

PA Department of Labor & Industry
Workforce Investment Center
Bureau of Workforce Investment
WORKFORCE INVESTMENT INFORMATION NOTICE No. 14-02

June 10, 2003

TO: ALL TEAM PA CAREERLINK MANAGERS
ALL BECS MANAGERS
ALL REGIONAL DIRECTORS
ALL LOCAL WORKFORCE INVESTMENT AREAS
WORKFORCE INVESTMENT ACT, TITLE 1 PROGRAM
OPERATORS

FROM: JOHN C. VOGEL
Director
Bureau of Workforce Investment

SUBJECT: Guidance on Integrating Services Under the Trade Act
Programs--the Trade Adjustment Assistance (TAA) Program,
the North American Free Trade Agreement-Transitional
Adjustment Assistance (NAFTA-TAA) Program, and the Trade
Act of 2002 with the Workforce Investment Act

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

Marla Keck	mkeck@state.pa.us	(717) 783-8050
Don Mallen	dmallen@state.pa.us	(717) 783-4807
Don Holsing	dholsing@state.pa.us	(717) 783-1211
Sue Dunaway	sdunaway@statepa.us	(717) 772-3719

1. **Purpose.** To transmit guidance promoting the seamless integration and coordination of services provided under the Trade Act programs with the provisions of Workforce Investment Act of 1998.
2. **Reference.** Trade Act of 1974 (Pub. L. 93-618), as amended (19 USC §§2271-2321); 20 CFR Part 617; Trade Act of 1974 Section 239; the Trade Act of 2002 (P.L. 107-210); 29 CFR Part 90; Workforce Investment Act, Pub. L. 105-220) (28 USC § 2801 et.seq); Workforce Investment Act Section 321; Statement of Administrative Action; Training and Employment Information Notice (TEIN) 1-00; Training and Employment Guidance Letter (TEGL) 5-00; TEGL No.11-02; TEGL 7-99; 20 CFR Parts 661 and 662; Planning Guidance and Instructions for Submission of the Strategic Five-Year Plan for Title I of Workforce Investment Act and the Wagner-Peyser (W-P) Act, 64 Fed. Reg. 9402 (1999); Workforce Investment Act: Final Unified Planning Guidance

(Developed by the Departments of Labor, Education, Health and Human Services, Agriculture, and Housing and Urban Development), 65 Fed. Reg. 2462 (2000); and 5 CFR 900.603; Workforce Investment Information Notices (WIIN) 2-01; 1-01,4-99 Change 1 and 3-99 Change2.

3. **Discussion.** This communication transmits the State's direction regarding the seamless integration and coordination of services provided under the Trade Act programs into the TEAM PA CareerLink service delivery system.

The Trade Reform Act of 2002 focuses on the coordinated delivery of the Trade Act programs, benefits, and services with Workforce Investment Act programs and partners to improve services and enhance outcomes for all customers. The reauthorization and reform of the TAA program and repeal of the NAFTA-TAA program provide an opportunity to ensure that effective strategies are employed to assist affected workers in obtaining re-employment. The overarching principle that the intervention strategies used for program benefits and services will be aimed toward rapid, suitable, and long-term employment for adversely affected workers. Program integration and coordination of services must:

- A. Increase the focus on early intervention, upfront assessment, and reemployment services for adversely affected workers. The new requirements in the 2002 Amendments require the provision of rapid response assistance and that reemployment services be made available under Workforce Investment Act, Wagner Peyser Act and other Federal programs to workers at the point that a Trade Act petition is filed which affords an important opportunity to stress early assessment and development of intervention strategies suited to the individual worker. Workers will be assisted in obtaining suitable employment through the provision of early upfront assessment and identification of marketable skills, and the provision of job search assistance and other reemployment services or, when appropriate, access to occupational skill and/or basic or remedial education or training in literacy and/or English as a Second Language.
- B. TEAM PA CareerLink's are the main point of participant intake and delivery of benefits and services. This will encourage coordination among programs in order to better serve workers and promote efficiencies in the workforce system.
- C. Maintain fiscal integrity and promote performance accountability and ensure that money allocated for TAA is used for the purposes Congress intended – to improve the economy, and assist workers and businesses – and that it is spent with the interests of taxpayers in mind. This will occur, in part, through strengthened participant outcome measures for the program.

4. **Action Required.** Local TEAM PA CareerLink partners are urged to consider this information in the ongoing design and development of their workforce investment systems and to encourage the seamless integration and coordination of the Trade Act programs and their services in the One-Stop delivery system created by the Workforce Investment Act.
5. **Attachments.** Attachment A: Trade Act Program Integration, Attachment B: Funding Source Matrix for the Trade Act Programs- Benefits and Services Activities, Attachment C: Rapid Response Principles for Trade Act Programs and Attachment D: Co-Enrollment in a Team PA CareerLink Environment.
6. **Expiration Date.** Continuing.

TRADE ACT PROGRAM INTEGRATION

Integrating the Trade Act Programs into TEAM PA CareerLinks

The implementation of the Workforce Investment Act provides an ideal opportunity to strengthen the linkages between the Trade Act programs, the adult and dislocated worker programs funded under the Workforce Investment Act, and the employment services authorized by the Wagner Peyser Act. Congress made significant changes to the Wagner Peyser Act regarding the delivery of labor exchange services through the One-Stop service delivery system. Congress also emphasized integration of the Trade Act programs by amending the Trade Act to include a provision (Workforce Investment Act Section 321) on coordination with the Workforce Investment Act programs and other partner programs, as well as mandating that Trade Act programs be partners in the One-Stop service delivery system.

All too often, the Trade Act and Workforce Investment Act's Title I Dislocated Worker programs have been viewed as distinct, unrelated programs when they are, in fact, very similar. Trade-affected workers are--by definition--dislocated workers. Complete integration of the services that all dislocated workers receive is an essential element of the seamless service delivery system that is envisioned under Workforce Investment Act. Integration improves services, maximizes the efficient allocation of available resources, and enhances outcomes for all customers.

Most of the reemployment services that are provided to Trade-affected workers under the Trade Act programs also fall within the Workforce Investment Act sequence of services (core, intensive, and training). These services, available to all eligible dislocated workers, include assessment, counseling, development of a re-employability plan or individual service strategy, and case management. These services should be the same for both Trade Act programs participants and other dislocated workers being served through Workforce Investment Act and the Wagner Peyser Act programs. The Trade Act programs provide resources that trade-affected workers may access to receive training and/or job search and relocation allowances, in addition to reemployment services provided by Workforce Investment Act and Wagner Peyser Act programs, to expedite their return to suitable employment.

Attachment B identifies these services as core, intensive, and training, and also identifies the funding sources that may be used to pay for the provision of these services.

The Workforce Investment Act also requires that adults and dislocated workers--including those affected by Trade--are to receive services through the TEAM PA CareerLink service delivery system, and that all individuals must have universal

access to informational and core services. Since Trade-affected workers meet the Workforce Investment Act definition of dislocated workers, these individuals may be receiving services through the Workforce Investment Act, Title I Dislocated Worker program or other partner programs prior to their certification of eligibility to apply for benefits and services under the Trade Act programs.

Sharing information and educating TEAM PA CareerLink partners about the advantages of fully integrating the Trade Act programs and their services and resources into the TEAM PA CareerLink system will enhance the partnerships envisioned in the Workforce Investment Act. The Trade Act programs can contribute valuable training resources, as well as subsistence resources [per diem, travel payments, Trade Readjustment Allowances], that will enhance the provision of services to all TEAM PA CareerLink customers by freeing up Workforce Investment Act and other partner program resources for other participants. Having Trade Act programs work more closely with TEAM PA CareerLink partners will improve the efficiency and effectiveness of all partner programs.

Extensive integration of all partner programs in the CareerLink is desirable, and staff should, first and foremost, consider themselves employees of the CareerLink consistent with Federal laws.

Next Steps

The Bureau of Workforce Investment (BWI) will develop and disseminate additional guidance that will assist partner staff in fully integrating the Trade Act programs into the TEAM PA CareerLink system.

Methodology

Such guidance will focus on several key principles that will guide its work, including:

- recognizing that early intervention is critical to a dislocated workers successful adjustment;
- allowing as much flexibility as possible to build a workforce investment system that meets the needs of all clients;
- promoting a seamless one-stop service delivery system that is customer friendly;
- eliminating duplication of assessments and other services amongst TEAM PA CareerLink partners; and
- advocating a no-wrong door approach--the worker receives the services required to return to work, no matter where the individual enters the system.

Funding Source Matrix for the Trade Act Programs= Benefits and Services Activities

			Appropriate Funding Sources to Cover Benefits and Services Activities for Trade-Affected Workers ¹						
	Benefits and Services Activities	Comments	TAA Admin	TAA Program	UI/TRA Admin ₂	TRA Benefits	W-P	WORKFORCE INVESTMENT ACT Title I	Other
CORE	Notification of Certification	Individual letter to affected workers			X				
	Outreach (newspaper notices)	Legal notice/public notice			X				
	Initial Intake	Initial visit and/or registration with the One-Stop (O-S)					X	X	
	Individual Eligibility Determination for TAA/NAFTA-TAA and Appeals	Decision on eligibility for Trade Act program benefits and services other than training			X		X		
	Determination of Eligibility for UI/TRA and Appeals	Monetary decision on eligibility for UI and TRA			X				
	Assessment	All activities to determine customer need					X	X	
	Career Counseling						X	X	

			Appropriate Funding Sources to Cover Benefits and Services Activities for Trade-Affected Workers ¹						
	Benefits and Services Activities	Comments	TAA Admin	TAA Program	UI/TRA Admin ₂	TRA Benefits	W-P	WORKFORCE INVESTMENT ACT Title I	Other
	Job Development/Placement						X	X	
	Employment Registration	Registration for labor exchange					X	X	
	Staff Assisted Job Search	Job search workshop, job finding clubs					X	X	
	Employment Statistics Information	Local labor market information					X	X	
I N T E N S I V E	Testing	Any test deemed acceptable by partners of the O-S; i.e., any suitable aptitude, interest, or academic test					X	X	
	Development of Reemployment Plan	Any individual service strategy adopted by the O-S	X				X	X	
	TAA Job Search Allowance Application	Taking the application for a job search allowance	X				X	X	
	TAA Job Search Allowance Determination and Appeals	The actual approval/denial of the job search application	X				X		

			Appropriate Funding Sources to Cover Benefits and Services Activities for Trade-Affected Workers ¹						
	Benefits and Services Activities	Comments	TAA Admin	TAA Program	UI/TRA Admin ₂	TRA Benefits	W-P	WORKFORCE INVESTMENT ACT Title I	Other
TRAINING	TAA Job Search Allowances			X				X	
	Relocation Allowance Application	Taking the application for a relocation allowance	X				X	X	
	Relocation Allowance Determination and Appeals	The actual approval/denial of the relocation application	X				X		
	Relocation Allowances			X				X	
	Case Management ³		X				X	X	
	Recommendation on Training Waiver Actions		X				X	X	
	Issuing, Approving, Reviewing and Revoking Training Waivers		X				X		
	Development of Training Plans/Contracts	Including application for transportation and subsistence	X				X	X	
	Training Program (including Transportation and Subsistence)			X				X	

			Appropriate Funding Sources to Cover Benefits and Services Activities for Trade-Affected Workers ¹						
Benefits and Services Activities	Comments	TAA Admin	TAA Program	UI/TRA Admin ₂	TRA Benefits	W-P	WORKFORCE INVESTMENT ACT Title I	Other	
Approval/Denial of Training Program and Appeals		X				X			
Transportation to Training Determination and Appeals		X				X			
Subsistence while in Training Determination and Appeals		X				X			
Trade Readjustment Allowances	Income Support while in Training				X				
Overall Administration of Training and Allowances		X		X					

Disclaimer: This matrix provides a quick overview of the activities related to providing the Trade Act programs= benefits and services and may not be all inclusive. It also denotes which fund sources may be used to provide these benefits and services. One-Stop operators have the option to determine what funding source they will use to conduct such activities.

Note: All benefits and services activities funded by UI, TAA, TRA, and Wagner Peyser Act must be merit staffed to the extent required by 5 CFR 900.603 and 20 CFR 652.215.

¹ Some of these fund sources may not be available in your State or local area. Conversely, other funding sources not specified here may be available, so another column is provided to allow for the listing of any other sources that may be available in your particular State or local area.

² UI administration is also known as base and contingency funds provided to the States from the State Unemployment Insurance and Employment Security Operations (SUIESO) account.

³ Case Management - under the TAA program, case management has usually meant a follow-up. Best practices have shown that active case management, such as the client-centered approach defined in the Workforce Investment Act, provides improved outcomes for program participants.

Attachment C

RAPID RESPONSE PRINCIPLES FOR TRADE ACT PROGRAMS

Linking Rapid Response with the Trade Act programs has proven successful in delivering timely benefits and services to Trade-affected workers. Rapid Response teams gather a variety of information from the employer, including the cause of the layoff. In those instances where increased imports from any country or a shift in production to Canada or Mexico appear to be the cause of the layoff, employers and workers are encouraged and assisted by Rapid Response staff in filing a Trade Act petition. Filing the petition(s) at this point improves the possibility that the petitions may be approved by the time of the layoff and provides another source of reemployment assistance that will be available to the workers when the layoff occurs.

Rapid Response teams should ideally include a Trade Act representative or ensure that Rapid Response staff are thoroughly familiar with the Trade Act programs and the petitioning process.

Rapid Response teams should also gather information from the employer regarding their suppliers and assemblers of products. This would assist in the early identification and certification of these firms and their workers as secondarily-affected.

The establishment of an early-warning system in the State will improve opportunities for averting layoffs. Early warning can be achieved through increased collaboration and information exchange among agencies and organizations involved in community, economic, and workforce development. Sharing information about companies experiencing difficulties may lead to opportunities to save jobs through retraining or skill upgrading.

A major objective of the Workforce Investment Act and the TEAM PA CareerLink service delivery system is to increase the choices available to customers. Utilizing the statewide list of approved Workforce Investment Act training programs/providers expands the retraining options available to Trade-affected workers and brings consistency to the process of referring customers to quality training providers. Utilizing training vendors on the approved list should also improve the Trade Act programs performance outcomes and customer satisfaction.

Early intervention and a timely certification of TAA and/or NAFTA-TAA petitions provide an additional resource to the TEAM PA CareerLink operators to design individual service strategies for Trade-affected workers that may include job search and relocation allowance, training, and income support in addition to the mix of core and intensive services provided to all dislocated workers in the One-Stop center. Through cooperative arrangements with One-Stop partners, as well as with company and union officials, community-based organizations, and

agencies with Federal, State, and local funding, a more effective and efficient use of available resources is possible.

Fully integrating the Trade Act programs into the TEAM PA CareerLink service delivery system ensures that Trade-affected workers have access to the same comprehensive services as all dislocated workers. Providing services to Trade-affected workers through the One-Stop outreach, intake, and assessment processes should ensure a seamless delivery of services where the various programs are invisible to the customer and opportunities for increased performance outcomes are maximized.

The provision of services to dislocated workers during the rapid response pre-layoff period can increase participation and improve outcomes. Early intervention strategies should be adapted to provide more and earlier opportunities for workers, including Trade-affected workers, to access both pre- and post-layoff services.

Active promotion means having a strategy for making employers, workers, and others aware that reemployment assistance and services are available through the TEAM PA CareerLink service delivery system. A comprehensive approach that includes the Trade Act programs is necessary to ensure that employers, workers, and others (organized labor, community groups, etc.) involved in dislocation events are aware and take full advantage of the wide range of reemployment services and assistance available to all dislocated workers. Active promotion and marketing of services and activities, including the Trade Act programs, will enhance the opportunities for positive outcomes in all areas.

Fully integrating the Trade Act programs into the TEAM PA CareerLink system will provide an opportunity to receive valuable input from all customers that can be used to implement continuous improvement activities. Increasing customer service and satisfaction of Trade-affected workers should be a primary goal of the TEAM PA CareerLink service delivery system.

The provision of uniform and factual information about the Trade Act program services and activities to employers, workers, and others is necessary to enhance performance outcomes and continuous improvement efforts. This can be achieved by providing training to Rapid Response teams, local Workforce Investment Board members, and providers, and by incorporating complete, easily understood, and user-friendly information about the Trade Act programs into Rapid Response presentations.

Enhancing partnerships is a key element of the Workforce Investment Act and critical to the success of the Team PA CareerLink service delivery system. Increased collaboration, cooperation, and coordination with all partners within the service delivery system will improve outcomes throughout the system.

Attachment D

Co-Enrollment in a CareerLink Environment

Benefits of “Co-Enrollment”

Co-enrollment means enrollment in more than one program at a time, such as simultaneous enrollment in the Workforce Investment Act, Title 1 Dislocated Worker program and the TAA or NAFTA-TAA program. Most TAA and NAFTA-TAA-eligible workers are *by definition* dislocated workers for the purposes of Workforce Investment Act, Title I. In addition, the Workforce Investment Act Dislocated Worker the TAA and NAFTA-TAA programs are required partners in the TEAM PA CareerLink system. As a result, the TEAM PA CareerLink system must be responsive to the needs of these programs and their customer groups. It is important to be able to explain the benefits of co-enrollment to the various system partners if it is to become a widely accepted practice. These benefits include:

- **Benefits to WORKFORCE INVESTMENT ACT Customers and Programs**
 - **Additional Resources to Provide Training and Income Support:** The Trade Act may provide additional training and income support resources for certified individuals that would reduce WORKFORCE INVESTMENT ACT Title I out-of-pocket costs for two of the most costly components.
 - **Improved Participant Outcomes:** By coupling the Trade Act training and income support dollars with Workforce Investment Act’s capacity for counseling, case management, and follow-up, superior performance outcomes may be obtained in both programs.
- **Benefits to TAA/NAFTA-TAA Customers and Programs**
 - **Enhanced Service Delivery:** Co-enrollment in Workforce Investment Act and/or other programs can provide TAA and NAFTA-TAA certified customers with access to a wide array of vitally important services such as career counseling and case management.
 - **Increased Services to Customers:** Co-enrolled workers may gain access to supportive services like child care and local transportation, as well as to other services like in-depth assessment, interest inventories, reviews of transferable skills, and

to certain kinds of training (short-term, incumbent worker training, etc.) not normally covered by the TAA or NAFTA-TAA programs.

Barriers to Co-Enrollment and Possible Solutions

Barrier: ***Differing Eligibility and Regulatory Requirements***

Discussion: There are numerous differences between Workforce Investment Act and TAA and NAFTA-TAA program requirements for qualifying for various types of reemployment assistance. For example, there are differences in training approval criteria, availability and amounts of job search allowances, availability and amounts of relocation allowances, income support eligibility criteria, and different supportive services. Other differences between Trade Act and Workforce Investment Act programs include the availability and amounts of training funds, and rules for reimbursing travel expenses.

Solution(s): Local Workforce Investment Boards (Local Boards) should have a basic understanding of the Trade Act programs, including similarities and differences with Workforce Investment Act and other partner programs. Local Boards should be encouraged to establish local policies that support the needs of all dislocated workers, including those impacted by trade, and to promote goals for seamless service delivery. Memoranda of understanding between Local Boards and the Trade Act programs may serve as vehicles for articulating opportunities for coordination among programs.

In addition, extensive information about the Trade Act programs is available through the Employment and Training Administration website for dislocated workers at <http://www.doleta.gov/layoff>.

Barrier: ***Different Assessment Systems***

Discussion: Partner programs within the TEAM PA CareerLink system may have different types of assessment instruments that can result in participants undergoing multiple rounds of assessment that do not enhance service planning. Additionally, partners do not always share the same definition of assessment. For some, it is a very specific *instrument*, which has to be administered and scored, while for others, it is more of a *process* of goals, needs, and/or skills identification. Even when there may be general agreement on the

definition and purposes of assessment, there may be substantial differences of opinion regarding the results of the assessment.

Solution(s): It is critical that the partners work together to develop a common understanding of what the assessment should achieve, and the appropriate mechanisms for obtaining that information. A next step toward integration would be the acceptance of partners' assessments and the elimination of redundant assessment steps. Finally, the ideal solution would be the adoption of common assessment tools that fulfill the requirements, needs, and objectives of all partners. Already existing tools, such as those accessible through O*NET, may help partners reach common solutions.

Barrier: ***Single Enrollments Can Maximize the Absolute Number of Customers Served***

Discussion: Some Local Boards and program operators believe that the best way to maximize the number of individuals served with limited funding is to refrain from practices such as co-enrollment. For example, even though TAA and NAFTA-TAA participants come with access to training funds and income support, the perspective of some Local Boards is that co-enrolling dislocated workers in the Workforce Investment Act, Title 1 program, and TAA or NAFTA-TAA is a drain on available staff resources.

Case management is considered an administrative expense for Trade Act participants. As a result, only limited Trade Act resources are available. TAA and NAFTA-TAA program funds may not be used to purchase or reimburse these services. Accessing case management services for Trade Act participants from other funding sources is essential to improving program performance and outcomes.

Solution(s): Case management, while staff intensive and costly, increases customer service and leads to more positive outcomes. Linking dislocated worker services provided through Workforce Investment Act to Trade Act participants is an essential element of a successful TEAM PA CareerLink. There are a number of options available to secure funding for Workforce Investment Act dislocated worker and National Emergency Grant (NEG) funds.

The primary benefit of co-enrollment is to the participant. One of the principles of the Workforce Investment Act is to improve customer service and this should guide the provision of services. There is no disagreement that co-enrollment dramatically improves the quality of service.

Barrier: ***Enrollment of Trade-Affected Workers Will Reduce the Local Board's Ability to Meet Workforce Investment Act Performance Standards***

Discussion: There is the perception that trade-affected workers may have multiple barriers that may impede the Local Boards ability to meet Workforce Investment Act performance standards.

Solution(s): TAA and NAFTA-TAA performance goals will be fully aligned with Workforce Investment Act performance goals in FY 2003. In order to encourage integration of services, TEGL No. 7-99 outlines a strategy for recognizing shared contributions toward outcomes. This strategy allows Workforce Investment Act programs to claim credit for outcomes on core measures attained by participants who receive non-Workforce Investment Act funded services, once the participants are registered for Workforce Investment Act funded services. Thus, the successes of co-enrolled workers will contribute to the Local Boards ability to meet Workforce Investment Act performance standards. Additionally, performance information from NEG co-enrollment projects indicates that co-enrollment in fact enhances the Local Board's ability to meet performance standards.

Barrier: ***Lack of Sufficient Trade Act Administrative Funding to Provide Necessary Staff at the Local and State Levels***

Discussion: Trade-affected workers may require more staff intensive services; e.g., job search assistance, relocation assistance, training, and follow-up. Service levels vary widely depending upon the available staff to provide these services to Trade-affected workers.

Solution(s): Local agreements should be established among the TEAM PA CareerLink partners that increase communication and include arrangements for cost pooling to enable utilization of other funding sources. The funding matrix available in TEGL No. 5-00 provides an explanation of what benefits and services each funding stream may be used to provide.

Barrier: ***Trade Knowledgeable Staff May Not be Present at the Reception Point in One-Stop or Affiliate Centers***

Discussion: The requirements of a comprehensive One Stop center include making Trade Act services available to customers. Staff at local TEAM PA CareerLink offices should have sufficient information and training to recognize potential eligibility for various partner

program(s). A lack of adequate staff training and information may result in insufficient information being provided to trade-impacted workers and incorrect eligibility determinations being made.

Solution(s): Initial and ongoing training and information must be provided and available to One-stop staff to ensure that Trade-affected workers are identified and advised of available services.

Barrier: ***Interstate Dislocated Workers may not Receive the Same Level of Service Due to Different State Interpretations of the Federal Trade Act Regulations***

Discussion: Workers separated in one State and seeking services in another State may be required to undergo a new Workforce Investment Act eligibility determination. As a result, lack of coordination between States may unreasonably delay the provision of services to the dislocated worker. Some dislocated workers could access Workforce Investment Act services in multiple States since there is no residency requirement under Workforce Investment Act.

Solution(s): Reciprocal agreements with boarder States should be entered into in accordance with the Workforce Investment Act and should include provisions for TAA and NAFTA-TAA coordination. Ultimately, those agreements should be extended to include States other than border States.