

**PA Department of Labor & Industry  
Workforce Investment Center  
Bureau of Workforce Investment  
WORKFORCE INVESTMENT INFORMATION NOTICE No. 1-03  
September 12, 2003**

**TO :** ALL TEAM PA CAREERLINK SITE ADMINISTRATORS  
ALL LOCAL WORKFORCE INVESTMENT ACT, TITLE 1  
OPERATORS  
ALL BUREAU OF EMPLOYER AND CAREER SERVICES  
REGIONAL DIRECTORS  
ALL BECS MANAGERS  
ALL LOCAL TRADE ADJUSTMENT ASSISTANCE  
REPRESENTATIVES  
DIRECTOR, BUREAU OF UNEMPLOYMENT  
COMPENSATION BENEFITS AND ALLOWANCES  
CHIEF, INTERSTATE & FEDERAL PROGRAMS  
HEAD, FEDERAL PROGRAMS UNIT

**FROM :** JOHN C. VOGEL  
Director  
Bureau of Workforce Investment

**SUBJECT :** Trade Act and North American Free Trade Agreement  
(NAFTA) Distance Learning Policies

**INQUIRIES :** If you have questions concerning this issuance, please direct them to one of the following Bureau of Workforce Investment, Trade Coordination Services staff via e-mail or telephone:

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- 1. Purpose.** To provide information guidelines for conditions under which distance learning may be considered approved training under the Trade Adjustment Assistance (TAA) program of the Trade Act.
- 2. Reference.** Training and Employment Guidance Letter (TEGL) No. 7-00, Trade Act of 1974, as amended; Title V of the North American Free Trade Agreement Implementation Act (P.L. 103-182); 20 CFR Part 617; and General Administration Letter No. 7-94.

3. **Discussion.** Training, which makes use of the Internet, is often referred to as distance training or distance learning. The Trade Adjustment Assistance (TAA) and North American Free Trade Agreement-Transitional Adjustment Assistance (NAFTA-TAA) programs provide for training as one of the benefits of the Trade Act of 1974, as amended. Under the conditions explained in TEGP No. 7-00, distance learning may be considered classroom training, and, thus, considered approved training under the Trade Act and for the purpose of receiving Trade Readjustment Allowances (TRA).
4. **Action Required.** Team PA CareerLink staff who assist dislocated Trade impacted workers are to apply the State's Distance Learning policy when assisting TAA training applicants in exploring training options.
5. **Attachments.** Pennsylvania's Distance Learning policy.
6. **Expiration Date.** Ongoing.

## **Distance Learning Policy**

Training, which may make use of the Internet, is often referred to as distance training or distance learning. An increasing number of training providers have incorporated distance learning as in their curriculums. Distance learning is an example of how new interactive computer technologies have been able to provide, create, or replicate the types of training that in the past normally took place in a classroom setting. Using an on-line computer connection, distance learning can establish a setting for students and instructors where, for example, lessons are assigned, completed, and returned, and discussions can be held on-line.

The Trade Adjustment Assistance (TAA) and North American Free Trade Agreement-Transitional Adjustment Assistance (NAFTA-TAA) programs provide for training as one of the benefits of the Trade Act of 1974, as amended.

The definition of classroom training contained in 20 CFR 617.21(g) describes such training as any training of the type normally conducted in a classroom setting, including vocational education, and may be provided to individuals when the conditions for approval of training are met, as provided in 20 CFR 617.22(a), to impart technical skills and information required to perform a specific job or group of jobs.

In order for the individual to be eligible to receive TRA for any week, 20 CFR 617.19(a)(1) requires that the individual be enrolled in or participating in a training program approved under 20 CFR 617.22(a), unless approved training is completed or waived (waivers are not available under the NAFTA-TAA program). Section 617.22(a) sets forth six (6) criteria for the approval of training:

1. There is no suitable employment available for the adversely affected worker.
2. The worker would benefit from appropriate training, as it should provide necessary skills to gain employment and be within the worker's abilities to complete.
3. There is a reasonable expectation of employment following completion of such training. This emphasizes favorable market conditions for the employment sought after training.
4. Training approved by the Secretary is reasonably available to the worker from either public or private providers, which includes access to a variety of training, a variety of institutions, and training outside of commuting area as necessary.

5. The worker is qualified to undertake and complete training. The individual has the appropriate educational background and work experience and the financial resources to complete the training.
6. Such training is appropriate for the worker and available at a reasonable cost. Reasonable cost is based on the total cost of program, including training, related expenses, travel or transportation costs, and subsistence expenses.

The key element to approving distance learning is based primarily on the interactive nature of the classroom training experience between instructor and student. Although the regulations do not give a specific definition of classroom setting, the usual meaning is that the training takes place in a room in a school where students can interact with an instructor.

Distance learning can be considered for approval when it is part of a curriculum that:

1. leads to the completion of a training program;
2. requires students to interact with instructor;
3. requires students to take periodic tests; and
4. requires students to come onto campus or other approved facility, for tests and meetings with instructors
5. appear on the State's Eligible Training Program/Provider List and have a signed Trade Master Agreement.

Procedure:

1. The Team PA CareerLink staff must review the conditions under which distance learning may be considered for approval with the TAA applicants who request information on distance learning.
2. Training Providers whose curriculum includes distance learning are to include a statement in the comment section of the on-line TAA Application that describes the means of communication by which the instructor can ask questions of the students, and the students can respond and ask questions of the instructor. This statement should also approximate how often students are expected to be on campus, as required in #4 above.
3. The Team PA CareerLink staff will monitor the worker's attendance.