

Chapter 8 – Training

The “Training Overview” portion of this section provides guidance applicable for *all* TAA Laws (TAA of 2002, TGAAA of 2009, TAAEA of 2011, and TAARA of 2015). Each subsequent section (8-2 thru 8-5) outlines training requirements specific to each law. The rules that apply to all TAA laws include:

*Types of TAA Training Options.

*EBT.

*Training costs paid by TAA.

*Comprehensive Assessments.

*ISS(s).

*Online Learning Credentials.

*Interruptions in Training.

*Scheduled Breaks in Training.

*Special Component Training.

*Pre-Separation Training (TGAAA of 2009/TAAEA of 2011/TAARA of 2015).

*Removal from Training.

*Training Approval Standards.

*Modifications.

*Call-Back Scenarios.

Section 8-1: Training Overview (Applicable for Each TAA Law)

The purpose of TAA training is to assist adversely affected workers in obtaining the skills necessary to gain suitable, long-term employment. Authority for approval of training programs resides with the MWA. The MWAs are responsible for accepting applications for training, which includes the approval and denial of training programs in accordance with established training approval guidelines. The MWAs must work with adversely affected workers to find an approvable training program that is appropriate for the worker. The TAA regulations and requirements for each applicable law, TAA of 2002, TGAAA of 2009, TAAEA of 2011, and TAARA of 2015, are outlined in this chapter.

Only one training program can be approved per certification, regardless of the funding source. The 20 CFR 617.22 (f)(2) states in part: “No individual shall be entitled to more than one training program under a single certification.” This does not prohibit an MWA from writing more than one training agreement for an adversely affected worker, where appropriate; however, training begin and end dates should be consistent across training agreements when using more than one provider, regardless of specific enrollment dates. If an adversely affected worker is enrolled in a WIOA-funded training program, every effort must be made to approve that training under TAA.

Form TAA-923: *TAA Training Application* must be used to approve TAA training. Once a training contract is signed by all parties (adversely affected worker, training institution, and the MWA), the Form TAA-923: *TAA Training Application* must be completed. The latest signature date on the contract should be used for the approval date on the Form TAA-923: *TAA Training Application*. To be considered “enrolled” in training, an adversely affected worker must have been approved for TAA training by the MWA (contract or agreement is signed by the adversely affected worker, the MWA, and the training institution) and training must commence within 30 days. The TAA-approved training must begin within 60 days of the Monday following the last

payable week on Basic TRA to be eligible for Additional TRA (30 days to be “enrolled” and 30 days to begin training).

Upon completion, Form TAA-923: *TAA Training Application* should be forwarded to the TRA Unit. A formal denial of TAA training can be issued on the Form TAA-923: *TAA Training Application* or the Form TAA-507: *Notice of Determination* Form.

Types of TAA Training Options

The TAA program offers two types of training options: Classroom Training or EBT. Classroom Training may include or consist entirely of Remedial Training. EBT may consist of OJT, a Registered Apprenticeship, or Customized Training.

To be considered for approval of Classroom Training or EBT, the following must be completed and documented:

- 1) *Comprehensive Assessment, and
- 2) *ISS, and
- 3) Form TAA-312: *Training Approval Standards*.

The MWAs must not limit TAA-approved classroom training or EBT to those approved under the WIOA-approved training program list (Michigan Training Connect). At a minimum, training providers must be state licensed to provide the requested training program.

Please Note: It is required that the comprehensive assessment and ISS be completed prior to issuance of the waiver of the training requirement, or training activity, under TAA of 2002, TGAAA of 2009, TAAEA of 2011, and TAARA of 2015. If an adversely affected worker has not received a waiver of the training requirement, the comprehensive assessment and ISS are required to be conducted prior to the completion of the Form TAA-312: *Training Approval Standards*.

EBT

A demand-driven workforce system is the State of Michigan’s primary workforce development strategy. Local WDBs must identify priority industries and develop and implement appropriate services based on input received from employers and other key partners. TAA EBT can play a key role in the local area’s demand-driven system. TAA EBT will require a partnership between the MWA and the employer for selection, testing/assessment, and pre-screening of potential candidates. The WDA strongly encourages the use of EBT for adversely affected workers (taking into account customer choice and the six TAA training approval criteria).

For dual-enrolled participants, TAA and WIOA can co-fund OJT programs. (TAA can fund up to 50 percent of the wages, and WIOA can fund the remaining portion, up to the allowable WIOA percentage). TAA and WIOA cannot duplicate funding.

For dual-enrolled participants, TAA and WIOA can co-fund Registered Apprenticeships if TAA does not fund On-the-Job Learning and the WIOA does not fund training that takes place after the TAA-funded portion of the Registered Apprenticeship. (For example, TAA cannot fund the first two years of a Registered Apprenticeship program, for which WIOA plans to fund the second two years).

Training Costs and Supplies paid by TAA

All costs of training are paid by the TAA program (Classroom and EBT), including tuition, course fees, books, essential supplies, equipment, and other additional items/services deemed necessary for successful completion of the training program.

Examples of additional allowable benefits that may be essential for successful completion of TAA training (but are not limited to):

- Supplies, tools, equipment, technology devices, etc., deemed “highly encouraged,” “imperative,” or otherwise without the purchase of necessary materials would hinder the success of the participant.*
 - Laptop or tablet.
 - Wireless internet availability.
- Education and school supplies.
 - Purchase of supplies including folders, paper, index cards, pens, pencils, backpacks, etc.**
 - Graduation cap and gown.
- Course and assessment fees.
- Parking fees.
- Other items/services deemed necessary by the training institution for the successful completion of the program.

*The purchase of necessary materials need not be “required;” however, the justification for purchase must be documented from the training provider.

**It is suggested that the MWAs determine a standard amount to include in the cost of each training plan for purchases of education and office supplies. A receipt for reimbursement of such supplies is required.

For adversely affected workers traveling outside the normal commuting area, subsistence or mileage costs are reimbursed. As of December 5, 2018, the commuting area is defined as five miles or more from the adversely affected worker’s home to the training facility. Please refer to Chapter 10 – Subsistence and Mileage Reimbursement, for further guidance.

Comprehensive Assessment

Prior to consideration of a TAA-approved training program under any TAA law, including EBT, or prior to the issuance of a TAA of 2002, TGAAA of 2009, TAAEA of 2011, or TAARA of 2015, waiver of the training requirement, a comprehensive assessment, and an ISS must be completed. The MWA is required to compare the results to the skills required for successful completion of the requested training program.

The comprehensive assessment must include an evaluation of the adversely affected worker’s skills, aptitude, and abilities (including reading and math levels). The results of the comprehensive assessment must indicate the ability of the adversely affected worker to undertake and successfully complete the requested training program within the allowed maximum number of training weeks and/or should be used to determine the interest of the adversely affected worker as it relates to employment opportunities.

In lieu of a comprehensive assessment, an employer engaged in an OJT opportunity may provide justification to deem the adversely affected worker capable of meeting the objectives outlined in the EBT contract. The employer must also support the adversely affected worker's ability to undertake and successfully complete training within the allowed number of training weeks.

ISS

The development of an ISS is required to be completed prior to the approval of a TAA training program (applicable for all TAA laws) and is required to be issued prior to a TAA of 2002, TGAAA of 2009, TAAEA of 2011, or TAARA of 2015, Form TAA-802: *Waiver of Training Requirement*. The ISS is established in the OSMIS and includes four sections: Client Characteristics, Employment Goal, Assessment, and Action Plan. The MWA may decide, on an individual case basis, which sections are necessary for completion. It is recommended that the ISS be completed in-person with the individual. At least one employment goal and one action plan are required in the OSMIS. The ISS should be updated throughout the adversely affected worker's participation in the TAA program.

Online Learning

Please Note: MWAs are highly encouraged to utilize TAA funding to provide internet capability to adversely affected workers enrolled in an online course or online training.

An example of an acceptable method for providing access to wireless internet would be allowing the adversely affected worker to 'sign out' a wireless access card for the duration of the online course or term.

*It is advised that MWAs not pay the internet bill directly to the wireless service provider.

Online learning may be considered classroom training when the degree or certificate received is equivalent to that which would have been received if the training had been conducted on campus. This interpretation expands the types of approvable training to include scenarios in which the adversely affected worker completes all, or part of, an educational or vocational program online, or in a location that is not physically on the campus of the institution hosting the training program. The final degree, or certificate conferred, must be equivalent in content and standard of achievement, to the same program completed on campus or at an institutional training location. When the above condition is met, the WDA will recognize that the training is of the type that normally takes place in an interactive classroom setting; therefore, it satisfies the requirement of the regulations and statutes.

In addition, for online learning to be approved, all six training approval standards must be met in the same way as in all TAA training programs. Online learning requires the monitoring of satisfactory progress and participation as described per applicable law.

Online learning may, in some cases, be more self-paced than institutional training, which usually requires physical attendance at specific classes. The MWA officials and TAA staff will need to work with training providers to understand the specific requirements or milestones of the online

learning program, and to ensure that the training provider keeps the agency informed of the adversely affected worker's adherence to those requirements.

The regulations at 20 CFR 617.18(b)(2) make an adversely affected worker ineligible for TRA for any week in which the worker "ceases to participate" in training without "justifiable cause." Paragraph (b)(2)(ii)(C) of 617.18 defines "justifiable cause" as "such reasons as would justify an individual's conduct when measured by conduct expected of a reasonable individual." Paragraph (b)(2)(ii)(B) of that section defines "ceased participation" as when an adversely affected worker "fails to attend all scheduled training classes and other training activities scheduled by the training institution in any week of the training program without justifiable cause." Thus, if an adversely affected worker who is enrolled in a distance learning program is not meeting all of the training institution's requirements, he or she is considered to have ceased participation in training, and the adversely affected worker is ineligible for TRA for that week, unless a reasonable adversely affected worker in this situation would have missed meeting the requirements.

Credentials

TEGL 15-10 established "credential" as the umbrella term encompassing postsecondary degrees, diplomas, HSEs, licenses, and industry-recognized certifications. A credential must be awarded in recognition of an individual's attainment of measurable technical or occupational skills necessary to gain employment or advance within an occupation. These technical or occupational skills are generally based on standards developed or endorsed by employers.

The MWAs are encouraged to work with industry cluster groups to create and promote industry-recognized credentials. More information from the USDOL regarding TAA credentials is forthcoming.

Interruptions in Training

Generally, adversely affected workers in training must remain in training until it is completed. However, situations may arise in which it is absolutely necessary for an adversely affected worker to temporarily cease training. The manner in which interruptions of TAA-approved training is managed depends on the reason for the interruption. In general, adversely affected workers who voluntarily remove themselves from training for any reason cannot re-enter training. However, some exceptions may apply, especially in cases where the reason for the interruption is due to health or other personal reasons that are beyond the control of the adversely affected worker.

Bearing in mind that the objective of TAA training is the attainment of marketable skills, and the goal is the attainment of employment, adversely affected workers may be allowed to return to TAA-approved training under the following circumstances, to be evaluated by the designated MWA staff person:

- 1) Whether the reasons for interrupting training can be remedied during a short period away from school, or
- 2) Whether training can be completed within the maximum allowed actual training weeks (as defined by applicable law).

Any changes in training program end dates must be documented. The UIA also must be notified if the adversely affected worker is receiving TRA benefits (or is not yet receiving TRA because UI or extended benefits have not yet been exhausted). The Form TAA-319: *Notice of TAA Participant Status* must be used for this process. For individual training agreements, the end dates must be modified.

Adversely affected workers who are receiving TRA benefits, or are not receiving TRA because UI or extended benefits have not yet been exhausted, should be told that a period of interruption in training may affect their benefits. The waiver of availability and seeking work, based on participation in approved training, will *not* apply during the absence. The adversely affected worker may lose weeks of TRA eligibility or benefits.

A maximum amount of days that an adversely affected worker can temporarily cease training is not defined; therefore, the length of interruption of training is at the discretion of the MWA.

Scheduled Breaks in Training

A scheduled break in training may be approved for adversely affected workers enrolled in a TAA-approved training program. Prior to the break in training, the adversely affected worker must request the break, and the MWA must determine if approvable. An adversely affected worker who is otherwise eligible for TRA continues to be eligible for Basic and Additional weeks of TRA during scheduled breaks in training, but only if a scheduled break is no longer than 30 days *and* all of the following additional conditions are met:

- 1) The adversely affected worker was participating in TAA training immediately before the beginning of the break.
- 2) The break is provided for in the published schedule, or the previously established schedule of training issued by the training provider, or is indicated in the training program approved for the adversely affected worker.
- 3) The adversely affected worker resumes participation in the training immediately after the break ends.

The following formula is used to determine an adversely affected worker's eligibility for payment during a break:

Please Note: Begin with the day following the last day of scheduled training and count the days up to the last day of the break preceding the next scheduled day of training. Do *not* count the date of any weekend days on which training is not usually scheduled at the training facility. This means that for *some* facilities Saturday and Sunday will not be counted, and for some facilities, only Sunday will not be counted. Do not count official state or federal holidays.

- 1) If the number of days counted is 30 or less, the adversely affected worker can be paid during the entire break period. If the number of days counted is more than 30, the adversely affected worker cannot be paid Basic, or Additional weeks of TRA, during the full weeks of the break. This means that Basic, or Additional weeks of TRA, for adversely affected workers in approved training cannot be paid during summer breaks lasting more than 30 days. However, an adversely affected worker can be paid for any week during which at least one day of training is scheduled and attended.
- 2) If a training facility closes before a scheduled break because of an emergency situation, any days of closing due to the emergency would not be counted as part of the break.
- 3) If an adversely affected worker attends classes only two or three days a week, the break is counted in the same manner explained above. The counting of break days is dependent on the schedule of the training facility, and *not* the schedule of the adversely affected worker in training.

A maximum amount of days that an adversely affected worker can temporarily cease training is not defined; therefore, the length of interruption of training is at the discretion of the MWA.

Please Note: A scheduled break in TAA-approved training greater than 30 days may occur, if approved by the MWA. The requirement for breaks to be equal to or less than 30 days applies only to the receipt of payment of TRA benefits. All breaks in training must be reported to the TRA Special Programs Unit.

Special Component Training

The MWAs may consider special component training and/or seminars to address a break in training of over 30 days (for the purpose of continuing TRA benefits). Form TAA-321: *Special Component Training* or a locally developed form may be used for this purpose. Special component training must adhere to the following guidelines:

- 1) Seminars or classes are consistent with the participant's training goals, as indicated on the training application and/or contract form.
- 2) Weeks during which seminars or classes take place are considered by the training facility/host to be weeks of full-time training.

Pre-Separation Training (TGAAA of 2009, TAAEA of 2011, and TAARA of 2015 ONLY)

Training may be approved before separation for adversely affected incumbent workers covered under the TGAAA of 2009, TAAEA of 2011, and TAARA of 2015 laws only. This provision defines an adversely affected incumbent worker as a worker who: (1) is a member of a group of workers that have been certified as eligible to apply for TAA benefits; (2) has not been totally or partially separated from employment, and thus, does not have a qualifying separation; and (3) is determined to be threatened with total or partial separation (has documentation of a future qualifying separation). An MWA may determine that an adversely affected worker has been

individually threatened with separation when the worker has received a notice of termination or layoff from employment. An adversely affected incumbent worker differs from an adversely affected worker in that the adversely affected incumbent worker has a future documented layoff scheduled that will occur between the eligibility dates of the TAA petition, but that layoff has not yet occurred.

The MWA may accept other documentation to prove the threat of total or partial separation from the firm or another reliable source in making a determination that a worker is adversely affected and deemed entitled to pre-separation training. The MWA must, upon notice of a certification, notify each worker covered by a TAA certification of program benefits as soon as possible after the partial or total separation (or for an adversely affected incumbent worker, after the notification of a future separation). The MWA satisfies this requirement by obtaining from the firm, or another reliable source, the names, and addresses of all workers who were, or will become, totally or partially separated before the MWA received the certification and within the certification period, as well as workers subsequently separated during the certification period.

The MWAs are required to notify adversely affected incumbent workers of their possible entitlement to TAA training as soon as possible, before their partial or total separations. Thus, the MWA must identify, through the firm or another reliable source, the names and addresses of all adversely affected incumbent workers to permit the MWA to determine whether a worker is individually threatened with separation. Accordingly, the MWAs must request a separate list of workers who are threatened with separation at the same time they request the list of adversely affected workers from the employer. "Pre-separation training" is not the same as incumbent worker training programs allowable under the WIOA. The goal of the WIOA incumbent worker training programs is retraining the worker with new skills to allow the worker to continue employment with an employer. The TAA pre-separation training is intended to allow earlier intervention where layoffs are planned in advance, and the employer can specifically identify which employees will be affected. Adversely affected incumbent workers may begin training prior to layoff, thereby lessening the amount of time needed to complete the training program after the separation occurs, and lessening the worker's overall length of unemployment. The criteria and limitations for approval of training for adversely affected incumbent workers are the same as they are for adversely affected workers, except that adversely affected incumbent workers may not be approved for OJT or Apprenticeships. Adversely affected incumbent workers, like adversely affected workers, are entitled to employment and case management services to ensure that they have the same assistance in developing a reemployment plan and choosing training.

The MWAs must evaluate whether the threat of total or partial separation continues to exist for the duration of the pre-separation training. This can be accomplished by verifying with the employer that the threat of separation still exists before each subsequent portion of the training is funded.

If the threat of separation is removed during a training program, or if the worker voluntarily quits employment at the TAA-certified company, funding of the training must cease. The adversely affected incumbent worker would be eligible to complete any portion of the training program where TAA funds have already been expended, but would not be eligible for further TAA funding of the training program in the absence of a threatened or actual separation from the adversely affected employment. The adversely affected worker may resume the approved training program upon the resumption of the threat or in the event of a total qualifying separation if the six criteria for approval of the training are still met. The TAA regulations permit a worker approval of one training program per certification. A training program begun prior to separation counts as that one training program and the training plan should be designed to meet the long-term needs of the worker based on the expectation that they will be laid off. The training

program should also take into account the availability of up to 156 weeks of training for TGAAA of 2009, and 130 weeks of training for both TAAEA of 2011 and TAARA of 2015 laws. Thus, while a pre-separation training program may be resumed, a worker who has participated in pre-separation training will not be eligible for a new and different training program.

Removal from Training

The MWA staff, in close contact with the adversely affected worker and training institution, may find that although the school indicates “satisfactory participation” when verifying training attendance, the adversely affected worker’s progress will not allow achievement of a marketable skill by the end of the training program. Although acceptable to the school, this may not meet standards for training under the Trade Act. Other examples for removal from training include, but are not limited to, poor attendance without justifiable cause, failure to cooperate with the MWA, and falsifying attendance forms. Please note that an adversely affected worker may drop scheduled classes without approval

Bearing in mind that the objective of TAA training is the attainment of marketable skills, and the goal is the attainment of employment, every effort should be made to assist adversely affected workers in completing their training programs. **A notification in writing is to be provided to the adversely affected worker warning of the possible removal from the training program with the opportunity for improvement.** The opportunity for improvement includes an arrangement of tutoring or allowing an adversely affected worker to repeat a course, if appropriate. If it becomes apparent that the adversely affected worker, due to a lack of satisfactory progress or satisfactory participation, or other reasons, will be unable to complete training within the specified time limits addressed in the warning letter, consideration may have to be given to removing the adversely affected worker from training.

If the MWA determines that an adversely affected worker must be removed from TAA-approved training for any reason, written notification must be issued to the adversely affected worker. The Form TAA-501: *Notice of Determination* may be used for this purpose. Notification can also be issued on a locally designed form, with a copy kept in the adversely affected worker’s file. Adversely affected workers may protest and appeal a removal from training; therefore, appeal information must be included if using a locally designed form. The TRA Unit must be immediately notified of a removal from training, and Form TAA-319: *Notice of Participant Status* must be used for this purpose.

For adversely affected workers enrolled in TAA-approved training under TAAEA of 2011 and TAARA of 2015, Chapter 9–Establishment and Review of Training Benchmarks, outlines additional information for the monitoring of satisfactory progress and participation.

Training Approval Standards–Six Training Approval Criteria

Please Note: For TAA of 2002, TGAAA of 2009, TAAEA of 2011, and TAARA of 2015: Approval of a TAA training program (Classroom or EBT), requires verification by the MWA that each of the following TAA Training Approval Standards has been met. Additionally, each standard requires supporting documentation to be included in the adversely affected worker’s case file.

Training may be approved for an adversely affected worker if all six standards described below are met. Compliance with these standards must be certified by the MWA. Form TAA-312: *Training Approval Standards* must be used for this purpose. Each adversely affected worker’s case file must include the Form TAA-319: *Notice of Participant Status*

and supporting documentation for each of the six training approval standards, in addition to the results of assessments.

A training request that does not meet all six training approval standards must be denied. The MWA staff must issue a written denial of training to the adversely affected worker. The Form TAA 923: *TAA Training Application* or the Form TAA-501: *Notice of Determination* may be used for this purpose. The adversely affected worker may appeal a denial of a training program.

1) There is no suitable employment available for the adversely affected worker.

There is no suitable employment available for an adversely affected worker, either in the commuting area or outside the commuting area, (in an area to which the worker desires to relocate with the assistance of a relocation allowance); and, there is no reasonable prospect of such suitable employment becoming available for the worker in the foreseeable future. "Suitable employment" means work of an equal or higher skill level than the adversely affected worker's past adversely affected employment, and wages for such work at not less than 80 percent of the adversely affected worker's average weekly wage. Notification of a specific recall to adversely affected employment by the worker's firm in the same, or essentially the same job is considered suitable employment if the recall is expected to be permanent and the worker's application for training must be denied. Adversely affected workers who leave the TAA-approved training to accept recalls that meet the definition of "suitable employment" may receive a second training approval if subsequently laid off. If an application for training is denied under these criteria, the MWA must document the availability of suitable employment through local LMI or job orders.

2) The adversely affected worker would benefit from appropriate training.

The training must enhance the adversely affected worker's employability by providing vocational skills required by the stated occupational goal. Upon completion of training, the adversely affected worker is job-ready. Training must be expected to improve the adversely affected worker's chances of obtaining and retaining sustainable employment at higher wages than would have been obtained in the absence of training. A specific vocational goal must be entered on the training contract. The vocational goal must be one that prepares the adversely affected worker for full-time employment with an employer. Self-employment or commission-based employment cannot be the vocational goal.

3) There is a reasonable expectation of employment following completion of training.

The sole purpose of TAA training is to help the adversely affected worker obtain full-time employment. Therefore, there must be a reasonable expectation that the adversely affected worker will find a job using skills acquired through training, given the local labor market conditions expected to exist at the time of training completion. "A reasonable expectation of employment following completion of such training" means that given the job market conditions expected to exist at the time of the completion of the training program, a reasonable expectation exists that the worker is likely to obtain suitable employment. The job market conditions considered must be limited to those in the worker's commuting area or in an area where the worker desires to relocate with the assistance of a relocation allowance. When no apparent demand exists, and employment prospects are questionable, an adversely affected worker can be asked to provide justification for training. For example, a letter from

prospective employers on company letterhead stating a willingness to consider hiring the adversely affected worker upon completion of the proposed training would constitute adequate justification for training approval.

4) Approved training is reasonably available from either governmental agencies or private sources.

Training should be reasonably accessible to the adversely affected worker, at no cost to the adversely affected worker, within the adversely affected worker's commuting area, at any governmental, educational, or private training provider, including OJT and customized training. Emphasis must be given to finding accessible training for the adversely affected worker, although this does not preclude training outside the commuting area. Whether the training is within, or outside, the commuting area, training must be available at a reasonable cost as outlined in item 6.

Training at a facility outside of the local commuting area will be approved only if such training is not available within the commuting area. Adversely affected workers can attend training outside of Michigan under the aforementioned circumstance, or if the adversely affected worker resides near the state line and the training is within the commuting area. However, the training facility must be licensed by the state in which it is located in order to be approved.

5) The adversely affected worker is qualified to undertake and complete such training.

Evidence that the adversely affected worker has the basic skills, aptitude, and financial resources to complete training must be documented on an ISS. Evaluation of the adversely affected worker's background must determine that the worker's knowledge, skills, abilities, educational background, work experience, and financial resources are adequate to undertake and complete the specific training program being considered. The MWA must consult the adversely affected worker's comprehensive assessment to determine whether the worker is qualified to undertake and complete the training.

The adversely affected worker must have a plan to meet living expenses while in training. The MWA case manager only determines whether the adversely affected worker's plan seems realistic. Staff need not request supporting evidence, such as financial records, or affidavits from friends or family members that promise financial support, but the fact that financial resources have been discussed must be documented in the file. Form TAA-604: *Employability Plan* or Form TAA-312: *Training Approval Standards* can be used for this purpose. When an adversely affected worker has inadequate financial resources to complete a selected TAA training program, regardless of whether it exceeds the duration of UI and TRA payments, then that training must not be approved, and consideration must be given to other training opportunities or related workforce development programs' assistance available to the worker.

Adversely affected workers must maintain satisfactory progress toward the vocational goal. Copies of attendance and grade reports should be requested and reviewed on a regular basis. Failure by the adversely affected worker to maintain satisfactory progress can result in removal from the program.

6) Such training is suitable for the adversely affected worker and is available at a reasonable cost.

“Suitable for the adversely affected worker” means that the training being considered meets the fifth training approval standard and that the training is appropriate given the adversely affected worker’s basic skills, aptitude, background, and experience.

If training of comparable quality is available at several institutions within the commuting area, the institution offering the most reasonable cost will be approved.

Training that is self-financed, in whole or in part, is not deemed reasonably available and is, therefore, NOT approvable. Self-financed training includes any program or plan that might require the adversely affected worker to pay any portion of training costs, no matter how small. Friends, relatives, and student loan programs are not acceptable sources. A fraternal organization is not an acceptable funding source unless it operates an established program to fund training and does not require repayment. However, job seekers in self-financed training may apply for TAA approval beginning with the next school semester, or another future period, not paid by the adversely affected worker. The MWAs may not consider student financial assistance (Pell Grants, Work-Study program, and other federal or state loans and grants) in approving training. This allows a worker to use student financial assistance for living expenses instead of tuition, and thus, provides the worker income support during training. However, the student may voluntarily choose to apply student financial assistance to the costs of training, if the training would not be approved otherwise due to cost.

Training Modifications

If a change to the Form TAA-301: *Classroom Training Contract* (extended version), or the Form TAA-302: *Classroom Training Contract* (abridged version), or a locally developed training contract form is necessary, a training modification is required. **All modifications to a TAA Training Contract are required to be conducted prior to the end date of training.**

If a simple modification to the Classroom Training Contract, such as the start date or total funds allocated is necessary, the following is required:

- a. Form TAA-304: *Training Contract Modification*.*
- b. Modified Program Planning Worksheet/Education Plan.
- c. Verification of weeks calculated versus weeks used.

* Signature of the adversely affected worker is not necessary. However, an MWA Representative and the training provider must sign and approve the modification. A new Form TAA-923: *Training Application* may also be used for a change in the start date.

If a modification to the Classroom Training Contract, such as a change of end date, training program to a lesser degree, or a change in training institution is necessary, the following steps and documents are required in the case file:

- a. *Form TAA-304: *Training Contract Modification*.
- b. Form TAA-312: *Training Approval Standards for Entitlement to TAA*.
- c. Modified Program Planning Worksheet/Education Plan.
- d. Verification of weeks calculated versus weeks used.

**Signature of the adversely affected worker, the MWA Representative, and the training provider is required for approval of the modification.*

Call Back Scenarios

The following scenarios may be helpful when trying to determine how to assist an adversely affected worker who may be presented with a recall.

- 1) **Qualifying separation with no indication of recall:**
 - ELIGIBLE FOR TAA BENEFITS.
 - MWA MAY APPROVE TRAINING.

- 2) **Qualifying separation; then, returned to work full-time at TAA-certified employer:**
 - ELIGIBLE FOR TAA BENEFITS.
 - MWA SHOULD DENY TRAINING.
 - Denial of training would be due to suitable employment (UNLESS the adversely affected worker is participating in or enrolled in TAA-approved training). Enrolled in training is defined as, an approved training contract signed by all three signatories for which worker will begin training within 30 days.

- 3) **Qualifying separation; then, returned to work part-time at TAA-certified employer:**
 - ELIGIBLE FOR TAA BENEFITS.
 - MWA MAY APPROVE TRAINING.
 - If the adversely affected worker is not suitably employed and will not be recalled to full-time employment in the foreseeable future. (This includes part-time employment at the TAA-certified employer.)

- 4) **Qualifying Separation with a “specific” recall date:**
 - ELIGIBLE FOR TAA BENEFITS.
 - MWA SHOULD DENY TRAINING.
 - The firm from which the separation occurred plans to recall the adversely affected worker within the reasonably foreseeable future. Per CFR 617.19, the recall is within the “foreseeable future,” and thus, training cannot be approved. A recall can be “specific” or “general.” A specific recall names the adversely affected worker and documents a recall date. Any “specific” recall prevents approval of training. Even if short-term training is requested prior to the recall date, in this case, training must be denied.

- 5) **Qualifying Separation with a “general” recall after regular UIA will be exhausted:**
 - ELIGIBLE FOR TAA BENEFITS.
 - MWA MAY APPROVE TRAINING.
 - Per CFR 617.19, the recall is not within the “foreseeable future,” and thus, training can be approved. A recall can be “specific” or “general.” A general recall occurs when the employer announces an intention to recall an individual or group of individuals without specifying any certain date or specific time period. If the general recall is reasonably expected to occur after regular UIA will be exhausted, training can be approved.

6) Qualifying Separation with a “general” recall before regular UIA is exhausted:

- ELIGIBLE FOR TAA BENEFITS.
- MWA SHOULD DENY TRAINING.
- The firm from which the separation occurred plans to recall the adversely affected worker within the reasonably foreseeable future. Per CFR 617.19, the recall is within the “foreseeable future,” and thus, training cannot be approved. A recall can be “specific” or “general.” A general recall occurs when the employer announces an intention to recall an adversely affected worker or group of adversely affected workers without specifying any certain date or specific time period. If the general recall is reasonably expected to occur before regular UIA will be exhausted, training cannot be approved.

Section 8-2: Training Overview – TAA of 2002

Adversely affected workers eligible for TAA of 2002 training benefits may choose between Classroom Training and EBT. Classroom training consists of a traditional training program offered at a community college, university, private college, or a trades training facility, such as a truck driver training program. The EBT option includes OJT, Registered Apprenticeship, or Customized Training, which are composed of a hands-on approach available for adversely affected workers who seek to work directly with a new employer to obtain new skills.

Prior to consideration for approval of classroom training or EBT under TAA of 2002, all of the following must be completed and documented:

- 1) A comprehensive assessment.
- 2) ISS.
- 3) Form TAA-312: *TAA Training Approval Standards*.

Section 8-2(A): TAA of 2002 – Classroom Training

Please Note: Prior to official approval of a TAA of 2002 training program, the comprehensive assessment and ISS must be completed, and the TAA-312: *Training Approval Standards* must be approved. If these steps have not been completed, please refer to Section 8-1: Training Overview, before proceeding.

Training Approval

For an official determination of TAA training, the Form TAA-312: *Training Approval Standards* must be completed, and each of the six training approval standards must be met. Additionally, the Form TAA-301: *Classroom Training Contract (extended version)*, or the Form TAA-302: *Classroom Training Contract (abridged version)*, or a locally developed training contract form, must be finalized and signed by the following three individuals: the adversely affected worker, an MWA representative, and a representative at the training institution.

Length of Classroom Training

The TAA of 2002 allows adversely affected workers up to 104 weeks of TAA-approved classroom training. In addition to the 104 actual weeks of training, up to 26 weeks of remedial training is available on an “as needed” basis (training may also be 130 weeks of remedial). Refer to the following section for further information on remedial training.

To calculate the total number of weeks an adversely affected worker will attend or has attended training, the “actual” number of training weeks must be counted. TAA-approved breaks in training, breaks between semesters, or holiday breaks are *not* counted against maximum weeks allowed.

The MWA, in determining whether to approve classroom training, must determine the appropriate length of training. The training must be of suitable duration to achieve the desired skill level to facilitate employment in the selected occupation in the shortest possible time.

All TAA of 2002 classroom training is required to be maintained at a full-time status. Full-time status is defined by the training institution. An exception to falling below full-time status *only* exists in circumstances when the adversely affected worker is in the last term or semester of the approved training program.

If a training program meets the duration requirements but will extend beyond the period in which TRA is available, the MWA must determine that the adversely affected worker has sufficient financial resources to complete the training. **A document to verify the ability to sustain living expenses while in training is required to be located in the case file. Form TAA-604: *Employability Plan* or Form TAA-312: *Training Approval Standards* can be used for this purpose.**

Remedial/Prerequisite Training

If the results of the adversely affected worker’s comprehensive assessment indicate the need to correct or improve deficient skills necessary for successful completion of the training program, remedial courses must be considered. Remedial training may cause the adversely affected worker to extend beyond the allowed 104-week maximum. In such instances, up to 26 weeks beyond the maximum weeks allowed, or up to 130 total weeks, may be approved in cases where this type of training is necessary to allow the adversely affected worker to obtain suitable employment (training may also be 130 weeks of remedial). Adversely affected workers may simultaneously engage in remedial and regular courses for which both activities should be reflected in the OSMIS.

The requested training program may require prerequisite courses, courses required prior to advancement into the actual program, which are to be included within the 104-week maximum.

If remedial/prerequisite training is required, the training contract must reflect the training plan in its entirety to include the start and end date of the entire training program, including the dates for each remedial/prerequisite training. Additionally, it may be necessary for the adversely affected worker to attend more than one training provider, for which the specific start and end dates should be itemized within the training contract. The adversely affected workers’ file should only contain one training contract and training plan to detail the entire duration of training.

Section 8-2(B): TAA of 2002 – EBT

The EBT allows adversely affected workers an opportunity to actively work with an employer while learning new skills. The EBT may consist of OJT, Customized Training, or a Registered Apprenticeship. In an effort to increase the EBT participation, and to meet the needs of employers, it is highly encouraged that the local TAA staff meet regularly with their Business Services Team to identify EBT opportunities.

OJT

An OJT under TAA of 2002 consists of up to a 104-week maximum of training provided by an

employer to an adversely affected worker who has been hired by the employer. An OJT is conducted while the adversely affected worker is engaged in productive work in a job that provides knowledge or skills essential to the full and adequate performance of the job. Subsequent to the results of a comprehensive assessment, up to an additional 26 weeks may be added to the 104-week maximum for adversely affected workers who require remedial training (for up to a total of 130-week OJT contract).

The OJT contract must be approved *prior* to the start date of the adversely affected worker's employment. An OJT is conducted while the adversely affected worker is engaged in productive work in a job that provides knowledge or skills essential to the full and adequate performance of the job. An OJT is provided under a contract with an employer in the public or private sector.

OJT programs must meet the following requirements:

- 1) Are reasonably expected to lead to suitable employment with the employer offering the OJT.
- 2) Are compatible with the skills of the adversely affected worker.
- 3) Include a curriculum through which the adversely affected worker will gain the knowledge or skills to become proficient in the job for which they are being trained.
- 4) Allow for benchmark reviews throughout the duration of the training contract.

An MWA can enter into a contract on Form TAA-303: *Employer-Based Training Contract* to pay the employer not more than 50 percent of an adversely affected worker's salary, paid in monthly installments, using TAA funds, for a maximum of 104 weeks. The adversely affected worker must be engaged in learning new skills during the OJT. If the job does not require 104 weeks of training time, the contract is written for the appropriate amount of time required to learn the skills. (Most OJT programs will not require 104 weeks of training.) The contract must include the job description, a breakdown of each of the training objectives, and the number of hours devoted to each component. The training program cannot be a replacement for any adversely affected worker during a union action.

A certification that the following provisions have been met must be included with all OJT agreements. Form TAA-303: *Employer-Based Training Contract* can be used for this purpose.

- 1) No employee is on layoff from the same, or any equivalent job for which the OJT is offered.
- 2) The employer has not terminated the employment of any regular employee or otherwise reduced the workforce of the employer, with the intention of filling the vacancy so created by hiring the OJT trainees.
- 3) The job for which the OJT trainee is being trained is not being created in a promotional line that will infringe in any way upon the promotional opportunities of currently employed individuals.

- 4) The employer has not received payment from any other OJT program, which failed to meet the requirements described in Special Provisions 1–3 above, or in the employer provisions of the OJT contract.

The MWAs must not enter into OJT contracts with employers who have exhibited a pattern of failing to provide workers with continued long-term employment or reasonable wages, benefits, and working conditions.

Additionally, adversely affected workers may *not* obtain the ATAA while enrolled in an OJT. Although the OJT may be consistent with state definitions of full-time employment, TAA of 2002 does not allow for these benefits to be combined. See Chapter 14 – A/RTAA for further guidance.

Customized Training

Customized training is designed to meet the special requirements of an employer or group of employers. This type of training is conducted by a separate vendor but with a commitment by the employer, or group of employers, to employ an adversely affected worker upon successful completion of training. Customized training may be designed and delivered for multiple employers in an industry sector, or groups of targeted employees of a single employer, maximizing the effectiveness of the workforce system for participating employers. Customized training arrangements entail the commitment by the employer to hire trainees after successful training completion.

If an employer determines that, to meet their specific training needs, an adversely affected worker would require employer on-site training in addition to classroom instruction, this combination can be approved if documented as a requirement of the employer in the training contract. In this case, the employer must meet the requirements of the OJT assurances and provisions.

Customized Training allows for up to 104 weeks of training participation, with an additional maximum of 26 weeks for remedial training, if justified by the comprehensive assessment. The TAA program pays 50 percent of the classroom training component, as determined by the MWA, for tuition, fees, books supplies, and equipment required by the training program. The MWAs may use Form TAA-303: *Employer-Based Training Contract for Customized Training* approval.

Customized Training requires coordination with the employer in the selection and pre-screening process, due to the commitment of the employer to contribute training funds and the commitment of the adversely affected worker to utilize the TAA training benefit.

Registered Apprenticeships

The Registered Apprenticeship program offers adversely affected workers employment with a combination of an OJT and related training instruction. In apprenticeship programs, the employer pays the apprentice's wages; the hands-on learning portion of the apprenticeship is not considered an official OJT.

Adversely affected workers participating in a registered apprenticeship approved under the TAA of 2002 law may receive up to a maximum of 104 weeks of training. Additionally, if the results of the comprehensive assessment indicate the need for remedial training, up to 26 additional weeks may be added to the Registered Apprenticeship, for up to 130 total weeks.

Apprentices are employed at the start of their apprenticeship and work through a series of defined curricula until the completion of their apprenticeship program. TAA funds can be used to pay for the expenses associated with the related instruction, e.g., classroom and distance learning, tools, uniforms, equipment and/or books, for an adversely affected worker's participation in a registered apprenticeship program. These TAA funds can be used until the worker reaches "suitable employment" (which is the purpose of training) or 104 weeks (up to 130 weeks if remedial training is necessary) or whichever comes first, while participating in the registered apprenticeship program. The registered apprenticeship combines classroom or related technical instruction with employment; therefore, adversely affected workers enrolled in a registered apprenticeship program may not be able to access TRA, due to their income earned through wages.

Additionally, adversely affected workers may not receive ATAA for the duration of the Registered Apprenticeship. The Form TAA-303: *Employer Based Training Contract* can be used for the Registered Apprenticeship approval process.

Section 8-2(C): TAA of 2002 – Satisfactory Progress and Participation

Please Note: The MWA is required to implement a local policy setting forth the requirements to monitor the satisfactory progress and participation throughout the duration of the adversely affected worker's TAA-approved training program.

The requirement of adversely affected workers to maintain satisfactory progress and participation for the duration of training is necessary for the continuation of TAA-approved training, and to receive TRA benefits from the UIA.

The requirement to maintain satisfactory progress and participation while in TAA-approved training is essential to ensure the adversely affected worker is on track for successful completion of training. If it is found that satisfactory progress is not being maintained, the local policy must outline the subsequent steps to either provide remediation or to modify the training contract. If after remediation and/or a modification of the training contract the adversely affected worker will be unable to complete training within the specified time limits, consideration may have to be given to removing them from training. As outlined in Chapter 9 – Establishment and Review of Training Benchmarks, benchmark establishment and reviews are not a requirement for TAA of 2002, however, they are highly encouraged. The following documents are acceptable examples of proof of satisfactory progress: weekly, biweekly, or monthly grade reports, verification from the instructor or training institution, or a locally devised form.

Please Note: Solely providing transcripts at the end of a training program is not an acceptable method for documenting satisfactory progress, as grades should be verified throughout the duration of training.

Additionally, adversely affected workers must also maintain satisfactory participation, or adequate attendance, for the duration of the TAA-approved training program. The Form TAA-307: *Training Attendance Report* is highly encouraged to document the participation requirement. Adversely affected workers receiving mileage or subsistence reimbursement are also required to prove attendance. Therefore, this form is highly encouraged for that purpose as well.

Section 8-3: Training Overview – TGAAA of 2009

Adversely affected workers eligible for TGAAA of 2009 training benefits may choose between

Classroom Training and EBT. Classroom training consists of a traditional training program offered at a community college, university, private college, or a trades training facility, such as a truck driver training program. The EBT option includes OJT, Registered Apprenticeship, or Customized Training, which use a hands-on approach available for adversely affected workers who seek to work directly with a new employer to obtain new skills.

Prior to consideration for approval of classroom training or EBT under TGAAA of 2009, the following must be completed and documented:

- 1) A comprehensive assessment.
- 2) ISS.
- 3) Form TAA-312: *TAA Training Approval Standards*.

Section 8-3(A): TGAAA of 2009 – Classroom Training

Please Note: Prior to official approval of a TGAAA of 2009 training program, the comprehensive assessment, ISS, and the TAA-312: *Training Approval Standards* must be completed. If these steps have not been completed, please refer to Section 8-1: Training Approval Standards before proceeding.

Training Approval

For an official determination of TAA training, the Form TAA-312: *Training Approval Standards* must be completed, and each of the six training approval standards must be met. Additionally, the Form TAA-301: *Classroom Training Contract* (extended version), or the Form TAA-302: *Classroom Training Contract* (abridged version), or a locally developed training contract form, must be finalized and signed by the following three individuals: the adversely affected worker, an MWA representative, and a representative at the training provider.

Length of Classroom Training

The TGAAA of 2009 allows adversely affected workers up to 156 weeks of TAA-approved classroom training. For training programs that require prerequisite training, or courses required prior to advancement into the actual program, the weeks of such training must be included within the 156-week maximum. The 156 weeks of training may be 100 percent occupational (classroom) or remedial, or a combination of occupational, remedial, and prerequisite training.

To calculate the total number of weeks an adversely affected worker will attend or has attended training, the “actual” number of training weeks must be counted. TAA-approved breaks in training, breaks between semesters, or holiday breaks are *not* counted against maximum weeks allowed.

The MWA, in determining whether to approve classroom training, must determine the appropriate length of training. The training must be of suitable duration to achieve the desired skill level to facilitate employment in the selected occupation in the shortest possible time.

If a training program meets the duration requirements but will extend beyond the period in which TRA is available, the MWA must determine that the adversely affected worker has sufficient financial resources to complete the training. **A document to verify the ability to sustain living expenses while in training is required to be located in the case file. Form TAA-604: *Employability Plan* or Form TAA-312: *Training Approval Standards* can be used for this purpose.**

Part-time Training Option

The TGAAA of 2009 allows adversely affected workers to attend training less than full-time. The MWAs may approve part-time training if the adversely affected worker has reasonable justification. Reasonable justification must be included in the case file and may include but is not limited to work schedule or lack of sufficient courses to qualify as full-time in one or more semesters or terms. Part-time training should be indicated on the Form TAA 923: *TAA Training Application*. If the status of training changes to or from part-time, a Form TAA 319: *Notice of TAA Participant Status* must be submitted to the TRA Special Programs Unit immediately.

Please Note: For receipt of TRA payments, the adversely affected worker is required to maintain full-time status, as defined by the training institution.

Remedial/Prerequisite Training

If the results of the comprehensive assessment indicate the need to correct or improve deficient skills necessary for successful completion of the training program, remedial courses must be considered. Remedial training weeks; however, are to be included within the 156-week maximum. Adversely affected workers may simultaneously engage in remedial and regular occupational courses for which both activities should be reflected in the OSMIS.

Additionally, the requested training program may require prerequisite courses, courses required prior to advancement into the actual program, which are also to be included within the 156-week maximum.

If remedial/prerequisite training is required, the training contract must reflect the training plan in its entirety to include the start and end date of the entire training program, including the dates for each remedial/prerequisite training. Additionally, it may be necessary for the adversely affected worker to attend more than one training provider, for which the specific start and end dates should be itemized within the training contract. The adversely affected workers' file should only contain one training contract and training plan to detail the entire duration of training.

Section 8-3(B): TGAAA of 2009 – EBT

The EBTs allow adversely affected workers an opportunity to actively work with an employer while learning new skills. The EBT may consist of OJT, Customized Training, or a Registered Apprenticeship. In an effort to increase the EBT participation, and to meet the needs of employers, it is highly encouraged that the MWAs meet regularly with their Business Services Team to identify EBT opportunities.

OJT

An OJT consists of up to a 104-week maximum of training provided by an employer to a worker who has been hired by the employer. OJT is conducted while the worker is engaged in productive work in a job that provides knowledge or skills essential to the full and adequate performance of the job.

The OJT contract must be approved prior to the start date of the adversely affected worker's employment. An OJT is conducted while the worker is engaged in productive work in a job that provides knowledge or skills essential to the full and adequate performance of the job. An OJT

is provided under a contract with an employer in the public or private sector.

OJT programs must meet the following requirements:

- 1) Are reasonably expected to lead to suitable employment with the employer offering the OJT.
- 2) Are compatible with the skills of the adversely affected worker.
- 3) Include a curriculum through which the worker will gain the knowledge or skills to become proficient in the job for which the worker is being trained.
- 4) Allow for benchmark reviews throughout the duration of the training contract.

An MWA can enter into a contract (Form TAA-303: *Employer-Based Training Contract* may be used) to pay the employer not more than 50 percent of an adversely affected worker's salary, paid in monthly installments, using TAA funds, for a maximum of 104 weeks. The adversely affected worker must be engaged in learning new skills during OJT. If the job does not require 104 weeks of training time, the contract is written for the appropriate amount of time required to learn the skills. (Most OJT programs will not require 104 weeks of training). The contract must include the job description, a breakdown of each of the training objectives, and the number of hours devoted to each component. The training program cannot be a replacement for any adversely affected worker during a union action.

A certification that the following provisions have been met must be included with all OJT agreements. Form TAA-303: *Employer-Based Training Contract* can be used for this purpose.

- 1) No employee is on layoff from the same, or any equivalent job for which the OJT is offered.
- 2) The employer has not terminated the employment of any regular employee or otherwise reduced the workforce of the employer, with the intention of filling the vacancy so created by hiring the OJT trainees.
- 3) The job for which the OJT trainee is being trained is not being created in a promotional line that will infringe in any way upon the promotional opportunities of currently employed individuals.
- 4) The employer has not received payment from any other OJT program, which failed to meet the requirements described in Special Provisions 1–3 above, or in the employer provisions of the OJT contract.

The MWAs must not enter into OJT contracts with employers who have exhibited a pattern of failing to provide workers with continued long-term employment or reasonable wages, benefits, and working conditions.

Additionally, adversely affected workers enrolled in an OJT may be eligible and apply for RTAA under TGAAA of 2009. This provides a greater opportunity for RTAA recipients to receive a wage subsidy while in an OJT. See Chapter 14 – A/RTAA, for further guidance.

Customized Training

Customized training is designed to meet the special requirements of an employer or group of employers. This type of training is conducted by a separate vendor, but with a commitment by the employer or group of employers, to employ an adversely affected worker upon successful completion of training. The MWAs may use the Form TAA-303: *Employer-Based Training Contract* for customized training approval.

Customized training allows for up to 156 weeks of training participation. The TAA program pays 50 percent of the classroom training component, as determined by the MWA.

Registered Apprenticeships

Registered Apprenticeship programs offer adversely affected workers employment with a combination of an OJT and related technical instruction. In apprenticeship programs, the employer pays the apprentice's wages, so the OJT learning portion of the apprenticeship is not considered an official OJT.

Apprentices are employed at the start of their apprenticeship and work through a series of defined curricula until the completion of their apprenticeship program. TAA funds can be used to pay for the expenses associated with 100 percent of the related technical instruction, e.g., classroom and distance learning, tools, uniforms, equipment and/or books, for an adversely affected worker's participation in a registered apprenticeship program. These TAA funds can be used until the worker reaches "suitable employment" (which is the purpose of training) or 130 weeks, whichever comes first, while participating in the registered apprenticeship program. "Suitable employment" means work of equal or higher skill level than the worker's past adversely affected employment, and wages for such work at not less than 80 percent of the worker's average weekly wage. Registered apprenticeship combines related technical instruction with employment, adversely affected workers enrolled in a registered apprenticeship program may not be able to access TRA due to their income earned through wages. However, the use of the RTAA benefit may be an option for adversely affected workers who are being trained and employed through a registered apprenticeship program. In the case of a registered apprenticeship, a key factor for access to and use of RTAA funds, are the wages for the workers' past adversely affected employment, as compared to their current wages while employed in a registered apprenticeship program, as well as meeting the age requirement of being age 50 or older.

Section 8-3(C): TGAAA of 2009 – Satisfactory Progress and Participation

Please Note: The MWA is required to implement a local policy setting forth the requirements to monitor the satisfactory progress and participation throughout the duration of the adversely affected worker's TAA-approved training program.

The requirement of adversely affected workers to maintain satisfactory progress and participation for the duration of training is necessary for the continuation of training and to receive TRA benefits from UIA.

The requirement to maintain satisfactory progress and participation while in TAA-approved training is essential to ensure the adversely affected worker is on track for successful completion of training. If it is found that satisfactory progress is not being maintained, the local policy must outline the subsequent steps to either provide remediation or to modify the training contract. If after remediation and/or a modification of the training contract the adversely affected worker will be unable to complete training within the specified time limits, consideration may have to be given to removing them from training. As outlined in Chapter 9, Establishment and Review of Training Benchmarks, Benchmark establishment and reviews are not a requirement for TGAAA of 2009, however, they are highly encouraged. The following documents are acceptable examples of proof of satisfactory progress: weekly, biweekly, or monthly grade reports, verification from the instructor or training institution, or a locally devised form.

Please Note: Solely providing transcripts at the end of a training program is not an acceptable method for documenting satisfactory progress as grades should be verified throughout the duration of training.

Additionally, adversely affected workers must also maintain satisfactory participation, or adequate attendance, for the duration of the TAA-approved training program. The Form TAA-307: *Training Attendance Report* is highly encouraged to document the participation requirement. This form is also encouraged to prove attendance, as required for adversely affected workers receiving mileage or subsistence reimbursement.

Section 8-4: Training Overview – TAAEA of 2011

Adversely affected workers eligible for TAAEA of 2011 training benefits may choose between Classroom Training and EBT. Classroom training consists of a traditional training program offered at a community college, university, private college, or a trades training facility, such as a truck driver training program. The EBT option includes OJT, Registered Apprenticeship, or Customized Training, which use a hands-on approach available for adversely affected workers who seek to work directly with a new employer to obtain new skills.

Prior to consideration for approval of classroom training or EBT under TAAEA of 2011, the following must be completed and documented:

- 1) A comprehensive assessment.
- 2) ISS.
- 3) Form TAA-312: *TAA Training Approval Standards*.

Section 8-4(A): TAAEA of 2011 – Classroom Training

Please Note: Prior to official approval of a TAAEA of 2011 training program, the comprehensive assessment, ISS, and the TAA-312: *Training Approval Standards* must be completed. If these steps have not been completed, please refer to Section 8-1: *Training Approval Standards* before proceeding.

Training Approval

For an official determination of TAA training, the Form TAA-312: *Training Approval Standards* must be completed, and each of the six training approval standards must be met. Additionally, the Form TAA-301: *Classroom Training Contract* (extended version) or the Form TAA-302: *Classroom Training Contract* (abridged version) or a locally developed training contract form must be finalized and signed by the following three individuals: the adversely affected worker, an MWA representative, and a representative at the training institution.

Length of Classroom Training

The TAAEA of 2011 allows adversely affected workers up to 130 weeks of TAA-approved classroom training. For training programs that require a prerequisite or remedial training, the weeks of such training must be included within the 130-week maximum (see the following section for additional information). The 130 weeks of training may be 100 percent occupational (classroom) or remedial, or a combination of occupational, remedial, and prerequisite training.

To calculate the total number of weeks an adversely affected worker will attend or has attended training, the “actual” number of training weeks must be counted. TAA-approved breaks in training, breaks between semesters, or holiday breaks are *not* counted against maximum weeks allowed.

The MWA, in determining whether to approve classroom training, must determine the appropriate length of training. The training must be of suitable duration to achieve the desired skill level to facilitate employment in the selected occupation in the shortest possible time.

If a training program meets the duration requirements but will extend beyond the period in which TRA is available, the MWA must determine that the adversely affected worker has sufficient financial resources to complete the training. **A document to verify the ability to sustain living expenses while in training is required to be located in the case file. Form TAA-604: Employability Plan or Form TAA-312: Training Approval Standards can be used for this purpose.**

Remedial/Prerequisite Training

If the results of the comprehensive assessment indicate the need to correct or improve deficient skills necessary for successful completion of the training program, remedial courses must be considered. Remedial training weeks are available; however, are to be included *within* the 130-week maximum. Adversely affected workers may simultaneously engage in remedial and regular courses for which both activities should be reflected in the OSMIS.

Additionally, the requested training program may require prerequisite courses, courses required prior to advancement into the actual program, which are also to be included *within* the 130-week maximum.

If remedial/prerequisite training is required, the training contract must reflect the training plan in its entirety to include the start and end date of the entire training program, including the dates for each remedial/prerequisite training. Additionally, it may be necessary for the adversely affected worker to attend more than one training provider, for which the specific start and end dates should be itemized within the training contract. The adversely affected workers' file should only contain one training contract and training plan to detail the entire duration of training.

Section 8-4(B): TAAEA of 2011 – EBT

The EBTs allow adversely affected workers an opportunity to actively work with an employer while learning new skills. The EBT may consist of OJT, Customized Training, or a Registered Apprenticeship. In an effort to increase the EBT participation, and to meet the needs of employers, it is highly encouraged that the MWA meet regularly with their Business Services Team to identify EBT opportunities.

OJT

An OJT consists of up to a 104-week maximum of training provided by an employer to a worker who has been hired by the employer. OJT is conducted while the worker is engaged in productive work in a job that provides knowledge or skills essential to the full and adequate performance of the job.

The OJT contract must be approved prior to the start date of the adversely affected worker's employment. An OJT is conducted while the worker is engaged in productive work in a job that provides knowledge or skills essential to the full and adequate performance of the job. An OJT is provided under a contract with an employer in the public or private sector.

OJT programs must meet the following requirements:

- 1) Are reasonably expected to lead to suitable employment with the employer offering the OJT.
- 2) Are compatible with the skills of the adversely affected worker.
- 3) Include a curriculum through which the worker will gain the knowledge or skills to become proficient in the job for which the adversely affected worker is being trained.
- 4) Allow for benchmark reviews throughout the duration of the training contract.

An MWA can enter into a contract, the Form TAA-303: *Employer Based Training Contract* may be used to pay the employer not more than 50 percent of an adversely affected worker's salary, paid in monthly installments, using TAA funds, for a maximum of 104 weeks. The adversely affected worker must be engaged in learning new skills during OJT. If the job does not require 104 weeks of training time, the contract is written for the appropriate amount of time required to learn the skills. (Most OJT programs will not require 104 weeks of training.) The contract must include the job description, a breakdown of each of the training objectives, and the number of hours devoted to each component. The training program cannot be a replacement for any adversely affected worker during a union action.

A certification that the following provisions have been met must be included with all OJT agreements. Form TAA-303: *Employer-Based Training Contract* can be used for this purpose.

- 1) No employee is on layoff from the same, or any equivalent job for which the OJT is offered.
- 2) The employer has not terminated the employment of any regular employee or otherwise reduced the workforce of the employer, with the intention of filling the vacancy so created by hiring the OJT trainees.
- 3) The job for which the OJT trainee is being trained is not being created in a promotional line that will infringe in any way upon the promotional opportunities of currently employed individuals.
- 4) The employer has not received payment from any other OJT program, which failed to meet the requirements described in Special Provisions 1–3 above, or in the employer provisions of the OJT contract.

The MWAs must not enter into OJT contracts with employers who have exhibited a pattern of failing to provide workers with continued long-term employment or reasonable wages, benefits, and working conditions.

Additionally, adversely affected workers enrolled in an OJT may be eligible and apply for RTAA under TAAEA of 2011. This provides a greater opportunity for RTAA recipients to receive a wage subsidy while in an OJT. See Chapter 14 – A/RTAA, for further guidance.

Customized Training

Customized training is designed to meet the special requirements for an employer or group of employers. This type of training is conducted by a separate vendor, but with a commitment by the employer, or group of employers, to employ an adversely affected worker upon successful completion of training. The MWAs may use the Form TAA-303: *Employer-Based Training Contract*, for customized training approval.

Customized training allows for up to 130 weeks of training participation. The TAA program pays 50 percent of the classroom training component, as determined by the MWA.

Registered Apprenticeships

Registered Apprenticeship programs offer adversely affected workers employment with a combination of an OJT and related technical instruction. In apprenticeship programs, the employer pays the apprentice's wages, so the OJT learning portion of the apprenticeship is not considered an official OJT.

Apprentices are employed at the start of their apprenticeship and work through a series of defined curricula until the completion of their apprenticeship program. TAA funds can be used to pay for 100 percent of the expenses associated with related technical instruction, e.g., classroom and distance learning, tools, uniforms, equipment and/or books, for an adversely affected worker's participation in a registered apprenticeship program. These TAA funds can be used until the worker reaches "suitable employment" (which is the purpose of training) or 130 weeks, whichever comes first, while participating in the registered apprenticeship program. "Suitable employment" means work of equal or higher skill level than the worker's past adversely affected employment, and wages for such work at not less than 80 percent of the worker's average weekly wage. Registered apprenticeship combines related technical instruction with employment, adversely affected workers enrolled in a registered apprenticeship program may not be able to access TRA due to their income earned through wages. However, the use of the RTAA benefit may be an option for adversely affected workers who are being trained and employed through a registered apprenticeship program. In the case of a registered apprenticeship, a key factor for access to and use of RTAA funds, are the wages for the workers' past adversely affected employment, as compared to their current wages while employed in a registered apprenticeship program, as well as meeting the age requirement of being age 50 or older.

Section 8-4(C): TAAEA of 2011 – Satisfactory Progress and Participation

Please Note: The MWA is required to implement a local policy setting forth the requirements to monitor the satisfactory progress and participation throughout the duration of the adversely affected worker's TAA-approved training program.

The requirement of adversely affected workers to maintain satisfactory progress and participation for the duration of training is necessary for the continuation of TAA-approved training and to receive TRA benefits from the UIA.

The requirement to maintain satisfactory progress and participation while in TAA-approved training is essential to ensure the adversely affected worker is on track for successful completion of training. If it is found that satisfactory progress is not being maintained, the local policy must outline the subsequent steps to either provide remediation or to modify the training contract. If after remediation and/or a modification of the training contract the adversely affected worker will be unable to complete training within the specified time limits, consideration may have to be given to removing them from training. As outlined in Chapter 9, Establishment and Review of Training Benchmarks, Benchmark Reviews are a requirement for TAAEA of 2011 and must be established at the development of the ISS/IEP. Refer to the Benchmark Chapter for specific guidance. The following documents are acceptable examples of proof of satisfactory progress: weekly, biweekly, or monthly grade reports, verification from the instructor or training institution, or a locally devised form.

Please Note: Solely providing transcripts at the end of a training program is not an acceptable method for documenting satisfactory progress, as grades should be verified throughout the duration of training.

Additionally, adversely affected workers must also maintain satisfactory participation, or adequate attendance, for the duration of the TAA approved training program. The Form TAA-307: *Training Attendance Report* is highly encouraged to document the participation requirement. Adversely affected workers receiving mileage or subsistence reimbursement are also required to prove attendance. Therefore, this form is highly encouraged for that purpose as well.

Section 8-5: Training Overview – TAARA of 2015

Adversely affected workers eligible for TAARA of 2015 training benefits may choose between Classroom Training and EBT. Classroom training consists of a traditional training program obtained at a community college, university, private college, or a trades training facility, such as a truck driver training program. The EBT option includes OJT, Registered Apprenticeship, or Customized Training, which use a hands-on approach available for adversely affected workers who seek to work directly with a new employer to obtain new skills.

Prior to consideration for approval of classroom training or EBT under TAARA of 2015, the following must be completed and documented:

- 1) A comprehensive assessment.
- 2) ISS.
- 3) Form TAA-312: *TAA Training Approval Standards*.

Section 8-5(A): TAARA of 2015 – Classroom Training

Please Note: Prior to official approval of a TAARA of 2015 training program, the comprehensive assessment, ISS, and the Form TAA-312: *Training Approval Standards* must be completed. If these steps have not been completed, please refer to Section 8-1: *Training Approval Standards* before proceeding.

Training Approval

For an official determination of TAA training, the Form *TAA-312: Training Approval Standards* must be completed, and each of the six training approval standards must be met. Additionally, the Form *TAA-301: Classroom Training Contract (extended version)* or the Form *TAA-302: Classroom Training Contract (abridged version)* or a locally developed training contract form must be finalized and signed by the following three individuals: the adversely affected worker, an MWA representative, and a representative at the training provider.

Length of Classroom Training

The TAARA of 2015 allows adversely affected workers up to 130 weeks of TAA-approved classroom training. For training programs that require a prerequisite or remedial training, the weeks of such training must be included within the 130-week maximum. The 130 weeks of training may be 100 percent occupational (classroom) or remedial, or a combination of occupational, remedial, and prerequisite training. Refer to the following section for further information on remedial training.

To calculate the total number of weeks an adversely affected worker will attend or has attended training, the “actual” number of training weeks must be counted. TAA-approved breaks in training, breaks between semesters, or holiday breaks are *not* counted against maximum weeks allowed.

The MWA, in determining whether to approve classroom training, must determine the appropriate length of training. The training must be of suitable duration to achieve the desired skill level to facilitate employment in the selected occupation in the shortest possible time.

If a training program meets the duration requirements but will extend beyond the period in which TRA is available, the MWA must determine that the adversely affected worker has sufficient financial resources to complete the training. **A document to verify the ability to sustain living expenses while in training is required to be located in the case file. Form TAA-604: *Employability Plan* or Form TAA-312: *Training Approval Standards* can be used for this purpose.**

Remedial/Prerequisite Training

If the results of the comprehensive assessment indicate the need to correct or improve deficient skills necessary for successful completion of the training program, remedial courses must be considered. Remedial training weeks are available; however, they are to be included within the 130-week maximum. Adversely affected workers may simultaneously engage in remedial and regular courses for which both activities should be reflected in the OSMIS.

Additionally, the requested training program may require prerequisite courses, courses required prior to advancement into the actual program, which are also to be included *within* the 130-week maximum.

If remedial/prerequisite training is required, the training contract must reflect the training plan in its entirety to include the start and end date of the entire training program, including the dates for each remedial/prerequisite training. Additionally, it may be necessary for the adversely affected worker to attend more than one training provider, for which the specific start and end dates should be itemized within the training contract. The adversely affected workers' file should only contain one training contract and training plan to detail the entire duration of training.

Section 8-5(B): TAARA of 2015 – EBT

EBTs allow adversely affected workers an opportunity to actively work with an employer while learning new skills. The EBT may consist of OJT, or Customized Training, or a Registered Apprenticeship. In an effort to increase the EBT participation, and to meet the needs of employers, it is highly encouraged that the MWA meet regularly with their Business Services Team to identify EBT opportunities.

OJT

An OJT consists of up to a 104-week maximum of training provided by an employer to a worker who has been hired by the employer. OJT is conducted while the worker is engaged in productive work in a job that provides knowledge or skills essential to the full and adequate performance of the job.

The OJT contract must be approved prior to the start date of the adversely affected worker's employment. OJT is conducted while the worker is engaged in productive work in a job that provides knowledge or skills essential to the full and adequate performance of the job. OJT is provided under a contract with an employer in the public or private sector.

OJT programs must meet the following requirements:

- 1) Are reasonably expected to lead to suitable employment with the employer offering the OJT.
- 2) Are compatible with the skills of the adversely affected worker.
- 3) Include a curriculum through which the worker will gain the knowledge or skills to become proficient in the job for which the adversely affected worker is being trained.
- 4) Allow for benchmark reviews throughout the duration of the training contract.

An MWA can enter into a contract, the Form TAA-303: *Employer Based Training Contract* may be used to pay the employer not more than 50 percent of an adversely affected worker's salary, paid in monthly installments, using TAA funds, for a maximum of 104 weeks. The adversely affected worker must be engaged in learning new skills during OJT. If the job does not require 104 weeks of training time, the contract is written for the appropriate amount of time required to learn the skills. (Most OJT programs will not require 104 weeks of training.) The contract must include the job description, a breakdown of each of the training objectives, and the number of hours devoted to each component. The training program cannot be a replacement for any adversely affected worker during a union action.

A certification that the following provisions have been met must be included with all OJT agreements. Form TAA-303: *Employer-Based Training Contract* can be used for this purpose.

- 1) No employee is on layoff from the same, or any equivalent job for which the OJT is offered.
- 2) The employer has not terminated the employment of any regular employee or otherwise reduced the workforce of the employer, with the intention of filling the vacancy so created by hiring the OJT trainees.
- 3) The job for which the OJT trainee is being trained is not being created in a promotional line that will infringe in any way upon the promotional opportunities of currently employed individuals.
- 4) The employer has not received payment from any other OJT program, which failed to meet the requirements described in Special Provisions 1–3 above, or in the employer provisions of the OJT contract.

The MWAs must not enter into OJT contracts with employers who have exhibited a pattern of failing to provide workers with continued long-term employment or reasonable wages, benefits, and working conditions.

Additionally, adversely affected workers enrolled in an OJT may be eligible and apply for RTAA under TAARA of 2015. This provides a greater opportunity for RTAA recipients to receive a wage subsidy while in an OJT. See Chapter 14 – A/RTAA for further guidance.

Customized Training

Customized training is designed to meet the special requirements of an employer or group of employers. This type of training is conducted by a separate vendor, but with a commitment by the employer, or group of employers, to employ an adversely affected worker upon successful completion of training. The MWAs may use Form TAA-303: *Employer-Based Training Contract* for customized training approval.

Customized training allows for up to 130 weeks of training participation. The TAA program pays 50 percent of the classroom training component, as determined by the MWA.

Registered Apprenticeships

Registered Apprenticeship programs offer adversely affected workers employment with a combination of an OJT and related technical instruction. In apprenticeship programs, the employer pays the apprentice's wages, so the OJT learning portion of the apprenticeship is not considered an official OJT.

Apprentices are employed at the start of their apprenticeship and work through a series of defined curricula until the completion of their apprenticeship program. TAA funds can be used to pay for 100 percent of the expenses associated with related technical instruction, e.g., classroom and distance learning, tools, uniforms, equipment and/or books, for an adversely affected worker's participation in a registered apprenticeship program. These TAA funds can be used until the worker reaches "suitable employment" (which is the purpose of training) or 130 weeks, whichever comes first while participating in the registered apprenticeship program. "Suitable employment" means work of equal or higher skill level than the worker's past adversely affected employment, and wages for such work at not less than 80 percent of the worker's average weekly wage. Registered apprenticeship combines related technical instruction with employment. Adversely affected workers enrolled in a registered apprenticeship program may not be able to access TRA due to their income earned through wages. However,

the use of the RTAA benefit may be an option for adversely affected workers who are being trained and employed through a registered apprenticeship program. In the case of a registered apprenticeship, a key factor for access to and use of RTAA funds, are the wages for the worker's past adversely affected employment, as compared to their current wages while employed in a registered apprenticeship program, as well as meeting the age requirement of being age 50 or older.

Section 8-5(C): Satisfactory Progress and Participation (TAARA of 2015)

Please Note: The MWA is required to implement a local policy setting forth the requirements to monitor the satisfactory progress and participation throughout the duration of the adversely affected worker's TAA-approved training program.

The requirement of adversely affected workers to maintain satisfactory progress and participation for the duration of training is necessary for the continuation of TAA-approved training and to receive TRA benefits from the UIA.

The requirement to maintain satisfactory progress and participation while in TAA-approved training is essential to ensure the adversely affected worker is on track for successful completion of training. If it is found that satisfactory progress is not being maintained, the local policy must outline the subsequent steps to either provide remediation or to modify the training contract. If after remediation and/or a modification of the training contract the adversely affected worker will be unable to complete training within the specified time limits, consideration may have to be given to removing them from training. As outlined in Chapter 9 – Establishment and Review of Training Benchmarks, Benchmark Reviews are a requirement for TAARA of 2015 and must be established at the development of the ISS/IEP. Refer to the Benchmark Chapter for specific guidance. The following documents are acceptable examples of proof of satisfactory progress: weekly, biweekly, or monthly grade reports, verification from the instructor or training institution, or a locally devised form.

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Type of Training	Maximum Week Limit								Training Provided by Employer On-site (Wages)			Classroom Instruction Provided by Training Institution (May be physically located at the training institution or the employer)			Supplies and Equipment		
	2002		2009		2011		2015										
	Training Weeks	TRA	Training Weeks	TRA	Training Weeks	TRA	Training Weeks	TRA	Allowable	Employer Contribution	TAA Funding	Allowable	Employer Contribution	TAA Funding	Allowable	Employer Contribution	TAA Funding
Classroom	104, 130 with Remedial Training	104, 130 with Remedial TRA	156	130, 156 with Remedial TRA	130	117, 130 with Completion TRA	130	117, 130 with Completion TRA	No	N/A	N/A	Yes	0%	100%	Yes	N/A	100%
On-the-Job Training	104, 130 with Remedial Training	N/A	104	N/A	104	N/A	104	N/A	Yes	Not less than 50%	Not more than 50%	No	N/A	N/A	Yes	0%	100%
Customized Training	104, 130 with Remedial Training	N/A	156	N/A	130	N/A	130	N/A	Yes	Not less than 50%	Not more than 50%	Yes	Not less than 50%	Not more than 50%	Yes	0%	100%
Apprenticeships	104, 130 with Remedial Training	N/A	156	N/A	130	N/A	130	N/A	Yes	100%	0%	Yes	Remainder of TAA-funded portion	Up to 100%	Yes	0%	100%

Notes: 1) Remedial Training is funded by the TAA program at 100% 2) The TRA maximum week limits include weeks of Unemployment Insurance and applicable extensions