

WIOA Guidance Letter 20-02



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DATE: August 27, 2020
TO: LWDB Directors, OSOs, WIOA Service Providers
FROM: Mike Beene, Director Workforce Services
CC: CRC, Workforce Services
RE: Co-Enrollment of Trade Impacted Workers

Purpose: To provide guidance on requirements to co-enroll trade impacted workers

References: 20 CFR Part 618

Background:

- On August 21, 2020 USDOL published the first significant revisions to Trade Act Regulation since 1994
 - <https://www.federalregister.gov/documents/2020/08/21/2020-13802/trade-adjustment-assistance-for-workers>
- These regulations, 20CFR Part 618, are effective September 21, 2020
 - DOL has long recommended and strongly encouraged co-enrollment of TAA participants with WIA/WIOA services when eligible. Effective September 21, 2020, this is no longer a recommendation, but a requirement codified at 20 CFR §628.325: *Integrated service strategies and Workforce Innovation and Opportunity Act co-enrollment.*

(a)(1) A State must co-enroll trade-affected workers who are eligible for WIOA's dislocated worker program. Workers may choose to decline co-enrollment in WIOA. A State cannot deny such a worker benefits or services under the TAA Program solely for declining co-enrollment in WIOA.

(2) A State must also make co-enrollment available to trade-affected workers who are eligible for other one-stop partner programs to ensure that all necessary and appropriate services, including supportive services, are available to the worker.

(b)(1) *Trade-affected worker dislocated worker eligibility.* Most trade-affected workers meet the eligibility criteria of a dislocated worker defined at WIOA section 3(15).

(2) *Partially separated worker and AAIW dislocated worker eligibility.* In certain circumstances, such as a general announcement of a closure, partially separated workers and AAIWs may meet the eligibility criteria as a dislocated worker under WIOA and must also be co-enrolled.

(3) *Trade-affected worker dislocated worker ineligibility.* Some trade-affected workers are ineligible for the WIOA dislocated worker program, including those that do not meet the Selective Service registration requirement, and will be exempt from the co-enrollment requirement in this section.

Guidance

The language codified at **20 CFR §628.325** is clear, comprehensive, and prescriptive.

1. Trade affected workers who are eligible for WIOA DW services must be co-enrolled in all necessary and appropriate services unless the worker declines the co-enrollment opportunity.
 - a. Workers who decline the offer of co-enrollment cannot be denied TAA services solely for declining the opportunity to enroll in WIOA services.
2. Co-enrollment opportunities must include available and appropriate partner programs and services for which the Trade impacted worker is eligible.
3. Most all Trade Impacted workers will meet at least one of the eligibility criteria of a dislocated worker as found at WIOA Sec. 3(15) and therefore must be co-enrolled (unless the worker declines).
 - a. One notable exception would be trade impacted workers who do not meet the Selective Service registration requirement of WIOA.

As Local Workforce Development Boards (LWDBs) select providers of WIOA DW Services in their respective local areas, it is incumbent on LWDBs to inform their DW Service Providers of this new co-enrollment requirement and to remind Providers that services (funded in whole or in part) beyond self-service or information only must be provided for an eligible individual to be considered a co-enrolled participant.

One-Stop Operators (OSO) and/or LWDBs must assure partner MOUs and methods of referral between partners are in place and adequate to successfully implement co-enrollment of trade impacted workers.

Questions may be directed to: workforcesvcs@ks.gov .