

Frequently Asked TAA Questions

1. Where does TWIST show us whether the old law or the new law covers the client?

The petition number will indicate whether the clients covered under that petition are covered under the new law or the old law. If the number is less than T0050,000 then the petition is under the old law provisions. If the number is T0050,000 or greater, then the petition is under the new law provisions.

2. Why is TRA sending us e-mails telling us that the client is ineligible for TRA because the waiver start date is after the training deadline date?

Under the new law, to be eligible for TRA, the client must be enrolled in TAA approved training **or** have a waiver of this training requirement before the training deadline date. (Enrolled in training means the training program is approved for TAA and the first day of class is within 30 days and the training deadline date is 8 weeks after the petition certification date or 16 weeks after the separation date, whichever is later.) If TRA sees that the start date on the waiver is after the training deadline date, they are notifying you that the waiver is not going to serve its intended purpose, and the client is not eligible for TRA payments. If the start date is in error, you can correct the error and notify TRA, so they can make the payment.

3. To whom do we mail/fax the original paper copy of the waiver? We mailed a waiver to Austin. When are you going to enter it into TWIST?

The paper waiver forms should not be mailed or faxed to Austin. The information should be entered into TWIST locally and the waiver form retained in the Local Workforce Center for three years.

4. We are getting an error statement that says that we cannot enter TAA training if there is an active waiver. What do we do?

An approved waiver means that TAA approved training is not feasible (i.e., not possible for this client at this time for one of the six reasons on the waiver form.) If the client is entering TAA approved training, the waiver should be revoked, and the end date of the waiver should be the day before the client is enrolled in training. Once the client is enrolled in TAA approved training, job searches are not necessary to receive UI or TRA payments.

5. We can't close some of our clients because TWIST has them assigned to a different WDB. How do we move it to our WDB?

If the TAA service is assigned to an incorrect board, notify the Dislocated Worker Unit in Austin. They will delete the service and enter it under the correct board.

6. How do we enter amendments in TWIST?

Necessary changes to TAA approved training programs are accomplished simply by changing the service detail in TWIST. By changing the information in TWIST, you are approving the change. The changed training program must meet all the TAA approval criteria. If there is change to the cost of a program that is being funded entirely from non-FY05 TAA funds (the program was approved before July 1, 2004), then notify the Dislocated Worker Unit of the change to the cost by sending an email message to taa.ebilling@twc.state.tx.us . The amount of the change will be added or subtracted to your cash draw account.

7. Is Austin going to notify the training provider and client that an amendment has been approved? How will we know when Austin approves the amendment?

No, the Dislocated Worker Services Department staff is neither approving changes to TAA training programs nor notifying the training provider or client. When the local staff changes a TAA training program in TWIST, the change is approved. Procedures should be developed locally for notifying training providers and clients.

8. Amending the TAA training program requires the client to be co-enrolled in WIA/DW. We cannot enroll the client in WIA/DW after the training program has started.

The client can be enrolled in the WIA/DW program. In fact, all trade affected workers are also dislocated workers. The only additional eligibility requirement for the WIA/DW program is registration for Selective Service.

9. We want to fund the prevocational remedial training with TAA funds, but TWIST won't let us. These programs are not on TPCS.

TWIST has been changed to allow TAA (Fund code 121) to fund prevocational remedial training (Code 70). However, the TAA funds should only be used to pay for required remedial training, such as ESL, GED, or ABE. TAA funds may not pay for prevocational services such as resume writing, interviewing techniques, etc.

10. How do we enter "other funded" training programs into TWIST?

Enter a fund detail line(s) with the amount being funded by each source, and enter a fund detail line for funding code 121 (TAA) with zero in the amount field. This indicates the training program is TAA approved, but funded by another source. If the funding source is outside TWC/Board control, such as Rehabilitation Commission funds, VETS or Pell Grants, then enter the fund detail line with a funding code 136 – TAA/Other. This indicates the training is TAA approved, but the funding is coming from another source outside the agency.

11. What do we do if a trade affected worker comes to us from another state?

Serve them like any Dislocated/Trade Affected customer. Gather as much information as possible from the customer concerning the affected layoff, such as state, date, company, petition number, etc. E-mail this information with the customer's name and social security number to maurice.mitchell@twc.state.tx.us with a cc to dale.robertson@twc.state.tx.us . The state staff will contact the other state and obtain enough information to enter the petition information and a program detail for the customer into TWIST. Continue to serve the customer as if the customer was separated in Texas. However, if the customer is to be enrolled in TAA approved training, the other state must approve the training program. E-mail the details of the training program to the TWC Dislocated Worker Services department. The state staff will obtain the approval from the other state and e-mail you confirmation.

12. What is the difference between the Enrolled In Training Date and the Initial Planned Start Date on the Program Detail/Program Summary?

The Enrolled In Training Date is the date the training program is TAA approved. The date can be up to 30 days before the first day of training. From this date on, the trade affected worker is not required to perform work searches since by approving TAA training, it is determined that suitable work is not available to the customer. The Initial Planned Start Date is the date of the first day of training. If a service detail record with a fund detail line with either code 121 or 136 is not entered, it indicates the customer was enrolled in TAA approved training, but did not start the training.

13. Is there a bid process for TAA Relocation Allowances?

The TAA Relocation Allowances are not subject to the State procurement policies. However, it has been our policy to require the customer to obtain three estimates from moving companies, if possible. We select the company that provides all the needed services at the lowest cost.

14. What is the difference between ES, WIA, and TAA Job Search Assistance?

ES and WIA provide a range of services to assist customers in identifying available jobs for which they may be eligible and securing a job interview. TAA Job Search Assistance provides funds to pay for much of the travel costs if the trade affected customer has secured an job interview for a bona fide job opening outside the normal commuting area.

15. Is there a limit to the number of Job Search interviews allowed under TAA Job Search Assistance?

There is not a limit to the number of Job Search interviews, but there is a total benefit limit of \$1,250 (\$800 if the petition number is less than 50,000).

16. Does TAA have performance measures?

TAA will be included in the common measures. Trade-certified workers co-enrolled in WIA DW will count toward WIA DW performance at least until Common Measures are in place and perhaps afterward.

17. Having to co-enroll TAA clients is going to affect our performance measures. How can we serve people who were making \$25 an hour to sew on buttons and not fail our measures?

- The Commission has been clear that if the co-enrollment begins to have a negative effect on the Dislocated Worker performance measures then the Agency will negotiate new measures.

18. What do we do if the data that converted in TWIST was wrong? The 60-day edit will not let us change it.

The staff in the TWC Dislocated Worker Services Department is authorized to correct mistakes if bad data was converted from the old TWIST system. There were few edits on the entry of TAA data and there are keying errors, especially to dates, that need to be corrected. Changes can not be made to records that were closed more than 60 days ago.

19. If the call-in letter was sent more than 210 days ago, does that mean the client is not eligible for TAA anymore?

No. First, the call-in letter does not mean that the client is either eligible or ineligible for anything. To determine if the client is eligible for TAA, look on the eligibility criteria tab in TWIST. The 210 day rule only concerns eligibility for additional Trade Readjustment Allowances. In order to be eligible, the client must make a bona fide application for training within 210 days of the last qualifying separation from the trade-affected employer. It has nothing to do with eligibility for training, Job Search Assistance or Relocation Allowances.

20. What are the sequence of services for Trade Affected Workers?

The sequence of service is the same as for other dislocated workers, but the timelines must be carefully reviewed to ensure that the worker is not inadvertently denied a benefit.

21. Can GED and ESL be trade training?

Yes, TAA can fund remedial training including GED and ESL if it is required to make the client job ready in a specific occupation. It has to be part of a complete reemployment plan. The time allowed for GED and/or ESL training has to be realistic to achieve the needed results. Progress in this training must be monitored closely. Unsatisfactory progress requires that the reemployment plan be revised. If GED and/or ESL training is the only training planned for the customer, then it must be the only required skill lacking to be job ready in the selected specific occupation. GED and ESL training should not be

approved in lieu of occupational training. The approved reemployment plan must focus on a specific occupation for which the customer can realistically qualify.

22. What happens if the planned date for training changes?

If the planned start date changes to a later date for unusual circumstances and no fault of the client, the enrolled period can be extended to a period of up to 60 days. Change the Initial Planned Start Date in the program summary. Document the extenuating circumstances in counselor notes so the TRA staff will have information to make a decision.

23. Who checks the TRA box in TWIST and what does it mean?

The TWC TRA staff checks the box. A check mark means that TAA information has been sent from TWIST to the benefits system. It does not mean that a TRA claim has been filed or keyed.

24. If the student fails a certification test or course, can TAA pay to repeat it?

Yes, if the case manager believes the student is making satisfactory progress and will successfully complete the planned training program.

25. Will the client get TRA payments when there is a break in training?

If the client is in training under a petition with a number less than 50,000, and the break is less than fourteen days, then the client can be paid TRA if otherwise eligible. If the petition number is 50,000 or greater, then the break can be up to 30 days.

26. How will TRA know to pay TRA if the client completes training and still has basic TRA left?

The TRA staff will look to see if a qualifying credential is entered into TWIST.

27. Why are codes 134 and 135 in the dropdown sometimes and not other times?

These were conversion codes for other funded training records. They are available only for records converted from the old TWIST system. Now you enter an other funded record by combining a Code 96 funding detail and a Code 121 funding detail or using Code 136.

28. What does Code 136 – TAA/Other mean?

This is to identify training programs that are TAA approved, but funded by a source outside TWC, such as Pell Grant or VETS.

29. How long must we keep the Waiver form and the Explanation of Services form?

Keep the Waiver form for three years from the date the program detail is closed. Keep the Explanation of Services forever, or until DOL limits the time a trade affected worker can be eligible for additional TRA.

30. Is a trade affected worker eligible for additional TRA (TRX) during the Enrolled in Training period, or do they need to be attending training?

The worker must be participating in training, therefore, actually attending class. The worker may receive UI or basic TRA during the Enrolled in Training period without conducting a job search.

31. Can a third waiver of the TAA training requirement be approved?

There is no limit to the number of waivers that can be approved if one of the six reasons is valid.

32. Is it an allowable cost for our contractor pay for a TAA training program not on the Training Provider Certification System (TPCS)?

Yes. Although there is a state rule requiring approved TAA training to be on the TPCS, some trade clients entered training before the rule was adopted. Also, if a trade client has a bona fide offer of employment contingent upon receiving certain training, customized training can be approved that is not on TPCS.

33. What are the allowable time limits for TAA training?

A training program can be approved for up to 104 weeks. If the Petition number is greater than 50,000, then the limit can be increased to 130 weeks, allowing one week of extension for each week of remedial training, up to 26 weeks.

34. If a customer begins receiving Basic TRA with a waiver, then comes back in after several years and needs training, can they still receive TRX?

If the customer has never been approved for TAA training, then TRX eligibility has not been effected.

35. Do we have to fax the old TAA-3, Explanation of Benefits, to the TRA office?

The old Form TAA-3, Explanation of Benefits, is now the EOS-1, Explanation of Services. If this form is completed within 210 days of separation, it will meet the application for training requirement to qualify for Additional TRA (TRX). The form is needed to determine the worker's eligibility for TRX benefits. However, instead of faxing the document to the TWC TRA unit, document in TWIST that this form is on file with the local office. Under Program Summary, complete the Interest in Training Date with the date the worker signed the Form EOS-1. Also, complete the ONET specific interest in

training. Both of these items must be completed to establish the worker's eligibility for TRX. TRA needs this information to give the worker credit for additional TRA (TRX).

Questions from the Live Meeting Sessions

1. If a client moves from one WDA to another, should the client's file be closed and transferred to a case manager at the new WDA, or should the client be co-enrolled in WIA with both boards?

The client should be co-enrolled.

2. Our board has a policy that if a customer is enrolled in intensive services or training with another WDA, we do not enroll them in WIA with us. Can the same policy be applied to TAA customers?

If the customer is enrolled in TAA training, the customer should continue with the case manager in the original WDA. There is no time limit on the eligibility of a trade customer for training. A trade customer may come from another WDA or another state several years after being separated from the certified employer. If the customer has not obtained suitable employment or training in that time, the customer should be served and training can still be approved based on a comprehensive assessment.

3. If a client is enrolled in training in one WDA, then moves to a different WDA, can the training continue?

If it is the same training program at the same training provider, the customer should continue in the training. The move has no effect. If the customer drops out of training and moves, then wants to enroll in a different training program in a different WDA, it depends on the reason for the move. If the customer had justifiable cause for moving, such as their spouse found employment, then every effort should be made to help the customer complete training. As much as possible, training in the same or similar occupation should be considered. The time and money expended in TAA approved training must be considered. The time in the original training counts against the 104-week training limit.

4. Does the TWC State staff approve or deny which TAA customers will be allowed to participate in training?

No. The boards will determine a procedure for the approval of TAA training and determining reasonable cost. The boards will also determine a procedure for recommending the denial of TAA training. The TWC staff will review the reasons for denial, determine the specific statute that allows the denial, enter the denial record in TWIST, and send the customer a formal determination letter that explains the appeal rights.

5. Customers can receive one training program per certification. If the customer only needs short-term pre-vocational training and is approved, would we be able to go back and approve specialized training in the future, if the customer needs it?

The entire training program that will result in making the customer completely job ready should be planned out before any training begins. The customer should not be approved for remedial training with the intent of figuring out the rest of the training program sometime in the future. If the short-term pre-vocational training is all that is needed to make the person job ready, then that can constitute the entire program for the person. If it is later determined that the program as designed will not make the customer job ready and needs to be changed and courses added, the changes can be made, and it is not a new program.

6. Can a waiver be approved before the client is enrolled in WIA since he needs a 30-day follow-up in Case Notes in TWIST?

The client should be approved for a waiver as soon as possible if it is appropriate and training is not feasible for one of the approval reasons. This allows the client time to test the job market, be provided job search assistance, receive UI or basic TRA payments, and be eligible for HCTC.

7. Can an extension be issued to a client once the petition data has expired? Is a waiver applicable?

When a petition is certified, the Impact Date is generally one year prior to the File Date (the date DOL receives the petition.) The Expiration Date is generally two years after the Certification Date. To be eligible for Trade Services workers must be laid off between the Impact and Expiration Dates. The Expiration Date does not end benefit eligibility. A new petition must be filed if layoffs continue after the Expiration Date.

8. What is the formula for determining the suitable employment wage?

Divide the highest quarter of wages from the trade affected employer by 13 to determine the average weekly wage. Then multiply the average weekly wage by 80%. To be suitable, employment must pay at least 80% of the trade affected average weekly wage.

9. Who will be handling Out of State Training requests?

The local staff will access the customer and determine if training is feasible and appropriate just as they would for in state trade affected workers. However, the local staff will not approve the training. The training must be approved by the state paying TRA benefits. The State Dislocated Worker Unit staff will contact the other state to gather the petition information to enter into TWIST. This will create a program detail for the customer. If the local staff determines that training is feasible and appropriate, a request for approval should be sent to the State Dislocated Worker Unit. The state staff will contact the other state and request the training approval.

10. What is the process for getting ATAA dollars?

Under the Alternative Trade Adjustment Assistance (ATAA) program, certain eligible workers who are separated from a trade-affected employer may receive up to half of the difference between their old wage and the new wage, if they meet the requirements delineated below. The worker group must be both TAA and ATAA certified, but workers who begin receiving payments under the ATAA program cannot receive other TAA benefits and services, except for relocation allowances and the Health Coverage Tax Credit (HCTC). The wage subsidy maximum is \$10,000 during a two-year eligibility period.

ATAA certified workers must be given a choice between participating in the traditional TAA program, which emphasizes training to make the worker more employable, or the new ATAA program, which emphasizes a quick return to employment. Workers may receive either training or TRA payments or ATAA wage subsidy payments, but **not both**.

The ATAA claimant must complete an Alternative Trade Adjustment Assistance application (BS140) and submit the application with supporting documentation to the State Office UI Policy and Support Services (UIP&SS) department for a determination. The application is automatically sent to all workers on an ATAA certified petition. The application may also be obtained from a local workforce office or by contacting the UIP&SS department at 512-463-2999. TWC will base its determination regarding ATAA benefits on whether an individual meets each of the following conditions at the time of reemployment:

- The individual was at least **age 50 at time of reemployment**. The individual's age can be verified using a driver's license or other appropriate documentation.
- **The individual obtained reemployment by the last day of the 26th week after the worker's qualifying separation from the TAA/ATAA certified employment.** This reemployment may be verified with a copy of the job offer letter, a check stub, or employer's signature on the ATAA application.
- The individual should **not be expected to earn more than \$50,000 annually in gross wages** (excluding overtime pay) from the reemployment. If a paycheck has not been issued at the time of application, the employer must submit a supporting statement indicating that annual wages will not exceed \$50,000.
- The individual must be **reemployed full-time** as defined by the state law where the worker is employed. TWC considers 30 hours of work a week as full-time employment.
- The individual cannot have returned to work at the employment from which the worker was separated. This means that applicants for these benefits cannot return to the same division/facility that they were separated from, nor can they do the same or

similar work for the employer that they were separated from in another division/facility.

- If all five of these eligibility requirements are met, then claimant may receive ATAA payments. The worker has to file a paper claim form for the wage subsidy payments every two weeks, with supporting documentation, to TWC, UIP&SS, 101 E. 15th St, Room 354, Austin, TX 78778.

The ATAA supplement will cease in the event of the individual's annualized wage, excluding the ATAA wage subsidy, is projected to exceed \$50,000 a year; the individual has received \$10,000 in ATAA benefits; or the worker has reached the end of the two-year eligibility period.

Any questions regarding ATAA may be emailed to:
karen.simmank@twc.state.tx.us or donna.gantt@twc.state.tx.us

11. What is the process for recommending a denial or termination of training?

Send an e-mail to TAA/NAFTA.TrainingRequests@twc.state.tx.us with an outline of the training program that includes the name of training provider, training occupation, proposed start date, length of training, and other relevant information. The e-mail should also explain the precise reason for denying or terminating the training.

A denial has to be based on the federal approval criteria. The state Dislocated Worker staff will enter the denial into TWIST and send a denial determination letter to the customer that includes the customers appeal rights.

A TAA approved training program can be terminated if the client is making unsatisfactory progress or ceases to attend scheduled training. To terminate a training program, send an e-mail to TAA/NAFTA.TrainingRequests@twc.state.tx.us explaining the reason the training program is being terminated. The local staff should close the service detail in TWIST. The state Dislocated Worker staff will send the client an appealable determination letter. If the client requests the termination, a determination letter need not be sent. Document the reason the client requested the termination in counselor notes.

12. Our local Workforce policy limits enrolling dislocated workers to a two-year period after the date of dislocation. Can this same restriction be applied to TAA customers?

No, the denial of training must be based on the Federal approval criteria. The Federal rules do not currently include a time limitation for applying for training benefits. However, there are time restrictions for applying for and receiving TRA payments.

13. If there is a break in training longer than 14 days, how is it documented in TWIST?

If the customer is told that they may not receive TRA because of a scheduled break in training, it can be documented in Case Notes. It is documented on the TRA claim form by the customer where it asks if they are on a break. The 14 day break rule only applies to petitions number less than 50,000. Otherwise, the new law increased the break rule to 30 days.

14. What needs to be done to “Grandfather” clients in the system for Selective Services?

Please review Training and Employment Guidance letter #8-98. This document provides guidance on how to apply the Selective Service registration requirement.

15. Do the boards have the option of giving the 45 day extension?

Yes. The extension should be documented in Case Notes. However, the TRA department will review the extenuating circumstances to determine if TRA payments can be made.

16. Where do we get the Wage Detail information under eligibility?

It is in the Menu Selections under Performance Data. Open Performance Data and there is a tab entitled Wage Detail.

17. What benefits are available under TAA?

There are three benefits for which TAA funds can be expended:

- (1) Job Search Assistance (payment for some of the cost of travel for job interviews outside of the local commuting area),
- (2) Remedial and Occupational training, and
- (3) Relocation Allowances (most of the moving expenses if employment is secured outside the local commuting area.)

18. What are the deadline time periods and which ones can be extended for extenuating circumstances?

8/16 deadline

For workers covered on petitions of 50,000+, this deadline must be met or the worker will not be eligible for any TRA or TRX benefits. There is a 45 day extension past the 8/16 deadline date in which a worker may receive a waiver of training or enter TAA approved training and still be considered timely, if there are certain extenuating circumstances. The extenuating circumstances must be clearly documented by Workforce Center staff in the counselor notes. Acceptable extenuating circumstances for the 8/16 deadline extension are 1) when a worker has been enrolled in a training program that is suddenly cancelled, 2) when a worker becomes ill or injured and cannot enroll in training, or 3) other events where you can justify and document that the application of extenuating circumstances is warranted. These situations must be fully documented by the local office or a 45 day extension cannot be allowed for TRA payments.

Enrolled in training

The enrolled in training period can start up to 30 days prior to classes actually beginning. The enrolled in training period may be extended up to 60 days if extenuating circumstances arise if 1) training is abruptly cancelled, 2) where the first available enrollment date is past the end of the 30-day period, or 3) if the worker suffers injury or illness that adversely affects their ability to enroll in training. These extenuating circumstances must be fully documented in counselor notes. Otherwise, a waiver of training may be appropriate to cover the time before the worker can begin training.

210 day deadline for receiving additional TRA (TRX)

To be eligible for additional TRA (TRX) benefits, an otherwise qualified worker must make a bona fide application/interest in training. If the worker completes an Explanation of Services form or enrolls in funded training, it meets this requirement. There are no extenuating circumstances or waivers in meeting this deadline.