program; or
- have a written certification waiving the training requirements.

In the past, Texas Workforce Center staff members recommended waivers of training for approval or disapproval, and the signed *Waiver of Training Form* was faxed or mailed to the Texas Workforce Commission’s (Commission) state office for final determination. State office staff then entered the determination into The Workforce Information System of Texas (TWIST).

With the latest TWIST conversion, which took effect October 4, 2004, *Waiver of Training Forms* for **approved** waivers of training no longer need to be submitted to the state office. Texas Workforce Center staff is now responsible for recommending and entering all **approved** TAA waivers of training into TWIST.

PROCEDURES:

Waiver Approval

Boards must ensure that Texas Workforce Center staff only approves waivers of training for one of the six reasons listed below. These reasons are also stated on the *Waiver of Training Form* and in TWIST on the *Waiver* tab under the **TAA**

NLF

Program Detail.

1. Worker subject to recall within six months. (#38 on the dropdown menu)
2. Worker possesses marketable skills. (#47 on the dropdown menu)
3. Worker in poor health. [To receive TRA, worker must meet “able and available for work” criteria (#49 on the dropdown menu).]
4. Worker within two years of retirement. (#48 on the dropdown menu)
5. First available enrollment date for training is not within 60 days. (#50 on the dropdown menu)
6. Training is not available at a reasonable cost and/or no funds are available under TAA or other federal laws. (#36 on the dropdown menu)

Boards must be aware that the approval of a waiver **does not** approve a TAA customer to receive TRA; rather, it is an approval to waive the TAA training requirements, which allows eligible TAA customers to receive TRA benefits while conducting job search.

NLF

Waiver Processing

For Trade petitions numbered 50,000 or greater, Boards must ensure that Texas Workforce Center staff determines if waivers of training should be approved no later than eight weeks after the Trade petition’s certification date or sixteen weeks after the trade-affected worker’s layoff date, whichever is later, in order for the TAA customer to be eligible to receive TRA. In addition, Boards must ensure that Rapid Response services are provided immediately upon notice that a petition for Trade certification has been filed.

NLF

If the TAA customer does not want to sign a waiver, Boards must ensure that Texas Workforce Center staff documents in TWIST Counselor Notes that the offer was made, and the customer refused.

NLF

Boards must be aware that failing to approve waivers of training in a timely manner may seriously affect a TAA customer’s eligibility for the Health Coverage Tax Credit (see TA Bulletin #90 for additional information). Boards must be aware that a waiver of training may be determined timely and entered into TWIST if the following conditions exist:

NLF

1. Waiver was appropriate and could have been approved.
2. Texas Workforce Center staff failed to approve the waiver within the eight- or sixteen-week deadline.
3. It is shown in the TAA customer’s case notes that the TAA customer:
 - a. spoke with Texas Workforce Center staff;
 - b. attended a Rapid Response meeting; or
 - c. attended an on-site meeting where waivers of training were explained.

Individuals certified under Trade petitions numbered 49,999 or less are not subject to the same date requirements as those listed above. However, it is highly recommended that waivers of training be determined, as appropriate, as soon as possible after an individual has been laid off, regardless of certification number.

LF

Before a waiver of training is approved and entered in TWIST, Boards must ensure that:

NLF

- the waiver of training is reviewed to confirm that all information is complete and correct;
- the TAA customer is registered for work in WorkInTexas.com; and
- the TAA customer's *TAA Eligibility Criteria* tab in TWIST is reviewed to ensure the customer is trade affected (all "Y"s on the *TAA Eligibility Criteria* tab) if the petition is numbered 50,000 or greater.

In addition, Boards must ensure that Texas Workforce Center staff makes a determination of the waiver of training no later than the "waiver/in training deadline date," also located on the customer's *TAA Eligibility Criteria* tab.

NLF

If the TAA customer's *TAA Eligibility Criteria* tab does not indicate that the customer is trade affected (tab does not contain all "Y"s), or there is no *TAA Program Detail*, but the applicable Trade petition is certified, Boards must conduct a Master Record of Investigation. Boards and Texas Workforce Center staff may contact the Commission's Trade Unit at 1-888-562-7249 for guidance.

NLF

NOTE: Boards must be aware that waivers of training are not allowed under a North American Free Trade Agreement (NAFTA) certification. NAFTA certifications are indicated in TWIST under the *Program Detail* by an "N" before the number (e.g., N0001234) as opposed to a Trade petition number, which begins with a "T."

NLF

Initial and Subsequent Waiver Filing

Initial Waiver

It is recommended that "marketable skills" be used as the initial reason for approving a waiver of training unless one of the other five reasons for approving a waiver is more applicable, or the waiver will be recommended for denial. TAA customers likely have marketable skills because they were recently employed and can transfer their skills to another occupation.

LF

Boards must ensure that:

NLF

- the waiver is valid for no more than 26 weeks (six months);
- the start date of the waiver begins on the Sunday of the week the waiver was approved;
- the waiver ends on the Saturday of the 26th week;
- an initial basic assessment of the TAA customer is conducted that includes the job history and skills of the customer; and
- the TAA customer has an active work application in WorkInTexas.com. (This is also a requirement to receive Unemployment Insurance benefits.)

During waiver periods, TAA customers must contact their caseworker at least every 30 days from the start date of the waiver to discuss how their work search is progressing and if training needs to be considered. If the TAA customer does not make contact, Boards must ensure that the waiver of training is revoked because one of the six reasons to approve a waiver cannot be demonstrated (see “Revoked Waivers” and “Denied Waivers” below).

NLF

Within 90 days of the start date of the initial waiver, Boards must ensure that:

NLF

- a comprehensive assessment is conducted to determine the employability of the TAA customer; and
- an Individual Employment Plan is developed in order to get the customer into the workforce as quickly as possible.

It is recommended that the assessment include:

LF

- the Test of Adult Basic Education (TABE) or another Board-approved test that assesses the TAA customer’s basic skills and education; and
- one or more tests that measure the TAA customer’s occupational aptitudes or interests.

Because these are intensive services, Boards must ensure that the TAA customer is co-enrolled in dislocated worker services.

NLF

Boards must ensure that all contact with TAA customers and attempts to contact TAA customers concerning waivers are documented, preferably in TWIST Counselor Notes. If the customer refuses to be assessed, does not want to work, or refuses to cooperate, then Boards must ensure that the waiver is:

NLF

- revoked if already approved; or
- denied if a subsequent waiver is being considered (see “Denied Waivers” below).

Subsequent Waivers

NLF

Boards must be aware that, as long as one of the six reasons for approving a waiver applies, Texas Workforce Center staff may approve additional waivers for 26-week periods, beginning the Sunday of the first week and ending the Saturday of the 26th week. However, the caseworker is ultimately responsible for determining whether training is not feasible. Boards must ensure that any information supporting the approval of an additional waiver is documented in TWIST Counselor Notes.

Revoked Waivers

NLF

Boards must ensure that waivers are revoked if a caseworker determines that one of the six reasons to approve a waiver no longer exists. If the revocation of a waiver is likely to affect the TAA customer’s weekly TRA benefits, then the Boards must follow the procedures under “Denied Waivers.” If the revocation will not affect the customer’s TRA benefits, Boards must be aware that only applicable data entry in TWIST is required (see TA Bulletin #89 for additional information).

Example: A TAA customer receives a waiver of training while she is awaiting approval for training. Once she receives approval, the waiver is revoked in TWIST effective the day before the enrolled-in training date. The revocation of the waiver will not have an adverse impact on the customer's TRA benefits; therefore, a recommendation of waiver revocation does not need to be submitted to the state office.

Denied Waivers

Boards must ensure that Texas Workforce Center staff follows the procedures below when a waiver is recommended for denial or a revoked waiver will affect a TAA customer's TRA benefits:

NLF

- Sign and date a *Waiver of Training Form*.
- Ensure that the TAA customer has signed the form.
- Fax the form to the State Trade Unit at (512) 936-0331.

State office staff may contact Texas Workforce Center staff to verify the reason for the denial or revocation and clarify any issues. If state office staff concurs with the denial or revocation:

- state office staff will enter the waiver denial or revocation into TWIST;
- the TAA State Coordinator will notify the TAA customer in writing of the denial or revocation; and
- the TAA customer will be provided with information on the right to appeal the denial and how to appeal if they wish to do so.

It is recommended that Texas Workforce Center staff enters a record of each communication with the TAA customer and service provided in TWIST Counselor Notes in order to aid the state office in the review process.

LF

45-day Extension

Under certain extenuating circumstances, Boards may grant a 45-day extension past the eight- or sixteen-week deadline in order for the TAA customer to receive a timely waiver of training or enter TAA-approved training [see Training and Employment Guidance Letters 11-02 and 11-02, Change 1]. The following are acceptable extenuating circumstances:

LF

- A TAA customer has been enrolled in a training program that is suddenly cancelled.
- A TAA customer becomes ill or injured and cannot enroll in training.
- Other circumstances where Texas Workforce Center staff can justify and document that the extension is warranted.

Boards must ensure that the extenuating circumstances are clearly documented by Texas Workforce Center staff in TWIST Counselor Notes. Otherwise, a 45-day extension cannot be allowed for TRA benefits.

NLF

ACTIONS REQUIRED:

Boards must ensure that appropriate staff is apprised of and complies with the requirements in this WD Letter.

INQUIRIES:

Direct inquiries regarding this WD Letter to the assigned contract manager for your local workforce development area.

Rescissions: None	Expiration: Continuing
-------------------	------------------------

Appendix F-400

Forms

TEXAS WORKFORCE COMMISSION
 CERTIFICATE OF
 SUITABLE EMPLOYMENT OR INTERVIEW
 TRADE ACT OF 1974, AS AMENDED

Texas Workforce Commission
 Trade Adjustment Assistance
 101 E. 15th Street, Room 506-T
 Austin, TX 78778-0001

Worker Name (Last, First, Middle)	Social Security No.	Cost Ctr No	Date of Certification
Address (No., Street, City, State, Zip Code)		Workforce Center Name	Petition No.
Worker DOT Code No.	Worker's Trade Affected Job Title		Petition Name

A. Request for Job Search Allowances or Relocation Allowances

This is to certify that the named worker has been totally separated within the past year from adversely affected employment, is registered for work, and cannot reasonably be expected to secure suitable employment within commuting distance of his/her regular place of residence.

The worker indicates that he/she has:

1. Obtained an appointment for a job interview or already had a job interview with a representative of the company named below and is requesting **Job Search Allowances**.

2. Obtained suitable employment or a bona fide offer of employment with the company named below affording a reasonable expectation of long term duration in the relocation labor market area and is requesting **Relocation Allowances**.

Please contact the company and person indicated below to verify the appointment or job offer and payment or non payment relocation expense.

Name and Address of Prospective Employer	Job Title of Prospective Employment		
Tel #:	Date Scheduled to Report for Work		Date of Interview
	Name of Employer Representative		
Workforce Center Representative			

B. Area of Expected Relocation

TO:

NOTE: After completion of this form, please return to the address shown at the top right corner.

This is to certify that verification has been completed for the above worker, and he/she has:

been interviewed by or obtained a job interview with the above named company.

obtained suitable employment or a bona fide offer of employment with the above named company.

Name and Address of Prospective Employer	Job Title of Prospective Employment		
	Date Scheduled to Report for Work		Date of Interview
	Expenses to be Paid by Employer?		Amount to be Paid
	<input type="checkbox"/> Yes <input type="checkbox"/> No		
Signature of Relocation Representative			Date Completed

Individuals may receive, review, and correct information that TWC collects about the individual by emailing to open.records@twc.state.tx.us or by writing to TWC Public Information, Rm 264, 101 East 15th, Austin, TX 78778-0001. TWC is an equal opportunity employer/program. Auxiliary aids and services are available, upon request, to individuals with disabilities.

TEXAS WORK FORCE COMMISSION

REQUEST FOR JOB SEARCH ALLOWANCES TRADE ACT OF 1974, AS AMENDED

WORKER'S NAME (Last, First, Middle)	SOCIAL SECURITY NO. - -	LO NO.	DATE OF REQUEST
ADDRESS (No., Street, City or County, State, ZIP Code)	PETITION NO.	PAYING STATE	

A. WORKERS REQUEST

1. Is this your first request for a job search allowance under the Trade Act of 1974, as Amended? YES NO

If "NO" explain _____

2. NAME AN ADDRESS OF PROSPECTIVE EMPLOYER	3. DATE OF INTERVIEW		4. JOB TITLE FOR WHICH INTERVIEWED
	5. DATE AND TIME OF		
	Departure	Return	

B. WORKER CERTIFICATION

I give this information to support my request for payment of a job search allowance under the Trade Act of 1974, as Amended. The information contained in this request is correct and complete to the best of my knowledge. I understand that penalties are provided for Willful misrepresentation made to obtain allowances to which I am not entitled.

SIGNATURE OF WORKER	DATE SIGNED (Mo. Day Yr.)
---------------------	---------------------------

C. JOB SEARCH DOCUMENTATION

RESULT OF JOB SEARCH

COMPANY'S NAME	DATE OF INTERVIEW	NAME OF INTERVIEWER	RESULTS
1.			
2.			
3.			
4.			
5.			

1. Worker totally separated within the past year from adversely affected employment? YES NO

If "YES," Date of Last Total Separation _____

If "NO," Date of Certification _____

2. Certification of suitable employment completed and on file? YES NO

3. Worker application for job search allowances made not later than:

a. 365th day after the date of certification or last separation? YES NO

b. 182nd day after the concluding date of training? YES NO

4. Applicant accepted referral to employer? YES NO

D. RESULTS OF DETERMINATION

1. Job Search allowance is denied for the following reason(s):
- (a) You were not totally or partially separated from adversely affected employment
 - (b) You did not apply for Job Search Allowances within 365 days of the date you were certified as eligible to apply for Trade Adjustment Allowances or within 365 days of the date of your first separation from adversely affected Employment or within 182 days after the date you completed TAA approved training.
 - (c) You were not totally separated from employment when your Job Search Trip began.
 - (d) You can reasonably be expected to obtain suitable employment in the area in which you reside.
 - (e) See Attached Determination.

2. Job Search allowance is approved for reimbursement of the following costs:
- (a) TRAVEL EXPENSE OF \$ _____, 90% of the lessor of:
 - 1. \$ _____ public transportation, or
 - 2. \$ _____, at \$ _____, per mile for _____ miles
 - (b) LODGING OF \$ _____, 90% of the lessor of:
 - (1) \$ _____ actual expense, or
 - (2) \$ _____ 50% of the federal daily living allowances as found in 20 CFR 617.34(a)(2)(ii).
 - (c) MEALS OF \$ _____, 90% of the lessor of:
 - (1) \$ _____ actual expense, or
 - (2) \$ _____ 50% of the federal daily living allowances as found in 20 CFR 617.34(a)(2)(ii).
- TOTAL AMOUNT PAID \$ _____

Signature of Texas Workforce Commission Representative	Title	Date Mailed
--	-------	-------------

E. APPEAL RIGHTS

If you disagree with the determination indicated above, you have the right to appeal. The appeal must be filed within 14 days after the "DATE MAILED" which is shown above. The appeal may be filed by completing a written appeal form which may be obtained from a Commission representative or by writing to the Appeal Tribunal, Texas Workforce Commission, 101 E. 15th St., Austin, Texas 78778-0002. ALWAYS FURNISH THE SOCIAL SECURITY ACCOUNT NUMBER SHOWN ON THE FACE OF THIS FORM WHEN WRITING THE TEXAS WORKFORCE COMMISSION ABOUT DETERMINATION.

**TEXAS WORKFORCE COMMISSION
REQUEST FOR RELOCATION ALLOWANCES**
TRADE ACT OF 1974, AS AMENDED

CASE MANAGER	DATE OF APPLICATION
LOCAL WORKFORCE CENTER NUMBER	PETITION NO.
WORKER'S NAME (Last, First, Middle)	SOCIAL SECURITY NO.
	PAYING STATE
ADDRESS (No., Street, City or County, State, ZIP Code)	ADDRESS FOR CHECK MAILING (No., Street, City or County, State, ZIP Code)

A. WORKER APPLICATION FOR RELOCATION ALLOWANCES

- | | | |
|---|------------------------------------|--------------------------|
| | YES | NO |
| 1. Were you totally separated from adversely affected employment? | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. Are you currently employed? | <input type="checkbox"/> | <input type="checkbox"/> |
| (If "YES," complete the information concerning your present employment) | | |
| Name and Address of Firm | Date of Employment Expected to End | |
| 3. Is this your first request for relocation allowances under the Trade Act of 1974? | <input type="checkbox"/> | <input type="checkbox"/> |
| (If "NO," explain) | | |
| 4. Have you obtained suitable employment, or do you have a bona fide offer of employment? | <input type="checkbox"/> | <input type="checkbox"/> |

Name and Address of Firm Offering Employment	Job Title	Starting Date
	City and State of Relocation	Expected Date of Move

B. WORKER REQUEST FOR TRAVEL ALLOWANCES

TRAVEL IDENTIFICATION	NUMBER PERSONS	*NAMES OF TRAVELERS	AGE	RELATIONSHIP	JUSTIFICATION (Other family members and late departure)
Worker					
Spouse					
Children*					
Other Family Members*					

C. WORKER REQUEST FOR TRANSPORTATION OF HOUSEHOLD GOODS

COMMERCIAL CARRIER TRAILER HAULED BY AUTO TRUCK RENTAL

D. WORKER REQUESTS LUMP SUM PAYMENT YES NO

E. WORKER CERTIFICATION

I give this information to support my request for payment of a job relocation allowance under the Trade Act of 1974, AS Amended. The information contained in this request is correct and complete to the best of my knowledge. I understand that penalties are provided for willful misrepresentation made to obtain allowances to which I am not entitled.

SIGNATURE OF WORKER	DATE SIGNED (Mo., Day, Year)
---------------------	------------------------------

**TEXAS WORKFORCE COMMISSION
Waiver of Training
Trade Act of 1974, as Amended**

Petition Name:	
Petition No:	Certification Date:
Cost Ctr/USER ID:	Impact Date:
Worker's Name (Last, First, MI)	SSN:
Expiration Date:	
Address (No. Street, City or County, State, Zip Code)	
Date of Request:	

WORKFORCE CENTER USE ONLY:

A. At this time, training is not feasible or appropriate due to:

- (1) Worker subject to recall within 6 months. (Local Workforce Center must verify with employer.) Date to return to work: _____
- (2) Worker possesses marketable skills.
- (3) Worker in poor health. (To receive TRA worker must meet able and available criteria.)
- (4) Worker within two years of retirement.
- (5) First available enrollment date is within 60 days.
- (6) Training is not available at a reasonable cost and/or no funds are available under TAA or other Federal laws.

Explain: _____

B. Determination:

- 1. (a) Approve
(b) Waiver Period: Effective Date (Sunday) _____ Expiration Date (Saturday) _____
- 2. (a) Recommend Denial
(b) Reason: _____

If the recommended is approved: a waiver will cover only those weeks of your UI or basic TRA claim that fall between the effective and expiration dates in 1 (b) above. **You must contact your case manager every 30 days to review the status of a waiver. Failure to do so may result in your waiver being revoked.** Your weekly basic TRA benefits will be denied for any week after the expiration date of a waiver unless you have enrolled in a TAA approved training program or have been issued a new waiver. In order to receive basic TRA benefits while covered by a waiver, you must make a minimum of three work search contacts each week. If this number of required contacts changes, you will be notified in writing.

I certify that I have read and understand the above recommendation and statement.

Signature (Workforce Center Representative)	Signature (Worker)	Date Signed
Printed Name	Printed Name	

D. Distribution: Original to **Local Workforce Center File**, one copy to **The Trade Affected Worker**.

If a denial is being recommended this form will be submitted to the Texas Workforce Commission for a decision. The decision will result in a written determination, which will be mailed to you. The determination will explain your appeal rights.

Individuals may receive, review, and correct information that TWC collects about the individual by emailing to _____ or by writing to TWC Public Information, Rm 264, 101 East 15th, Austin, TX 78778-0001. TWC is an equal opportunity employer/program. Auxiliary aids and services are available, upon request, to individuals with disabilities.

How to File An Appeal

Appeals must be made in writing. If you want to appeal this decision, and you do not include a copy of this notice, please furnish: your name, social security number, and the date of the decision you wish to appeal. **If you or one of your witnesses does not speak English, state on the appeal that you need an interpreter and which language you need interpreted.** Also, if you and/or your witness(es) need any of the accommodations listed below, please indicate so in your appeal. If you want the notice of hearing mailed to a different address than the one on this form, please indicate that on your request for an appeal. The Appeals Department will mail you a notice indicating the hearing date and time. If you file your appeal by FAX, you should retain your FAX confirmation as proof of transmission. If you call to inquire about the receipt of your faxed appeal, please allow three working days before calling. If you appeal by mail, please allow at least five working days after the date mailed before inquiring about the receipt of your appeal.

IMPORTANT: TWC conducts most hearings by telephone. We provide access to telephones, speakerphones and FAX machines for individuals involved in an appeal hearing. If you do not have a private phone, need a fax machine to send information or need a speakerphone to present witness' testimony, let us know. If you need help operating the equipment we have staff available to assist you. Auxiliary aids and services are available, upon request, to individuals with disabilities. We try to provide you as much privacy as possible for your hearing. When you receive the hearing notice and if you and/or your witness(es) need access to any equipment, and you did not request an accommodation in your appeal, please do the following.

- **Contact the TWC Tel-Center handling your claim: Austin (512) 340-4300, Dallas (214) 252-1200, El Paso (915) 832-6400, Ft Worth (817)420-1600, Houston (713) 982-7400, McAllen (956) 984-4700, San Antonio (210) 258-6600, Toll Free (800) 939-6631, Relay Texas TDD (800)735-2989, Relay Texas Voice (800) 735-2988**
- **Explain you are scheduled for an appeal hearing**
- **Give the specific time and date of hearing**
- **Indicate the specific accommodation you need**

You have 14 days after the mailing date of this decision to file an Appeal. This period may be extended if the ending date would otherwise fall on a weekend or state holiday.

If You Appeal

If you believe the decision on the front of this form is incorrect, you may request a hearing by an impartial hearing officer. If the evidence you present at the hearing supports a different conclusion under the law, the hearing officer can change the decision on your TAA training, job search allowance, relocation allowance, or training waiver determination.

If you appeal and are still unemployed, you should continue to file your UI or TRA claim certifications every two weeks while your appeal is pending. If your appeal is successful but you did not file for weeks of unemployment as they occurred, TWC can not automatically pay you for these weeks. You must show a compelling reason for not filing claims when they were due. The time between appealing and having a hearing varies, depending on the appeal volume. Appeal hearings are similar to, but less formal than, trials. An appeal hearing consists of oral statements given under oath. You may have someone represent you and bring witnesses to testify. Each side can question the other about statements made at the hearing. If you are introducing written materials as evidence, you must send them in before the hearing, as the other party must have an opportunity to examine them in advance.

IMPORTANT: TWC mails copies of the information we have to all hearing participants. We mail this information along with the hearing notice. The packet contains the following:

- **The date we notified your last employer you applied for unemployment benefits. (We include this information only if it is relevant to your appeal.)**
- **Any protests to your claim**
- **Any information we received in response to your claim**
- **Any fact-finding statements we took while investigating the issue(s) on appeal**
- **The appeal itself (either a letter or appeal form)**

You may appeal to TWC's three commissioners, if you disagree with the hearing officer's decision. If still dissatisfied, you may appeal the Commissioners' decision by filing suit against the Commission in court.

The hearing officer will base his or her DECISION ON WHETHER OR NOT YOU CAN CONTINUE TO RECEIVE BENEFITS ENTIRELY ON THE EVIDENCE GIVEN AT THE APPEAL HEARING. Assuming you are eligible and qualify for benefits, TWC will pay your weekly claims while your appeal is pending. Please note: If the hearing officer reverses the original decision allowing payment of benefits, you must return the money you received while your appeal was pending.

Individuals may receive, review, and correct information that TWC collects about the individual by emailing to open.records@twc.state.tx.us or by writing to TWC Public Information, Rm 264, 101 East 15th, Austin, TX 78778-0001. TWC is an equal opportunity employer/program. Auxiliary aids and services are available, upon request, to individuals with disabilities.

**TRADE ADJUSTMENT ASSISTANCE
MASTER RECORD OF INVESTIGATION**
All separation information **must** be obtained from the employer.

Name of Trade-Affected Worker _____

SSN of Trade-Affected Worker _____ - _____ - _____

Petition Number _____

Petition Name _____

Petition Division Name _____

Worker's Mailing Address _____

Job Title _____

Division Employed In _____

Last Day Worked _____

Last Day Paid _____

Work Location _____

Reason for Separation: _____

Involuntary or Voluntary _____

State Wages Reported To _____

Onshore or Offshore Worker _____

Name of Company Official Contacted _____

Position of Company Official _____

Telephone Number of Company Official (_____) _____ - _____

Date: _____

Staff Signature: _____

FAX COMPLETED FORM TO 512-936-0331, ATTN: MARGIE CLARK

MR1 – (0505)

MR1 – (0505)

INSTRUCTIONS

Name	Last name, First name, MI
SSN	Social Security Number
Petition Number	Petition Certification Number from TWIST Group Actions
Petition Name	Identify the certified petition name and location
Petition Division Name	Identify the division if certification is limited by division
Worker's Mailing Address	Home address of worker
Job Title	Title of job held by worker at the time of separation
Division Employed In	The division of the company that the worker was employed with at the time of separation if certification is limited by division
Last Day Worked	Last day worker physically on the job
Last Day Paid	Last day wages received for actual work performed
Work Location	Name of location where worker performed his or her last job (City/Town)
Reason for Separation	State the complete reason for the separation
Involuntary or Voluntary	Involuntary if separation initiated by employer; voluntary is initiated by worker
State Wages Reported	Identify the State where wages were reported
On or Offshore Worker	If offshore worker, identify the shore from which worker separated
Name of Company Official Contacted	Identify who at the company provided the information
Position of Company Official	Position of the person who provided the information
Telephone Number of Official	Phone number of the person who provided the information
Date	Date staff completed the form
Staff Signature	Signature of staff submitting the information

FAX COMPLETED FORM TO 512-936-0331, ATTN: MARGIE CLARK

**TEXAS WORKFORCE COMMISSION
EXPLANATION OF SERVICES**

Name _____
Last, First, Middle SSN Date of Separation

Petition Number _____ Date of Certification _____

This is to advise you that as an affected worker under the Trade Act of 1974, as amended, you may receive services available in your Texas Workforce Center. Please check the services listed below that you are interested in now or may be interested in at a later date.

- [] 1. **Job Placement** — Texas Workforce Center staff will work with you during your job search in an effort to place you in a job based on your background and experience with pay, comparable to area jobs, that allows you to meet the 80 percent wage replacement goal.
- [] 2. **Employment counseling** — Texas Workforce Center staff will advise you about the local labor market and the salary you can expect to receive for various jobs in the area. Other services may include skills testing to assess your aptitudes, interests, and capabilities for jobs available in the area. You may be enrolled in a job search seminar if appropriate.
- [] 3. **Training** — The Local Workforce Development Board will determine, with your active participation and that of Texas Workforce Center staff, if training is necessary to enable you to obtain suitable employment. Suitable employment is defined as employment that pays 80 percent or more of your previous wages. When training is determined to be necessary, you may be able to have the costs of such training paid on your behalf if funding is available. Texas Workforce Center staff will assist you in locating feasible and appropriate training. Vocational training cannot exceed 104 weeks, unless remedial education is identified in your Individual Employment Plan. If so, then an additional 26 weeks of training may be available. To receive Trade Readjustment Allowances (TRA), you must be enrolled in an appropriate training program within eight weeks of the petition certification date, or within 16 weeks of your most recent qualifying separation from adversely affected employment, or have completed an approved or approvable training program, or have received a written certification waiving the training requirement. You must make a bona fide request for training within 210 days of your qualifying separation or the certification date of the petition, whichever is later, to be eligible for extended TRA benefits.
- [] 4. **Job Search Allowances** — Financial assistance may be available to assist you in seeking employment in other areas of Texas or the United States. Your written application for this assistance must be submitted before your job search trip begins. You must apply within 365 days of your separation or the petition certification date, whichever is later, or within 182 days after completion of training.
- [] 5. **Relocation Allowances** — Financial assistance may be available to help relocate you, your family, and your household goods. Once you have obtained bona fide employment in the U.S., you must make a written application for Relocation Assistance before you relocate. This application must be made within 425 days after the date of your qualifying separation or the petition certification date, whichever is later, or 182 days after completion of training.
- [] 6. **Alternative Trade Adjustment Assistance (ATAA)** — (ATAA certified petitions only) ATAA provides eligible individuals over the age of 50 who obtain new employment within 26 weeks of their separation with a wage subsidy to help bridge the salary gap between their old and new employment.
- [] 7. **Health Coverage Tax Credit (HCTC)** — Federal tax credits are available to assist participants by covering up to 65 percent of the monthly health insurance premium costs paid by an eligible participant.

I hereby certify that I have been informed of all the services described above, including the application requirements and time limits, have indicated which of these services I am interested in now or may be interested in at a later date, and have been given copies of appropriate information. If completed, this form will serve as a bona fide request for training.

_____ Worker Signature	_____ Date Signed
_____ Texas Workforce Center Representative	_____ Date Signed

Individuals may receive, review, and correct information that TWC collects about the individual by e-mailing open.records@twc.state.tx.us or by writing to TWC Public Information, Room 264, 101 East 15th, Austin, TX 78778-0001. TWC is an equal opportunity employer/program. Auxiliary aids and services are available, upon request, to individuals with disabilities.

Part G: Revisions

List of Revisions

DATE	SECTION	COMMENTS
August 2005	D-300.5	Updated in accordance with WD Letter 29-05
August 2005	E-300.1	Updated in accordance with TA Bulletin #83
August 2005	Appendices F-100 through F-400	Renumbered appendices; inserted WD Letter 29-05; and updated forms
May 2006	Part A	Updated to include information on the 80 percent wage replacement goal
May 2006	B-100.1	Updated to include information on: <ul style="list-style-type: none"> the 80 percent wage replacement goal; serving participants with Limited English Proficiency (LEP); and the importance of OJT
May 2006	B-100.2	Updated to include information on LEP participants and to state that Trade-certified workers must be provided with labor market information and notified of the 80 percent wage replacement goal
May 2006	B-200.1	Updated to include information on the 80 percent wage replacement goal
May 2006	B-200.2	Removed history of the Trade Adjustment Assistance program and updated remaining sections accordingly
May 2006	B-300.1	Updated to include information on the 80 percent wage replacement goal
May 2006	B-300.2	Updated to: <ul style="list-style-type: none"> include information on dual-language programs; state that suitable employment is a goal, not a requirement; and state On-the-Job Training (OJT) is preferred

May 2006	B-300.3	Updated to: <ul style="list-style-type: none"> include information on the 80 percent wage replacement goal; state that Trade-certified workers must be provided with labor market information and notified of the 80 percent wage replacement goal; include information on the Occupation Selection form; state that OJT is preferred; and emphasize using dual-language programs for LEP participants
May 2006	B-400.1	Updated to include a statement that the guide replaces any previous guide or manual and is consistent with Texas Workforce Commission (TWC) regulations
May 2006	C-300.1.1	Updated in accordance with WD Letter 60-05
May 2006	C-300.1.3	Updated to include information on the 80 percent wage replacement goal and on determining whether training is appropriate
May 2006	C-400.1	Updated to stress the importance of Trade Readjustment Allowance (TRA) timelines
May 2006	C-400.2	Updated to include information on the 80 percent wage replacement goal
May 2006	C-400.2.2	Updated to include information on initial waivers
May 2006	C-400.2.5	Updated to: <ul style="list-style-type: none"> include information on ESL and ABE training; state that OJT is preferred; and emphasize using dual-language training for LEP participants
May 2006	C-400.2.6	Updated to include information on the 80 percent wage replacement goal
May 2006	C-400.2.7	Updated to include information on the 80 percent wage replacement goal and to emphasize OJT
May 2006	C-400.2.10	Updated to state that suitable employment is a goal, not a requirement

May 2006	D-200.1	Updated to: <ul style="list-style-type: none"> include information on the 80 percent wage replacement goal; state that OJT is preferred; and include requirements for providing Rapid Response, Employment Service, and Workforce Investment Act services
May 2006	D-200.2	Updated to include information on the 80 percent wage replacement goal
May 2006	D-200.3	Updated to include information on the 80 percent wage replacement goal and assessment tools
May 2006	D-200.4	Updated to: <ul style="list-style-type: none"> include information on the 80 percent wage replacement goal; state that higher-cost training may be approved to meet the wage replacement goal; and include requirements for maintaining customers' Individual Employment Plans
May 2006	D-300.5	Updated to include information on revoking a waiver of the training requirement
May 2006	D-300.8	Updated to require that recommendations for negative determinations be forwarded to TWC's state office
May 2006	D-300.9	Updated to: <ul style="list-style-type: none"> include information on the 80 percent wage replacement goal; state that higher-cost training may be approved to meet the wage replacement goal; and state there is no cap on the cost of Trade-funded training
May 2006	D-400.2	Updated to state that Trade-certified workers must be provided with labor market information and notified of the 80 percent wage replacement goal
May 2006	D-400.3	Updated to include information on ESL and ABE training
May 2006	D-400.4	Updated to include requirements for changing a customer's training program
May 2006	D-400.5	Updated to state that OJT is preferred