



Trade Adjustment Assistance
WorkSource Standards & Integration Division

Washington envisions a nationally recognized fully integrated One-Stop system with enhanced customer access to program services, improved long-term employment outcomes for job seekers and consistent, high quality services to business customers. In order to achieve this vision, the WorkSource Standards & Integration Division sets a common direction and standards for Washington's WorkSource system through the development of WorkSource system policies, information memoranda, and technical assistance.

Policy Number: 3065 Revision 2
To: Washington WorkSource System
Date of Publication: January 24, 2013

Subject: Approval of Training Under TAA

1. **Purpose:**

This policy provides guidance on the federal and state standards for Trade Adjustment Assistance (TAA)-approved training and provides the statewide definition of commuting area for determining travel and subsistence costs for participants in training.

2. **Background:**

The Trade Act of 1974 established a requirement for participation in training (20 CFR 617.19) in order to receive Trade Readjustment Allowances (weekly benefits) while in TAA-approved training. A waiver of the training requirement shall be issued to an individual only when a determination is made that training (20 CFR 617.22 (a)) is not feasible or appropriate at that time.

The regulations establish six criteria that must be satisfied before a training plan can be considered for approval. This policy provides the standards and rationale required to document the six criteria for approval of training and justification for when training is not feasible or appropriate.

3. **Policy:**

a. **Criteria for TAA-funded Training**

TAA service providers must apply the six criteria (20 CFR 617.22 (a)) as the basis for approved TAA-funded training. Each of the following criteria must be fully documented in the participant's record.

- i. **There is no suitable employment available for the worker.** It is the responsibility of the TAA service provider to determine the availability of suitable employment in the commuting area, or in the area in which the individual desires to relocate and that there is no reasonable

prospect of suitable employment becoming available in the foreseeable future.

- ii. **The worker would benefit from appropriate training.** There must be a direct relationship between the needs of the individual for skills training or remedial education and the training program under consideration, and that the worker has the mental and physical capabilities to undertake, make satisfactory progress in, and complete the training.
- iii. **There is a reasonable expectation of employment following completion of training.** The training must be in a demand occupation for the labor market in which the individual resides or is willing to relocate to. The individual must be job ready upon completion of the training program.
- iv. **Training approved is reasonably available to the worker from either public or private sources.** First consideration shall be given to training opportunities available within the individual's normal commuting area, although not precluding training outside the commuting area if none is available at the time within the individual's commuting area.

Whether the training is within or outside the commuting area, the training must be available at a reasonable cost. Training at facilities outside the individual's normal commuting area should be approved only if the training is not available in the area or if the training to be provided outside the normal commuting area will involve fewer charges to TAA funds.

- v. **The worker is qualified to undertake and complete the training.** Consideration must be given to the individual's personal qualifications to undertake and complete the training. The assessment must show that the individual has the physical and mental capabilities, educational background, work experience, and financial resources to undertake and complete the specific training program.

The assessment shall include an analysis of the individual's remaining weeks of UI and TRA payments in relation to the duration of the training program. If the weekly benefits will exhaust before the end of the training program, it shall be determined whether personal or family resources are available to the individual to complete the training. It must be noted in the individual's record that financial resources were discussed before the training is approved.

When adequate financial resources are not available to complete the training program, the plan shall not be approved and consideration shall be given to other available training opportunities.

- vi. **The training is suitable for the worker and available at a reasonable cost.** Service providers must demonstrate that the training is appropriate for the individual given their capabilities, background, and experience.

Training may not be approved at one provider when, all costs being considered, training substantially similar in quality, content and results can be obtained from another provider at a lower total cost within a similar time frame.

Training may not be approved when the costs of the training are unreasonably high in comparison with the average costs of training in similar occupations at other providers. Instead, federal or state sources other than TAA can pay the cost of the training program. Sources personal to the individual, relatives, or friends may not be used. All training approvals are conditional upon the availability of funding.

The following elements shall be considered when determining the reasonable cost of training:

- Costs of a training program shall include tuition and related expenses (books, tools, and academic fees), travel or transportation expenses, and subsistence expenses;
- First consideration must be given to the lowest cost training available within the commuting area; and
- Training at institutions outside the individual's normal commuting area, involving transportation or subsistence costs, shall not be approved if other appropriate training is available.

The documentation in the participant's record must include: assurance that the training is suitable for the worker, is at the lowest reasonable cost, complies with policy #3085 TAA Education Expense Cap, and will enable the worker to obtain employment within a reasonable period.

Training shall be denied if it requires an extraordinarily high skill level and/or where the total cost of the training is substantially higher than other training that is suitable for the worker. A request for training that is denied may be appealed. (See [TAA Policy 3075 - Complaints Appeal Process](#))

b. Statewide Commuting Area

The statewide commuting area is defined as 25 miles one-way. This definition only applies to reimbursements while a participant is in TAA-approved training. TAA service providers will use the shortest one-way distance from the participant's residence to the training facility to determine whether the travel distance is within the local commuting area. Only the lesser of transportation or subsistence for any student who travels 26 miles or more one way will be paid for.

Note: The 25-mile definition of commuting area *does not* apply for the out-of-area job search or relocation allowance. For a participant to receive an out-of-area job search or relocation allowance, the location of the new job must be more than 50 miles from the participant's residence (See Relocation and Job Search Allowance Procedures).

- **Transportation costs may not exceed the lesser of:**
 - The actual cost for travel by the least expensive means of transportation that is reasonably available between the participant's home and training facility; or

- The cost per mile at the prevailing federal mileage rate; or
 - The amount otherwise payable as subsistence as outlined below (50 percent of prevailing subsistence rate).
- **Subsistence costs may not exceed the lesser of:**
 - The actual daily cost for temporary lodging and meals in the area of training documented by the Department or the participant; or
 - Fifty percent of the prevailing federal rate for lodging and meals for the locale of the training.

A participant approved for subsistence allowances may receive transportation allowances for one round trip to travel to and from the training location at the beginning and end of training, using the least expensive means of travel reasonably available.

c. **Restrictions**

General:

- TAA service providers may authorize up to **\$40.00** per semester/quarter for the purchase of supplies such as pens, pencils, paper, binders, dictionaries and non-edible supplies, normally found at collegiate and training facilities and needed by the participant to support classroom training. These supplies are considered incidental and above/beyond the cost of training as defined above and should not be factored in to the determination of the cost of training.
- Approval of expenses, such as books and tools, is limited to those costs identified on the school syllabus and the training agreement, which must be approved before training begins.
- In general, the purchase of equipment such as personal computers, laptops, notepads or other information technology hardware is strictly prohibited UNLESS required by the school syllabus and contained in the training agreement.

Tools:

- TAA funds shall not be used to replace lost or stolen tools.
- Tools become the property of the participant after the completion of training for use in employment. The tools will also become the property of participant if he or she does not complete training but obtains training related employment
- Participants who do not complete training and do not obtain training-related employment must return all tools to the TAA service provider.

4. **Definitions:**

Suitable employment – work of an equal or higher skill level than the participant’s past adversely-affected employment with wages that are not less than 80 percent of the participant’s average weekly wage at the time of qualifying separation.

Feasible – the term feasible means training is available at the time of request that meets all the criteria of 20 CFR 617.22(a); the individual is able to take full advantage of the training opportunity and complete the training and funding is available to pay the full costs of the training and any transportation and subsistence expenses that are compensable.

Appropriate – being suitable or compatible, fitting, or proper. Appropriate refers to suitability of the training for the worker, and compatibility of the training. Suitability and compatibility of training are encompassed within the criteria in 20 CFR 617.22(a).

5. References:

- Trade Act of 1974
- Trade Reform Act of 2002 Issued Jan 23, 2002
- 20 CFR 617.22(a), 617.19(b) & 617.22(6)
- TEGL 22-08, Issued May 15, 2009
- TEGL 22-08, Change 1, Issued November 20, 2009
- TEGL 11-02 Issued Oct 10, 2002
- TEGL 5-01 Issued Sept 28, 2001
- [TAA Policy 3075 - Complaints Appeal Process](#)

6. Supersedes:

This policy supercedes TAA Policy 3065 Rev 1 – Approval of Training.

7. Website:

<http://www.wa.gov/esd/policies/taa.htm>

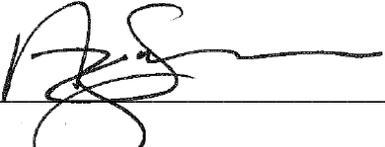
8. Action:

WDCs and their contractors, as well as Employment Security Area Directors, should distribute this policy broadly throughout the system to ensure that WorkSource system staff are familiar with the content and requirements.

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Approved:

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