

Attachment 10: Trade Adjustment Assistance

I. Introduction

This attachment describes the program specific details of performance accountability guidance for Trade Adjustment Assistance (TAA). Please note that the Department of Labor (Department, or DOL) has made a concerted effort to align the performance accountability provisions of its various workforce programs. In particular, the TAA program is statutorily required to report on the indicators of performance identified in 19 U.S.C. § 2311(j)(2)(A)(i). These are unsubsidized employment during the second and fourth quarters after exit, the median earnings in the second quarter after exit, the attainment of certain credentials, and the achievement of measurable skill gains.

These statutory indicators for TAA are defined in nearly identical terms to the primary indicators of performance under Workforce Innovation and Opportunity Act (WIOA) section 116(b)(2)(A). This attachment therefore describes the convergence of the TAA program's performance accountability measures with the WIOA measures, and highlights areas where TAA differs from the shared DOL performance guidance described in the main body and appendices of this Training and Employment Guidance Letter (TEGL).

II. Differences from Shared Guidance

Under section 239(j) of the Trade Adjustment Assistance Reauthorization Act of 2015 (TAARA 2015), there are five primary indicators of performance for TAA participants. Together, these indicators align with five of the WIOA primary indicators of performance (TAA does not have an indicator that is analogous to the WIOA effectiveness in serving employers indicator). TAA grantees will report on the five performance indicators as outlined below, with the following program-specific criteria:

1. Primary Indicators of Performance.

- A. Employment Rate – 2nd Quarter After Exit: The percentage and number of participants who are in unsubsidized employment during the second quarter after exit from the program.

The TAA program applies this indicator as it is described in Appendix I to this TEGL, with the operating parameters and methodology described therein.

- B. Employment Rate – 4th Quarter After Exit: The percentage and number of participants who are in unsubsidized employment during the fourth quarter after exit from the program.

The TAA program applies this indicator as it is described in Appendix I to this TEGL, with the operating parameters and methodology described therein.

- C. Median Earnings – 2nd Quarter After Exit: The median earnings of participants who are in unsubsidized employment during the second quarter after exit from the program.

The TAA program applies this indicator as it is described in Appendix I to this TEGL, with the operating parameters and methodology described therein.

- D. Credential Attainment: The percentage of those participants enrolled in an education or training program (excluding those in on-the-job training (OJT) and customized training) who attain a recognized postsecondary credential or a secondary school diploma, or its recognized equivalent, during participation in or within one year after exit from the program. A participant who has attained a secondary school diploma or its recognized equivalent is included in the percentage of participants who have attained a secondary school diploma or its recognized equivalent only if the participant also is employed or is enrolled in an education or training program leading to a recognized postsecondary credential within one year after exit from the program.

The TAA program applies this indicator as it is described in Appendix I to this TEGL, with the operating parameters and methodology described therein.

- E. Measurable Skill Gains: The percentage of program participants who, during the period, are in an education or training program that leads to a recognized postsecondary credential or employment and who are achieving measurable skill gains, defined as documented academic, technical, occupational, or other forms of progress, towards such a credential or employment.

The TAA program applies this indicator as it is described in Appendix I to this TEGL, with the operating parameters and methodology described therein.

- F. Effectiveness in Serving Employers: The TAA program does not report on this indicator.

2. Categories of Enrollment: Reportable Individual, Participant & Date of Program Exit

- A. Reportable Individual: This category does not apply to the TAA program.
- B. Participant: Consistent with Section 7 of this TEGL, the TAA program defines a participant as an individual who has received benefits or services funded by the TAA program, after satisfying all applicable programmatic requirements for the provision of services, such as an eligibility determination. Grantees are required to document the TAA benefit or service that a participant received with a value in Date of First TAA Benefit or Service (Data Element (DE) 925). Grantees should note that Trade Readjustment Allowances (TRA), Alternative Trade Adjustment Assistance (ATAA), and Reemployment Trade Adjustment Assistance (RTAA) are TAA-funded services that trigger participation.

For assistance in determining whether an individual is a participant, see the chart in Appendix III, Table D, which lists types of services a TAA participant may receive; identifies those services as basic career services, individualized career services, or training; and states whether each type of service triggers inclusion in participation for the TAA program.

C. **Exit**: Consistent with Section 7 of this guidance, the date of exit from the program is the last date of service. Specifically:

- The date of exit cannot be determined until 90 days have elapsed since the participant last received services; furthermore, there must be no future service scheduled. The date of exit is applied retroactively to the last date of service.
- If a participant receives self-service, information-only services or activities, or follow-up services from a non-TAA funded program, this does not delay the date of exit from the TAA program. While the TAA program does not provide follow-up services, a TAA participant may receive follow-up services if the participant is co-enrolled in another program that provides follow-up services. Therefore, for determining whether 90 days have elapsed since the participant last received services, receipt by the participant of any self-service, information-only services or activities, or follow-up services, will not delay, postpone, or affect the date of exit from the TAA program. Because the date of exit is retroactive to the last date of service, follow-up services may begin immediately following the last date of service if it is expected that the participant will not receive any future services other than follow-up services. Provision of follow-up services does not extend the date of exit.
- PIRL data element 901 (Date of Program Exit) is used to collect and report the date of exit. For exit-based performance measures, the quarter for collecting follow-up data is determined by the quarter in which the date of exit occurs. For example, if the date of exit is between January 1st and March 31st, the first quarter after exit would be April 1st through June 30th.

For TAA, the provision of TAA-funded benefits and services (in addition to TAA-approved training which may not be TAA funded) extends participant exit, whether or not the participant is employed. This includes TRA, as well A/RTAA (the latter of which is only available to those re-employed).

D. **Common Exit**: As stated in Section 7 of this TEGL, while the Department encourages states that implement common exit policies to include DOL-administered non-core programs as additionally within the scope of the state's common exit policy, the Department also recognizes that the decision of whether to retain or develop a common exit policy is ultimately left to the States, as well as which (if any) DOL-administered non-core programs to include within the scope of the policy. This is subject to the requirements for common exit stated in Section 7 of this TEGL. The

Department encourages states to implement policies that require common exit of TAA participant enrolled in WIOA core programs and the National Dislocated Worker Grant programs, in which case, a TAA participant would not exit until the last date of service from any of the programs that are included in the common exit policy.

3. Self-Service and Information-Only Activities

This does not apply to the TAA program.

4. Period of Participation

The TAA program adopts the definition of period of participation as stated in Section 9 of this TEGL.

5. Workforce Integrated Performance System (WIPS) and How to Functionally Report

TAA participants will be reported through WIPS starting with Q1 of FY 2018, which covers the period from October 1, 2017 - December 31, 2017. See TEN 8-16 (https://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=5317).

6. State Annual Report Narratives

This does not apply to TAA programs.

7. Eligible Training Provider (ETP) Performance Reporting

This does not apply to TAA programs.

8. Pay-for-Performance Reporting

This does not apply to TAA programs.

9. Quarterly Narrative Reports

TAA requires a narrative report on a quarterly basis to be submitted to provide information on “Efforts to Improve Outcomes” as stipulated in Section 239(j) of TAARA 2015. This submission requirement, which is approved for collection under OMB No. 1205-0392, is designed to address program improvements performed on behalf of all TAA participants, and not on an individual basis. Efforts described may include those related to improving or increasing outreach, program information provided to workers, case management services, selection of training programs, co-enrollment, follow-up services, or any other efforts the state has made during the reporting quarter to improve outcomes. The narrative should describe the effort and why it is expected to result in improved outcomes.

ETA has incorporated this narrative requirement as part of the certification process for TAA reporting in WIPS, where TAA grantees are expected to include their narrative language in the “Additional Comments” field of their Quarterly Performance Report (QPR).

10. Use of Social Security Numbers and Direct Wage Match for Performance Reporting

In accordance with Section 15 of this guidance, States, as TAA Program grantees, are directed to request participants’ Social Security numbers (SSNs), and to report corresponding wages for the quarter required to the Department through the DOL-only PIRL. While states,

as TAA Program grantees, are required to request participant SSNs, participants cannot be denied training and employment and case management services, training, or job search and relocation allowances via the TAA Program due solely to choosing to not disclose an SSN.

Note: Nothing in this guidance modifies or rescinds any requirements for individuals receiving benefits under the Trade Act of 1974, as amended, to provide their SSNs as a condition of receiving unemployment compensation; income support such as the Trade Readjustment Allowance, the Reemployment Trade Adjustment Assistance, or Alternative Trade Adjustment Assistance wage supplements; or tax credits such as the Health Coverage Tax Credit.

11. Supplemental Wage Information

As described in Section 16 and Appendix VI of this TEGL, TAA grantees may collect and use supplemental wage information to calculate the exit-based primary indicators of performance (each of which has an employment-related component). Supplemental wage information is the only means for grantees to report exit-based outcomes for those participants who do not provide SSNs, and frequently the only means to report such outcomes for participants for whom wage record data is not predicted to be available. Additional details regarding circumstances for collecting supplemental wage information, and methods and procedures for doing so, are provided in Appendix VI of this TEGL.

III. Unique Features of TAA

Clarification of Definitions:

The term “incumbent worker” as used in TEGL 10-16, Change 1 (https://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=3255), is distinct from “adversely affected incumbent workers” under the TAA program as defined in section 247(18) of the TAARA 2015.

The definition of “adversely affected incumbent workers,” for purposes of the TAA program is provided in 19 U.S.C. 2319(18) as follows:

The term “adversely affected incumbent worker” means a worker who-

- (A) is a member of a group of workers who have been certified as eligible to apply for adjustment assistance under subchapter A of title II of the Trade Act of 1974, as amended by TAARA 2015;
- (B) has not been totally or partially separated from adversely affected employment; and
- (C) the Secretary determines, on an individual basis, is threatened with total or partial separation.