



**Illinois**  
**Department of Commerce**  
& Economic Opportunity  
**OFFICE OF EMPLOYMENT & TRAINING**  
JB Pritzker, Governor

**TRADE POLICY LETTER NO. 21-TAA-02, Change 1**

**TO:** Chief Elected Officials  
Local Workforce Innovation Board Chairpersons  
Local Workforce Innovation Board Staff  
WIOA Fiscal Agents and Grant Recipients  
WIOA Program Services Administrators  
Illinois workNet® Operators  
TAA Contacts  
WIOA State Agency Partners  
Other Interested Persons

**SUBJECT:** Trade Adjustment Assistance (Trade) Program Policies and Procedures

**DATE:** April 12, 2023

**I. SUBJECT INDEX**

Trade Adjustment Assistance (Trade) Program

**II. PURPOSE**

This policy provides updated guidance to Local Workforce Innovation Boards (LWIBs) and other qualified organizations in implementing the Trade Program requirements.

**III. ISSUANCES AFFECTED**

**A. References:**

Trade Adjustment Assistance Act (TAA) of 2002, as amended  
Trade and Globalization Adjustment Assistance Act (TGAAA) of 2009, as amended  
Trade Adjustment Assistance Extension Act (TAAEA) of 2011  
Trade Adjustment Assistance for Workers: Reversion 2021  
Title II of the 1974 Trade Act, Chapter 2, Subchapters A-C, as amended  
20 CFR Part 618, Trade Adjustment Assistance, subpart I  
Workforce Innovation and Opportunity Act of 2014, Public Law 113-128, as amended  
2 CFR Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements  
Final Rule 2 CFR Part 2900, DOL Exceptions to 2 CFR Part 200  
Training and Employment Guidance Letter No. 24-20, Change 1, Change 1 to Operating Instructions for Implementing the Reversion Provisions of the Amendments to the Trade Act of 1974 Enacted by the Trade Adjustment Assistance Reauthorization Act of 2015 (November 25, 2022)

Training and Employment Guidance Letter No. 24-20, Operating Instructions for Implementing the Reversion Provisions of the Amendments to the Trade Act of 1974 Enacted by the Trade Adjustment Assistance Reauthorization Act of 2015 (June 4, 2021)

Training and Employment Guidance Letter No. 04-20, Guidance on Integrating Services for Trade-Affected Workers under the Trade Adjustment Assistance Program (TAA Program) with the Workforce Innovation and Opportunity Act (WIOA) Title I Dislocated Worker (DW) Program (October 29, 2020)

Training and Employment Guidance Letter No. 03-20, Determining the Availability of Suitable Employment Under the Trade Adjustment Assistance (TAA) Program's Final Rule to Return Trade-Affected Workers to Employment as Quickly as Possible (September 24, 2020)

Training and Employment Notice No. 02-20, Announcing the Release of the *Trade Adjustment Assistance (TAA) for Workers Final Rule* and Amended Information Collections Associated with this Rulemaking (August 21, 2020)

Training and Employment Notice No. 10-19 Change 1, Extension of the Health Coverage Tax Credit (HCTC) Program for Eligible Trade Adjustment Assistance (TAA) Recipients and Eligible Alternative TAA and Reemployment TAA (ATAA/RTAA) Recipients or Eligible Pension Benefit Guaranty Corporation (PBGC) Recipients (December 31, 2019)

Training and Employment Guidance Letter No. 01-19, Trade Adjustment Assistance Data Integrity (TAADI) (July 1, 2019)

Training and Employment Guidance Letter No. 12-16, Questions and Answers on the Effects of Strikes and Lockouts on Eligibility for Trade Adjustment Assistance (TAA) and Trade Readjustment Allowance (TRA) (December 22, 2016)

Training and Employment Guidance Letter No. 27-13, Impact of the U.S. Supreme Court's Decision in *United States v. Windsor* on the Trade Adjustment Assistance Program (June 18, 2014)

Training and Employment Guidance Letter No. 22-08, Change 1, Change 1 to the Operating Instructions for Implementing the Amendments to the Trade Act of 1974 Enacted by the Trade and Globalization Adjustment Assistance Act of 2009 (November 20, 2009)

Training and Employment Guidance Letter No. 22-08, Operating Instructions for Implementing the Amendments to the Trade Act of 1974 Enacted by the Trade and Globalization Adjustment Assistance Act of 2009 (May 15, 2009)

Training and Employment Guidance Letter No. 09-05, Approval of Distance Learning Under the Trade Adjustment Assistance (TAA) Program (December 12, 2005)

Training and Employment Guidance Letter No. 11-02, Change 3, Change 3 to the Operating Instructions for Implementing the Amendments to the Trade Act of 1974 Enacted by the Trade Act of 2002 (May 25, 2006)

Training and Employment Guidance Letter No. 11-02, Change 2, Change 2 to the Operating Instructions for Implementing the Amendments to the Trade Act of 1974 Enacted by the Trade Act of 2002 (August 10, 2004)

Training and Employment Guidance Letter No. 11-02, Change 1, Change 1 to the Operating Instructions for Implementing the Amendments to the Trade Act of 1974 Enacted by the Trade Act of 2002 (November 6, 2003)

Training and Employment Guidance Letter No. 11-02, Operating Instructions for Implementing the Amendments to the Trade Act of 1974 Enacted by the Trade Act of 2002 (October 10, 2002)

WIA Notice No. 08-NOT-37, Change 1, Trade Adjustment Assistance (TAA) Operating Instructions (October 19, 2009)

B. Rescissions:

Trade Policy Letter No. 21-TAA-02, Trade Adjustment Assistance (Trade) Program Policies and Procedures (April 14, 2022)

**IV. BACKGROUND**

Trade Adjustment Assistance (Trade) and Alternative/Reemployment Trade Adjustment Assistance (ATAA/RTAA) Programs help Trade-affected workers who have lost their jobs because of increased imports or shifts in production out of the United States. Under the Trade Act of 1974, as amended, workers who experience a partial or total separation from employment due to increased imports may apply for Trade, which offers a variety of benefits and reemployment services to help Trade certified workers prepare for and obtain suitable employment. The Trade Act of 1974, Public Law 93-618, has been amended many times since its enactment in January 1975.

**V. POLICY**

This policy issues the Draft State of Illinois Trade Adjustment Assistance (Trade) Program Policy and Procedures for all Trade certifications (Attachment A).

The draft policy and procedures provide guidance to career planners on the implementation of the requirements for Trade.

All forms and instructions referenced are required in the administration of the program. No substitutions are allowed.

Upon final approval by the U.S. Department of Labor (DOL) and as changes occur, the impacted section of the policy and procedures document will be updated.

**VI. ACTION REQUIRED**

All LWIBs, grantees, recipients, and sub-recipients shall review this policy and the referenced forms and instructions to implement the Trade Program. This policy should be delivered to all appropriate individuals within the organization.

**VII. INQUIRIES**

Inquiries should be directed to Department of Commerce and Economic Opportunity (DCEO), Office of Employment and Training (OET), Susan Boggs, [susan.boggs@illinois.gov](mailto:susan.boggs@illinois.gov), and Sheila Sloan, [sheila.sloan@illinois.gov](mailto:sheila.sloan@illinois.gov).

**VIII. EFFECTIVE DATE**

This policy is effective on release.

April 12, 2023

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**IX. EXPIRATION DATE**

This policy will remain in effect until amended or rescinded by DCEO, Office of Employment and Training.

Sincerely,

A handwritten signature in black ink, appearing to read "Julio Rodriguez", with a stylized flourish at the end.

Julio Rodriguez, Deputy Director  
Office of Employment and Training

JR:ld

Attachment: A – State of Illinois Trade Adjustment Assistance (Trade) Program Policy and Procedures

# State of Illinois Trade Adjustment Assistance (Trade) Program Policy and Procedures



**Illinois**  
**Department of Commerce**  
& Economic Opportunity

Office of Employment and Training  
April 2023



## **Illinois Trade Procedures**

<b>Chapter 1:</b>	<b>Trade Overview</b>
<b>Chapter 2:</b>	<b>Trade Petition and Certification Process</b>
<b>Chapter 3:</b>	<b>Trade Eligibility and Enrollment Requirements</b>
<b>Chapter 4:</b>	<b>Trade Liable and Agent State Responsibilities</b>
<b>Chapter 5:</b>	<b>Trade Readjustment Allowance (TRA)</b>
<b>Chapter 6:</b>	<b>Trade Waiver from Training</b>
<b>Chapter 7:</b>	<b>Trade Funded Training</b>
<b>Chapter 8:</b>	<b>Trade Case Management During Training</b>
<b>Chapter 9:</b>	<b>Potential Suspension Requests (PSR)</b>
<b>Chapter 10:</b>	<b>Trade Job Search Allowance and Relocation Allowance</b>
<b>Chapter 11:</b>	<b>Alternative and Reemployment Trade Adjustment Assistance (A/RTAA)</b>
<b>Chapter 12:</b>	<b>Trade Appeals</b>
<b>Chapter 13:</b>	<b>Trade Cost Reporting</b>
<b>Chapter 14:</b>	<b>Trade Reporting Fraud and Overpayments</b>
<b>Chapter 15:</b>	<b>Trade Oversight and Compliance and Monitoring</b>

## Chapter 1: Trade Overview

Trade Adjustment Assistance (Trade) and Alternative/Reemployment Trade Adjustment Assistance (ATAA/RTAA) Programs help Trade-affected workers who have lost their jobs because of increased imports or shifts in production out of the United States. Under the Trade Act of 1974, as amended, workers who experience a partial or total separation from employment due to increased imports may apply for Trade, which offers a variety of benefits and reemployment services to help Trade certified workers prepare for and obtain suitable employment. The Trade Act of 1974, Public Law 93-618, has been amended many times since its enactment in January 1975. The Trade benefits available to eligible workers, who may apply through their local American Job Center, will vary depending on which Trade program year the workers are covered by. Except where noted, the information in this manual comes from the Trade Adjustment Assistance (TAA) for Workers Final Rule released August 21, 2020.

Trade certified workers are provided services to obtain the skills, credentials, resources, and support necessary to become reemployed in suitable employment as quickly as possible. Trade offers a variety of benefits and services to support workers in their search for reemployment. This includes rapid response, Trade Readjustment Allowances (TRA), employment and case management services, waiver from the training requirement, training, A/RTAA, job search and relocation allowances, and, if available, the Health Care Tax Credit (HCTC).

The first step in the process is to file a petition with the U.S. Department of Labor (DOL). Trade petitions must be properly completed and filed with the appropriate state and federal offices. Online filing is preferred as it ensures all fields are appropriately filled out, automatically notifies the state and federal offices, and ensures information is readable. Additional information on the Trade Program and the petition process is available at [Trade Adjustment Assistance for Workers | U.S. Department of Labor \(dol.gov\)](https://www.dol.gov/eis/TradeAdjustmentAssistanceforWorkers) and in **Chapter 2: Trade Petition/Certification Process**.

### Staffing Flexibility (20 CFR 618.890)

Staff employed under a merit personnel system as provided in sec. 303(a)(1) of the Social Security Act must be used for all reviews of benefit determinations under applicable state law. All determinations on eligibility for Trade program benefits must be made by state merit staff. All other functions under the Trade program may be provided under a variety of staffing models.

In Illinois, the state merit staff duties are divided between the Department of Commerce and Economic Opportunity (DCEO) and Illinois Department of Employment Security (IDES). DCEO state merit staff make final approvals for all Trade services except for A/RTAA. IDES state merit staff approve Unemployment Insurance, TRA, and A/RTAA benefits. Local Workforce Innovation Area (LWIA) career planners provide the benefits and services to the participants and must request state merit staff approval prior to the start of a Trade service or benefit.

## **Trade/Workforce Innovation and Opportunity Act (WIOA)**

### **Rapid Response Assistance (20 CFR 618.816(b))**

Federal regulations require rapid response be provided to adversely affected workers upon the filing of a petition and upon Trade certification. At these meetings, workers are provided information on available services and how to access such services to ensure a rapid return to the workforce. Rapid response staff inform workers of the different services available after a layoff, and if provided before a petition is filed, will include information on the process of petitioning for Trade certification. Rapid response power point presentations can be found at the following link: [Layoff Assistance Trade Layoff Services \(illinoisworknet.com\)](http://illinoisworknet.com) See the **Rapid Response Procedures Manual** for more information.

### **Trade Readjustment Allowance (TRA) (20 CFR 618.740)**

TRA provides income support to participants in a Trade approved training program. Deadlines and benefits may vary depending on Trade program year. Under certain circumstances, TRA is also available to participants for whom training is not feasible or appropriate when issued a **Waiver From Training**. There are three (3) categories of TRA Benefits: Basic TRA, Additional TRA, and Completion TRA. Each category has its own set of eligibility requirements. The participant will first apply for Unemployment Insurance (UI) benefits. Once those benefits are exhausted, if eligible, the participant will apply for TRA. The participant must have been entitled to receive UI benefits before he/she may receive TRA and must have exhausted UI entitlement. See **Chapter 5: Trade Readjustment Allowance (TRA)** for more information.

### **Employment and Case Management Services (20 CFR 618.300)**

The participant will receive many case management services during participation in the Trade program, however there are several case management services that are required to be offered. Participants are to be co-enrolled in the WIOA program and any other appropriate partner program to maximize all available services.

Required Case Management Services:

- 1) Comprehensive and specialized assessment of skill levels and service needs, including:
  - a. Diagnostic testing/Use of assessment tools to address interests, skills, aptitudes, and abilities.
  - b. In-depth interviewing to identify employment barriers and employment goals.
- 2) Development of an **Individual Employment Plan (IEP)** to identify goals, objectives, and appropriate training needs. The participant has the right to decline the development of the **IEP**, however, some Trade benefits require the completion of an **IEP**.
- 3) Information on training available in the local and regional areas, information on individual counseling to determine which training is suitable training, and information on how to apply for such training.



- 4) Financial Aid information (may include referral of participants to educational centers to apply for financial aid and determination of worker need for financial assistance using current year income, at discretion of educational center).
- 5) Short-term prevocational services, including development of learning skills, communication skills, interviewing skills, punctuality, personal maintenance skills, and professional conduct skills.
- 6) Individual and group career counseling, including job search and placement counseling during training period and after training period has been completed.
- 7) Employment statistics and information related to local, regional, and national labor market area including job vacancies, job skills necessary for job listings, in demand occupations, and potential earnings.
- 8) Supportive services available through partner programs, including childcare, dependent care, transportation, housing assistance, and needs related payments.

See **Chapter 3: Trade Eligibility/Enrollment Requirements** for more information.

### **Veterans' Priority of Service (20 CFR 618.848)**

The state must give priority for approval and funding of Trade program benefits (including training, where the approval of training criteria are met) to a Trade-affected worker meeting the veterans' priority of service criteria established under 38 U.S.C. 4215.

### **Waiver from the Training Requirement (20 CFR 618.735)**

Under certain circumstances, an eligible participant may receive a waiver from the training requirement, if he/she meets one of the three following conditions: health, enrollment unavailable or training not available. UI or Basic TRA are the only benefits payable during the waiver period. The participant must have a completed training plan to be granted a waiver and the training must start at the next available quarter/semester. See **Chapter 6: Trade Waiver from Training** for more information.

### **Training (20 CFR 618.600-665)**

Training is provided to Trade-affected participants who do not have sufficient skills to obtain suitable employment in the current labor market.

Allowable types of training include:

- Work-based training such as apprenticeships, On-the-job (OJT) training, and customized training designed to meet the needs of a specific employer or group of employers;
- Institutional training including training at a public area career and technical education schools, as well as community colleges;

- Higher education includes any training or coursework at an accredited institution, and includes any training or coursework for the purpose of obtaining a degree or certification;
- Other training including remedial education, including Adult Basic Education (ABE) courses and other remedial education courses, English Language Acquisition (ELA) courses, and High School Equivalency (HSE) preparation courses, career and technical education, pre-requisite education or coursework required by a training provider before advancing to further training; and
- Advanced degrees.

The first funding source for training costs is the Trade program. Training may be approved on a full-time or part-time basis, although full-time training may be required in order to meet TRA eligibility requirements. Depending on the Trade program year, participants covered by a certification may enroll in a Trade-approved training program when they are still working and have been threatened with a lay-off.

Trade approved training must meet the following six criteria:

1. There is no suitable employment available for the Trade-affected worker.
2. The Trade-affected worker would benefit from appropriate training.
3. There is a reasonable expectation of employment following completion of such training.
4. Training is reasonably available to the Trade-affected worker.
5. The Trade-affected worker is qualified to undertake and complete such training.
6. Such training is suitable for the Trade-affected worker and available at a reasonable cost.

Additionally, for the participant to be eligible for Completion TRA, the training must result in an industry recognized credential.

See **Chapter 7: Trade Funded Training** and **Chapter 8: Trade Case Management During Training** for more information.

### **Reemployment Trade Adjustment Assistance (RTAA) (20 CFR 618.500-530)**

These benefits are available to participants who are age 50 or older and do not earn more than \$50,000 annually in his/her new employment. If qualified, participation in RTAA allows the participant to receive a wage supplement when he/she accepts new employment at a lower wage. RTAA payments may total 50% of the difference between the old and new wages, with a maximum of \$10,000 paid over a period of up to two years. Participants receiving RTAA are also entitled to receive employment and case management services, are eligible to apply for HCTC, when available, and may be eligible to enroll in Trade-approved training. Participants may qualify for RTAA when working part-time, employed at least 20 hours a week, and participating in a Trade-approved training program. Participants may choose between receiving

TRA or RTAA (even if he/she has received some TRA payments), but participants may not receive both payments concurrently. See **Chapter 11: Alternative/Reemployment Trade Adjustment Assistance (A/RTAA)** for more information.

### **Alternative Trade Adjustment Assistance (ATAA) (For Trade Adjustment Assistance for Workers: Reversion 2021 (2021R) Program Participants)**

The ATAA program benefits are provided as an alternative to the benefits offered under the regular Trade program. Participation in ATAA allows workers age 50 or older and do not earn more than \$50,000 annually in their new employment, to accept reemployment at a lower wage and receive a wage subsidy. ATAA payments may total 50% of the difference between the old and new wages, with a maximum of \$10,000 paid over a period of up to two years. Under 2021 Reversion, receiving ATAA represents a choice between training and the wage subsidy benefit, Trade Readjustment Assistance (TRA). See **Chapter 11: Alternative/Reemployment Trade Adjustment Assistance (A/RTAA)** for more information.

### **Job Search Allowance (20 CFR 618.400-435)**

This monetary benefit covers necessary expenses incurred while seeking employment outside a participant's normal commuting area if suitable employment, where he/she is likely to remain employed, is not available. The commuting area in Illinois is 10 miles. Job search allowances reimburse 90% (100% for 2009 Program) of the costs of allowable travel and subsistence, up to a maximum of \$1,250 (\$1,500 for 2009 Program). An application for a job search allowance must be submitted before the job search begins, and within 365 days of his/her qualifying separation or certification (whichever is later), or within 182 days after the conclusion of training. See **Chapter 10: Trade Job Search Allowance and Relocation Allowance** for more information.

### **Relocation Allowances (20 CFR 618.440-460)**

This monetary benefit reimburses a participant for approved expenses when he/she must move to a new area to gain suitable employment outside of his/her normal commuting area. The commuting area in Illinois is 10 miles. Relocation allowances may reimburse 90% (100% for 2009 Program) of the reasonable and necessary expenses involved in moving the participant, his/her family, and household goods to a new area following re-employment outside of his/her normal commuting area. In addition, the participant may receive a lump sum payment equal to three times the participant's average weekly wage, up to a maximum payment of \$1,250 (\$1,500 for 2009 Program). An application for a relocation allowance must be submitted before the relocation begins, and within 425 days of his/her qualifying separation or certification (whichever is later) or within 182 days after the conclusion of training. See **Chapter 10: Trade Job Search Allowance and Relocation Allowance** for more information.

### **Trade Forms**

The career planner must use the most recent copy of all Trade forms. The forms can be found on Illinois workNet at the following link: <https://www.illinoisworknet.com/tradeforms>

### **Health Coverage Tax Credit (HCTC) (20 CFR 618.110)**

If available, the participants may be eligible for a tax credit equal to a specific percentage of the costs of qualified health insurance premiums, which is administered by 321 the Internal Revenue Service under sec. 35 of the Internal Revenue Code of 1986, as amended (26 U.S.C. 35). When the tax credit is available, eligible Trade and A/RTAA recipients and qualifying family members may apply for advance payment of the credit or claim the credit on their income tax return.

Trade affected workers who are waived from the training requirement, enrolled in training, participating in training, or receiving the A/RTAA are eligible to apply for HCTC. In order to remain eligible for the HCTC benefit, the participant must be receiving UI, TRA or an A/RTAA wage subsidy each month. Participants who are on a break from training that exceeds 30 days are not eligible for TRA and, therefore, are not eligible for HCTC during that period. IDES is responsible for transmitting the names of the eligible Trade participants to the Internal Revenue Service (IRS). [See IRS website for information regarding HCTC.](#)

### **Personally Identifiable Information (PII)**

Personal information and personally identifiable information (PII) is any information describing anything about a person, indicating actions done by or to a person, or indicating a person's personal characteristics, which can be retrieved from a system by a name, identifying number, symbol, or other identifier assigned to a person. This information can be used to distinguish or trace an individual's identity, either alone or when combined with other personal or identifying information that is linked or linkable to a specific individual.

Staff must follow the guidance at DCEO's **ePolicy Portal at 8.2.2.1 Personal Information and Personally Identifiable Information**, the Uniform Administrative Requirements at 2 CFR 200.1, and USDOL TEGL 39-11 Guidance on Handling and Protection of Personally Identifiable Information (PII).

### **Allocation of Funds to States for Training and Other Activities (20 CFR 618.900-950)**

The DOL provides funding to the states to provide benefits and services to trade-affected workers. Under section 239 of the Trade Act, the states provide benefits and services to eligible trade-affected workers in the Trade program as agents of the United States.

Funds obligated during a fiscal year may be expended by the state during that fiscal year and the succeeding two fiscal years. DOL will issue an initial allocation of 65 percent of the funds available. A second distribution will be issued to the states no later than July 15 of each fiscal year.

## **Recapture and reallocation of Training and Other Activities Funds (20 CFR 618.950)**

DOL may recapture funds that were allocated to any state that remain unobligated by the state during the second or third fiscal year after the fiscal year in which the funds were provided to the state. These funds may be reallocated to other states to fund Trade program training and other activities.

DOL may recapture and reallocate funds if DOL determines:

- 1) There are, or are projected to be, insufficient funds in a state or states to carry out Trade training and other activities for a fiscal year.
  - a. If DOL makes a determination based on insufficient funds, funds may be recaptured to the extent needed, from one or more states that have the highest percentage of unobligated or unexpended funds from the second or third fiscal year after the fiscal year in which the funds initially were allocated to such states, and reallocate those funds to the states with, or projected to have, insufficient funds.
- 2) The recapture and reallocation of funds would likely promote the more efficient and effective use of funds among states to carry out Trade training and other activities for a fiscal year.
  - a. If DOL makes a determination based on the more efficient or effective use of funds, funds may be recaptured from the state or states that have the highest percentage of unobligated or unexpended funds from the second or third fiscal year after the fiscal year in which the funds were initially allocated to such states. DOL may reallocate those funds to
    - i. States with the lowest percentage of unobligated or unexpended funds from the second or third fiscal year after the fiscal year in which the funds initially were allocated to such states; or
    - ii. All states from which funds are not being recaptured, in accordance with the formula factors described in § 618.910(f), relating to the initial distribution of funds.
- 3) If DOL determines to recapture and reallocate funds pursuant to this section, an administrative notice must be issued to the states describing the methodology used and the amounts to be recaptured from and reallocated to each affected state, not less than 15 business days in advance of the recapture of funds.
- 4) The reallocation of funds under this section does not extend the period of availability for the expenditure of those funds, which expenditure period remains 2 fiscal years after the fiscal year in which the funds were initially allocated by DOL to the state from which the funds are recaptured.

## Trade Program Funding Procedures

DCEO issues funding procedures each program year outlining the application process for LWIAs or their designee to follow when applying for Trade program funds. The funding procedures can be found at **Workforce Innovation and Opportunity Act (WIOA) ePolicy Chapter 11.1 Trade Adjustment Assistance** on workNet: [www.illinoisworknet.com/ePolicy](http://www.illinoisworknet.com/ePolicy).

## Document Signatures

Documents must be signed by all parties as evidence of acknowledgement of receipt and agreement. Required signatures may be issued and maintained electronically. Retain documents in the participant file.

## Appeals (20 CFR 618.525 and 20 CFR 618.820(e))

The state must notify participants in writing of any determination or redetermination of eligibility to Trade program benefits. Each determination or redetermination must inform the participant of the reason for the determination or redetermination and of the right to reconsideration or appeal in the same manner as determinations of entitlement to Unemployment Insurance are subject to redetermination or appeal under state law.

If a participant disagrees with a determination, he/she may complete and submit a request for reconsideration/appeal. A letter will suffice if the participant does not have an agency form. *The request must be filed with the IDES within thirty (30) calendar days after the date at the top of the document. If the last day for filing the request is a day that IDES is closed, the request may be filed on the next day that IDES is open. Please file the request by mail at: IDES P.O. Box 19509 Springfield, IL 62794 or fax to: 217-557-4913. Any request submitted by mail must bear a postmark date within the applicable time limit for filing. See the **Chapter 12: Trade Appeals** for more information.*

## General Requirements for Program Exit

A program exit must occur when a participant has not received any active services funded by the program or a partner program for 90 consecutive calendar days, has no gap in service and is not scheduled for future services.

The term active program service does not include:

1. Determination of eligibility to participate in the program;
2. Self-directed job search that does not result in a referral to a job;
3. Services and activities specifically provided as follow-up services such as regular contact with the participant or employer only to obtain information regarding his or her employment status, educational progress, need for additional services, or income support payments (except for trade readjustment allowances and other needs-related payments funded through the Trade program, Dislocated Worker program, or Dislocated Worker Grant (DWG) program); or
4. Fiscal records showing payment for supportive services.



See the **Workforce Innovation and Opportunity Act (WIOA) ePolicy Chapter 3.3 General Requirements for Program Exit** for more information.

<https://apps.illinoisworknet.com/WIOAPolicy/Policy/Home>

### **Performance Indicators (20 CFR 618.864)**

States are required to report comprehensive performance accountability measures to DOL. See the **Workforce Innovation and Opportunity Act (WIOA) ePolicy Chapter 3 Performance Accountability and Reporting** for more information.

<https://apps.illinoisworknet.com/WIOAPolicy/Policy/Home>

### **Credential Attainment**

Credentials attained by the participant must be entered in IWDS when earned. Credentials include a secondary school diploma or its recognized equivalent, Associate's degree, Bachelor's degree, Occupational licensure, Occupational certificate including registered apprenticeship and career and technical education certificates, or other recognized certificates of industry/occupational skills completion sufficient to qualify for entry-level or advancement in employment.

### **Measurable Skill Gains**

Measurable Skill Gains (MSGs) must be entered in each program year (PY) in which a participant is successfully participating in education/training and making progress towards goals or increasing skills. MSGs may be entered in the Illinois Workforce Development System (IWDS) as soon as a gain is made by the participant and can be documented. For reporting purpose, only one MSG gain is required for each PY. However, the career planner is encouraged to record all applicable MSGs for each participant.

### **Success Stories**

A success story shows how LWIA programs are making a difference in participant's lives. The success story should provide information about the participant and how the program helped him/her reach a career, training and employment goals. Success stories are entered in Illinois workNet. Success stories can be submitted here: <https://www.illinoisworknet.com/success>

## **Chapter 2: Trade Petition and Certification Process (20 CFR 618.200-265)**

To obtain Trade Adjustment Assistance (Trade) reemployment services and benefits, the worker group must be determined eligible by the U.S. Department of Labor (DOL). A petition must first be filed with the U.S. Department of Labor's Trade Program requesting certification as workers adversely affected by foreign trade. Once a petition is filed, the Office of Trade Adjustment Assistance (OTAA) initiates an investigation to determine whether a group of workers meets the group eligibility requirements. If the group of workers meets the group eligibility criteria, a group eligibility certification will be issued for the worker group. This certifies that the workers of the group are eligible to apply for Trade program benefits and services. After a group certification is issued, each worker in the group must then individually apply for services and benefits through a local American Job Center. Career planners at the local American Job Center will issue a determination of the worker's individual eligibility for Trade benefits.

### **Filing a Petition**

Petitions must be filed in accordance with 20 CFR 618.200-265. The Trade petition process is explained at [Petition Process | U.S. Department of Labor \(dol.gov\)](#) and [www.dol.gov/agencies/eta/tradeact/petitioners/petition-process](http://www.dol.gov/agencies/eta/tradeact/petitioners/petition-process)

### **When should a petition be filed?**

Petitions for Trade should be filed any time after worker separations or a threat of separations begins, but not later than one year after the earliest date on which workers lost their jobs with the employer.

Notifications of worker separations or threat of separations may be obtained through Worker Adjustment and Retraining Notice (WARN), information received from a Local Workforce Innovation Area (LWIA), an employer, newspaper articles, a review of other states' filings or certifications, International Trade Commission (ITC) rulings, etc. Trade does not need to be the only source of the layoffs. It need only be one factor in order to file the petition. If there is any question, file.

### **Why should the petition be filed within one year of worker separations?**

A Trade certification does not apply to any worker who was separated from the firm more than one year before the date the petition was filed. This means that workers laid off more than one year before the petition is filed may not be eligible for benefits.

### **Who may file a petition?**

A petition may be filed by any of the following:

- A group of two or more workers from the same firm;
- A certified or recognized union, or other duly authorized representative of the group of workers;
- The employer(s) of the group of workers; or

- An American Job Center operator or American Job Center partner including state workforce officials, employment security agencies, or dislocated worker unit and rapid response team members.

### **Assistance with preparing a petition**

Petitioners may request assistance with preparing the petition at a local American Job Center. A Center location may be obtained by calling 1-877-US2-JOBS, (TTY) 1-877-889-5627, or visiting the American Job Center website at [www.careeronestop.org/LocalHelp/local-help.aspx](http://www.careeronestop.org/LocalHelp/local-help.aspx). Petitioners may also contact the U.S. Department of Labor in Washington, D.C. at 202-693-3560 or 1-888-365-6822.

## **Overview and explanation of Petition sections**

A petition, which may include attachments, must provide the following information to be considered valid and allow an investigation to commence:

### **Section 1 – Petitioner Information**

Petition forms must be completed by a group of two or more workers from the same firm; a certified or recognized union or other duly authorized representative of the group of workers; the employer(s) of the group of workers; or an American Job Center operator or American Job Center partners including state workforce officials, employment security agencies, or dislocated worker unit and rapid response team members. Contact information should be provided for each petitioner. The contact information should include the home address of each petitioner. This will allow DOL to contact each petitioner even if the facility is closed or the petitioner is no longer working there.

If two workers complete the petition, they must work at the same location. Additionally, two workers must sign the petition form in Section 4. If workers who complete the form are not from the same location, or if they both do not sign the form, the petition will be considered invalid and returned to petitioners.

### **Section 2 – Attestation of Information**

Every petition must be signed and dated by the petitioners.

The information provided on the petition form will be used for the purposes of determining worker group eligibility and providing notice to petitioners, workers, and the general public that the petition has been filed and subsequently whether the worker group is determined to be eligible to apply for Trade benefits and services. Knowingly making a false statement of a material fact knowing it to be false or knowingly failing to disclose a material fact on the form is a Federal offense (19 U.S.C. § 2316). For the petition to be valid, the petitioner(s) listed in Section 1 - Petitioner Information must sign and date the form, attesting to the fact that Signator(s) is/are authorized to file a petition.

Signing of a petition constitutes acknowledgement that the information provided on the petition form will be used for the purposes of determining worker group eligibility and providing notice to petitioners, workers, and the general public that the petition has been filed, and whether the worker group is eligible to apply for Trade program benefits and services.

### **Section 3 – Firm Employing the Group of Workers**

Provide information on the firm employing the group of workers on whose behalf the petition is being filed. Complete items (a) to (e) regarding the employing firm, including the article produced or service supplied by the firm.

### **Section 4 – Group of Workers**

Provide information on the location where the group of workers (who are filing the petition or on whose behalf the petition is being filed) report to work or physically work. Workers may apply only on behalf of workers at the same location at which both petitioning workers are employed. A company official may apply on behalf of workers at any location at which the company employs a group of workers. A union may apply only on behalf of workers at a location where the union represents bargaining unit workers. A duly authorized representative may apply only on behalf of the workers at the same location at which the worker(s) who the petitioner represents are employed. This includes the actual or approximate date on which total or partial separations are threatened to occur or did occur and the actual or estimated total number of workers who have been or may be separated.

### **Section 5 – Trade Effects of Separations**

Provide a reason why the petitioner believes that worker separations have occurred or may occur at the firm due to foreign trade impacts, or a reason why a request to amend an existing and active certification should be granted. Petitioners should provide as much information as possible in this section. The more information provided, the quicker investigators can complete their research into the causes of the layoff and issue determinations.

Workers may be certified for Trade benefits and services in two ways. The certification may be based on direct effects such as the workers' company increasing imports, or based on the indirect, or secondary, effect of losing business to companies whose workers are certified for Trade. Workers certified because of indirect effects are also known as secondary workers. Secondary workers are eligible for Trade only if the firm they supplied components to or finished products for has already been certified by the DOL as affected by increased imports or shifts in production to foreign countries. Petitioners can verify if firms have been Trade certified by checking the Determinations page ([https://www.doleta.gov/tradeact/petitioners/taa\\_search\\_form.cfm](https://www.doleta.gov/tradeact/petitioners/taa_search_form.cfm)). The Determinations page provides updates on the status of petition investigations, as well as final determinations. The more information provided, the quicker investigators can determine whether or not workers qualify.

Petitioners may also attach additional information or supporting documents to the petition. In these cases, check the box indicating that documents are attached. This will help alert the

investigator in the event that the documents become separated from the petition. Providing supplemental information, while not required, may assist the investigation. Attachments to the petition form are part of the petition.

### **Section 6 – Company Contact Information**

Provide contact information for one or more company officials, one of whom should be a supervisor of the group of workers or someone authorized to provide information regarding the group of workers' firm. (Example: Legal counsel, bankruptcy trustee, etc.). Either separately or together, these officials should be familiar with the operations of the group of workers' firm.

### **Submitting a Petition**

The petition form must be signed and dated by the petitioners. Once signed, the petition must be submitted to both OTAA in Washington, D.C. and to the relevant state workforce agency.

The preferred method of filing a petition is online, however, a petition may also be filed via email, fax, or U.S. mail.

U.S. Department of Labor,  
Office of Trade Adjustment Assistance  
200 Constitution Ave NW  
Room N-5428  
Washington, DC 20210  
Phone: 202-693-3560 or 1-888-DOL-OTAA (1-888-365-6822)  
Fax: 202-693-3584, 3585  
Email: [taa.petition@dol.gov](mailto:taa.petition@dol.gov)

### **Investigations to determine group and individual eligibility**

DOL will review a petition, including attachments, to determine if it is valid within two business days of receipt of the petition. The date on which the petition is determined to be valid is the filing date. After receiving a complete and valid petition, OTAA will initiate an investigation to determine whether the group of workers covered by the petition meets the group eligibility requirements of the Trade Act. This investigation may include contacting the workers' firm to collect data, contacting customers of the workers' firm, the petitioners, unions, state workforce agencies, or other sources of relevant information as needed. The steps required to complete an investigation vary according to the circumstances specific to the worker's firm. A copy of the Business Data Request Form (BDR) sent to firms can be found [here](#).

If DOL receives multiple petitions regarding the same group of workers, it will base the filing date upon the first petition received. DOL will publish a notice in the Federal Register and on the DOL website announcing the initiation of an investigation into all valid petitions filed. After receiving a complete petition, the OTAA assigns the petition a case number, "TA-W-XX,XXX". A notice of receipt of the petition will be published in the Federal Register and is available on the Trade website. [https://www.doleta.gov/tradeact/petitioners/taa\\_search\\_form.cfm](https://www.doleta.gov/tradeact/petitioners/taa_search_form.cfm)

### **Termination of investigation**

DOL will notify the petitioner of the termination of an investigation, publish a Notice of Termination of Investigation in the Federal Register, and post on DOL's website. DOL may terminate an investigation if the investigation establishes one of the following:

- The petition is invalid, which includes petitions identifying a nonexistent group of workers, filed under false pretenses, or perpetuating fraud;
- The petitioner has withdrawn the petition in writing;
- The group of workers identified in the investigation is the same as a group of workers identified in another pending investigation;
- The group of workers identified in the investigation already has been issued a denial, and the period of investigation applicable to the current investigation and the previous denial is the same; or
- The group of workers identified in the investigation is already covered by a certification that does not expire within 90 calendar days of the determination.

### **Criteria for certification of a group of workers (20 CFR 618.225)**

#### **(a) Increased imports**

- i. Articles like or directly competitive with the articles produced by the workers' firm;
- ii. Services like or directly competitive with the services supplied by the workers' firm;
- iii. Articles like or directly competitive with articles into which one or more component parts produced by the workers' firm are directly incorporated;
- iv. Articles like or directly competitive with articles that are produced directly using services supplied by the workers' firm; or
- v. Articles directly incorporating one or more component parts produced outside the United States that are like or directly competitive with imports of articles incorporating one or more component parts produced by the workers' firm.

#### **(b) Shift**

- i. In production of like or directly competitive articles by the workers' firm in another country; or
- ii. In the supply of like or directly competitive services by the workers' firm to another country.

#### **(c) Foreign acquisition – a foreign acquisition of like or directly competitive articles by the workers' firm from another country.**

#### **(d) Supplier of component parts**

#### **(e) Downstream producer**



- (f) ITC determinations
- (g) Sales or production decline criteria
- (h) Oil and gas. For workers employed by firms engaged in exploration or drilling for oil or natural gas must be considered to be a firm producing oil or natural gas;
  - i. Any firm, or appropriate subdivision of a firm, that engages in exploration or drilling for oil or natural gas must be considered to be a firm producing oil or natural gas;
  - ii. Any firm, or appropriate subdivision of a firm, that engages in exploration or drilling for oil or natural gas, or otherwise produces oil or natural gas, must be considered to be producing articles directly competitive with imports of oil and with imports of natural gas.
- (i) Staffed workers. The Department considers staffed workers to be members of a worker group even if they are not specifically mentioned within the determination document issued under 20 CFR 618.235. The Department will collect information from the workers' firm during the investigation to establish which leasing or staffing entity or entities the firm used under a contract. Once identified, an evaluation of operational control will occur. If a certification is rendered, the Department will notify states regarding the appropriate contact information of the known leasing or staffing entity or entities in order to expedite worker notification of their eligibility to apply individually for Trade program benefits and services. Factors to be considered in evaluating operational control include:
  - (1) Whether the contract workers perform only tasks that are independent, discrete projects for the workers' firm (as opposed to performing tasks that are part of the regular business operations of the firm);
  - (2) Whether the workers' firm has the discretion to hire, fire, and discipline the contract workers;
  - (3) Whether the workers' firm has the ability to terminate the contract workers' employment with such firm through the staffing or leasing contracted firm;
  - (4) Whether the workers' firm exercises the authority to supervise the contract workers' daily work activities, including assigning and managing work, and determining how, where, and when the work of contract work takes place (e.g. factors such as the hours of work, the selection of work, and the manner in which the work is to be performed by each contract worker are relevant);
  - (5) Whether the services of the contract workers are offered on the open market;
  - (6) Whether the contract workers work exclusively for the workers' firm;
  - (7) Whether workers' firm is responsible for establishing wage rates and the payment of salaries of the contract workers;
  - (8) Whether workers' firm provides skills training to the contract workers; and

(9) Whether there are other facts indicating that the workers' firm exercises control over the contract workers.

(j) Teleworkers. The Department consider teleworkers (also known as remote, or home-based workers) to be members of a worker group even if they are not specifically mentioned within the determination document issued under 20 CFR 618.235 when they would be a part of the worker group if they worked on-site. Teleworkers do not have to be physically based at the location of the subject firm or in the same city of same state of the location that is identified on the determination document to be members of the certified worker group.

(k) Successor-in-interest. The Department considers workers employed by a firm that is a successor-in-interest to be members of a worker group even if they are not mentioned specifically within the determination document issued under 20 CFR 618.235.

Successor-in-interest means a firm from which Trade-affected workers are separated, or threatened with separation, and where most or all of the following factors are present:

- (1) There is continuity in business operations.
- (2) There is continuity in location.
- (3) There is continuity in the workforce.
- (4) There is continuity in supervisory personnel.
- (5) The same jobs exist under similar conditions.
- (6) There is continuity in machinery, equipment, and process.
- (7) There is continuity in product/service.

## **Decisions on Trade Petitions**

### **Certification of Petitions**

When the investigation establishes that a group of workers meets the group eligibility criteria, OTAA will issue an affirmative determination or certification of worker group eligibility to apply for Trade program benefits and services. The certification will include the name of the firm or appropriate subdivision at which the Trade-affected workers covered by the certification have been employed (which need not be limited to the unit specified in the petition) and may identify the worker group by name and specifies the beginning and ending dates. Generally, the certification covers all members of the worker group who are separated or threatened with separations during the period beginning one year before the petition was filed and ending two years after the date of the certification.

### **Denial of Petitions**

If, after investigation, OTAA determines that the group of workers does not meet the criteria for eligibility, OTAA will issue a negative determination or denial. The denial will include the name of the firm or appropriate subdivision at which the workers covered by the denial have

been employed (which need not be limited to the unit specified in the petition), and may identify the worker group by name.

Workers who are denied eligibility to apply for Trade program benefits and services may request administrative reconsideration of the determination and seek reemployment services from other programs such as those available through the Workforce Innovation and Opportunity Act's (WIOA) [Dislocated Worker](#) program also available through a local American Job Center.

## **How to Challenge a Petition Denial**

### **Administrative Reconsideration**

Determinations on Trade petitions are published in the Federal Register, the official daily publication for Rules, Proposed Rules, and Notices of Federal organizations. Aggrieved parties who are denied certification may request administrative reconsideration from OTAA by filing an Application for Reconsideration via form ETA-9185 ([DOCX](#), [PDF](#)). Reconsideration requests must be filed with OTAA within 30 days of [Federal Register](#) publication and may be emailed, mailed, or faxed to:

United States Department of Labor  
Employment and Training Administration  
Office of Trade Adjustment Assistance  
Attn: Reconsiderations  
Room N-5428  
200 Constitution Avenue N.W.  
Washington DC 20210  
Phone: 202-693-3560 or 1-888-DOL-OTAA (1-888-365-6822)  
Fax: 202-693-3584 or 3585  
Email: [reconsiderations.taa@dol.gov](mailto:reconsiderations.taa@dol.gov)  
Website: [www.dol.gov/agencies/eta/tradeact](http://www.dol.gov/agencies/eta/tradeact)

### **Judicial Review**

A worker, group of workers, certified or recognized union, or authorized representative of such worker or group may commence a civil action for review of the determination by filing a complaint with the United States Court of International Trade (USCIT) within 60 days after the date of publication of the notice of a final determination in the Federal Register, as provided under sec. 284 of the Act (19 U.S.C. 2395).

Requests for judicial review must be filed in accordance with the rules of the USCIT and must be filed with the Case Management Supervisor, U.S Court of International Trade, One Federal Plaza, New York, New York 10007, (212) 264-1611.

For additional information, see: [Frequently Asked Questions | U.S. Department of Labor \(dol.gov\)](#)

## **Notification of Trade Petition Determinations for DCEO/IDES/LWIA Staff**

After making a determination on group eligibility, DOL will notify the petitioners, the workers' firm, and the state workforce agency of the determination. In addition, the determination will be posted on the DOL website ([Trade Adjustment Assistance for Workers | U.S. Department of Labor \(dol.gov\)](https://www.dol.gov)) and published in the Federal Register. Regardless of the outcome of the petition determination, DCEO emails the appropriate LWIA, DCEO rapid response team and the Illinois Department of Employment Security (IDES) Special Programs Unit details about the determination.

## **Notification to Trade Affected Workers**

In Illinois when a group of workers is certified eligible to apply for Trade, IDES will reach out to the company to obtain an affected worker list, notify individual workers of the certification and provide information about where to apply for benefits. Rapid Response must be initiated for these workers. DCEO rapid response staff will contact all state rapid response partners and the employer to schedule the rapid response. Outreach activities include:

- 1) IDES sends individual outreach letters to every affected worker.
- 2) If workers reside in other states, IDES will notify those states and provide any relevant worker lists.
- 3) IDES will publish notification of certification in the newspaper designated as the official state newspaper.
- 4) Rapid Response will be delivered as outlined in the **Rapid Response Procedures Manual**.
- 5) LWIA rapid response staff will continue to reach out to affected workers who have not accessed services.
- 6) If the participant has not filed a UI claim, the career planner will refer him/her to the IDES website to file a claim online. <https://ides.illinois.gov>.
- 7) IDES and LWIA rapid response staff must make sure the participant knows he/she must go to an American Job Center to secure their eligibility for Trade and Trade Readjustment Allowance (TRA) benefits and services prior to the 26/26 or 8/16 (for Trade Adjustment Assistance for Workers Reversion 2021 (2021R)) deadline. The participant must be made aware that Trade benefits are coordinated between two different agencies.

## **Certified Petition Timeline**

Generally, the certification covers all members of the specified worker group laid off during the three-year period beginning one year before the petition filing and ending two years after the date of the certification. The LWIA must document that each worker is part of the certified worker group and that his/her "qualifying" separation occurred between the Impact Date and the Expiration Date.

## What are the primary parts of the Determination Letter?

- 1) Petition Number (Could include multiple Petition Numbers and Suffix)
- 2) Determination (Certified; denied; Terminated or Withdrawn)
- 3) Worker Group Location (Defines the physical location of the affected workers)
- 4) Petition Date (Date Petition was officially received by DOL)
- 5) Product (Defines what the workers produced)
- 6) Worker Group affected (including on-site leased workers) (describes who is eligible to apply for benefits)
- 7) Impact Date (The earliest date a layoff can occur to be covered for benefits)
- 8) Certification/Decision Date (Date the Petition was approved)
- 9) Expiration Date (The latest date a layoff can occur to be covered for benefits)
- 10) Certifying Officer (The DOL Officer that made the petition determination)

### Petition Timeline Example:

Conclusion Paragraph from a certification:

After careful review of the facts obtained in the investigation, I determine that workers of Acuity Brands Lighting, Inc., Juno Lighting division, a subsidiary of Acuity Brands, Inc., including on-site leased workers from Superior Staffing, Des Plaines, Illinois, who are engaged in activities related to the production of lighting fixtures, primarily used in a residential or retail location, meet the worker group certification criteria under Section 222(a) of the Act, 19 U.S.C. § 2272(a). In accordance with Section 223 of the Act, 19 U.S.C. § 2273, I make the following certification: "All workers of Acuity Brands Lighting, Inc., Juno Lighting division, a subsidiary of Acuity Brands, Inc., including on-site leased workers from Superior Staffing, (this is the worker group that has been certified) Des Plaines, Illinois, (this is the location of the certified workers) who became totally or partially separated from employment on or after September 17, 2017, (this is the impact date) through two years from the date of certification, (expiration date would be 10-9-2020) and all workers in the group threatened with total or partial separation from employment on the date of certification through two years from the date of certification, are eligible to apply for adjustment assistance under Chapter 2 of Title II of the Trade Act of 1974, as amended.

Signed in Washington, D.C. this 9th day of October 2018. (The Certification Date)

Below is an example of the three-year eligibility timeline of the above petition:



### **Why the Petition Timeline is Important**

A career planner must know the timeline dates (Impact Date, Certification Date and Expiration Date) to help determine if a participant is part of the worker group, and to determine when a participant must meet the Enrollment Deadline by either being enrolled in training or be waived from the training requirement. **The enrollment deadline is either the last day of the 26th week (8<sup>th</sup> week for 2021R participants) after the week of issuance of the certification of eligibility covering the worker, or the last day of the 26th week (16<sup>th</sup> week for 2021R participants) after the worker's most recent total qualifying separation, whichever is later.**

The 26-week deadline allows a worker to actively engage in an extensive job search for a longer period of time before making a decision about training, and to make full use of the employment and case management services available under the Trade program to choose an appropriate training program.



## Chapter 3: Trade Eligibility and Enrollment Requirements

After the petition is certified, the Illinois Department of Employment Security (IDES) obtains the affected worker list and rapid response is conducted. Either during the rapid response event or at the enrollment meetings, the **Benefits, Rights, and Obligation (BRO) Trade Form #001** (for participants served under certifications up to 97999) or the **Benefits, Rights, and Obligations (BRO) 2021R Trade Form #001** (for participants served under certifications 98000 and above) document must be presented to the participant. A copy of the **BRO** must be provided to the participant. For 2002 and Trade Adjustment Assistance for Workers: Reversion 2021R (2021R) participants, the **TAA Bona Fide Application for Training Commerce/TAA Form #004** (for 2002 participants) or the **Trade Bona Fide Application for Training (210 Form) Commerce/2021R Trade Form #004** (for 2021R participants) must also be signed and the participant provided a copy. See the **Rapid Response Procedures Manual** for additional information on the Trade rapid response process. Group or individual intake meetings are conducted to secure a participant's Trade Readjustment Assistance (TRA) eligibility, and to enroll him/her in Trade services. The service(s) may include case management, waiver from training, training, job search allowances, relocation allowances, and/or Alternative/Reemployment Trade Adjustment Assistance (A/RTAA). Each benefit or service has an application, specific eligibility requirements and may require additional documentation. The participant must be informed that it may take several appointments to complete the enrollment process for each individual service requested. See **Chapter 5: Trade Readjustment Allowance (TRA)**, **Chapter 6: Trade Waiver from Training**, **Chapter 7: Trade Funded Training**, **Chapter 8: Trade Case Management During Training**, **Chapter 10: Trade Job Search Allowance and Relocation Allowance**, and **Chapter 11: Alternative and Reemployment Trade Adjustment Assistance (A/RTAA)**.

The participant must have a qualifying separation between the Impact and Expiration dates of a Trade certification and must be laid off due to lack of work to be eligible to apply for Trade benefits and services. A qualifying separation means any total or partial separation of an adversely affected worker from adversely affected employment within the certification period. Per 20 CFR 618.110, lack of work means that the employer does not have work for the worker to perform or does not make that work available to the worker, and includes, but is not limited to, circumstances when work is unavailable because the employer suspends or ceases operations or institutes a lockout; or work is unavailable because the employer downsizes the workforce by means of attrition or layoff.

Initial eligibility for TRA is established at the beginning and must be maintained throughout the participant's progression through the re-employment plan. The career planner must verify and document that the participant is part of the affected certified worker group with a qualifying separation and ensure the participant has filed a Unemployment Insurance (UI)/TRA claim with IDES. The TRA enrollment deadline is the later of the last day of the 26th week (8<sup>th</sup> week for 2021R) after the week of issuance of the certification of eligibility covering the participant, or the last day of the 26th week (16<sup>th</sup> week for 2021R) after the participant's most recent total qualifying separation. The career planner must verify the participant's qualifying separation

date from the **TRA Claim Details** and verify the layoff reason is lack of work or plant closure from the **UI Basic Inquiry** Screen from the Illinois Benefits Information System (IBIS), place a copy in the participant file and upload to Illinois Workforce Development System (IWDS). The career planner must include the participant's Benefit Period End (BPE) date in the Six Criterion for Approval of Training **Case Note** and the email to state merit staff. The BPE can be found on the **TRA Claim Details Screen** from IBIS. The **TRA Claim Details Screen** and **UI Basic Inquiry Screen** must be uploaded to IWDS when submitting a request for approval.

The TRA enrollment deadline is met by either the issuance of a state merit staff approved **Illinois Waiver from Training Trade Form #003 (Waiver)** (for participants served under certifications up to 97999) or **Illinois Waiver from Training Commerce/2021R Trade Form #003** (for participants served under certifications 98000 and above) or a state merit staff approved enrollment in training status documented with the **Verification of Trade Training Enrollment Commerce/Trade Form #006 (Training Enrollment Form)** by the 26/26 or 8/16 (2021R) deadline for that participant. The deadline may be waived if the participant can document an allowable extenuating circumstance. See the **Extenuating Circumstances Section** below. See **Chapter 5: Trade Readjustment Allowance (TRA)** for additional information.

Enrollment in training means the participant and training institution have completed the **Training Enrollment Form** affirming that the participant has been accepted into the training program and a training plan has been developed. The training plan and this form should be submitted for state merit staff approval within 30 days of the start date of the training program.

For liable/agent participants, see **Chapter 4: Trade Liable and Agent State Responsibilities**.

### **Trade Enrollment Process – Part I**

Following Trade rapid response, the career planner schedules an enrollment meeting with the participant.

General eligibility should be pre-determined prior to inviting participants to an enrollment meeting by checking the layoff list, the layoff dates, and IBIS to verify participants are within the 26/26 or 8/16 (for 2021R) enrollment deadline. If it appears a participant may not be within the 26/26 or 8/16 (for 2021R) enrollment deadline, the career planner informs the participant prior to the meeting that the he/she must bring additional documentation to support any applicable extenuating circumstances.

The career planner must discuss with the participant the TRA enrollment deadlines and the importance of enrolling in a training program timely to preserve the maximum allowable TRA payable weeks while in training. Waiting to begin training may limit the participant's training options, because TRA eligibility may exhaust prior to completion of the training program.

## Enrollment Documentation

### The career planner will do the following:

- 1) Review the certification and any amendments.
- 2) Obtain documentation supporting the participant's attachment to the certified worker group.
  - a. Confirm the participant is on the affected employee list.
  - b. Print the IBIS documentation:
    - i. **TRA Claim Details** reflecting Qualifying Separation date.
    - ii. **UI Basic Claim Details** reflecting Lack of Work and Benefit Period End Date (BPE).
- 3) Document Labor Market Information (LMI) data for the Trade impacted job.
- 4) Collect all required Workforce Innovation and Opportunity Act (WIOA) co-enrollment documentation (i.e. Selective Service, etc.). See **Chapter 5, Section 1.1.1.** in the DCEO **ePolicy on Illinois workNet** for more information on Selective Service Guidelines.

**NOTE:** In Illinois, all Trade participants are required to be co-enrolled in the WIOA Dislocated Worker Program and any other partner programs. Documentation supporting eligibility for WIOA must be obtained and verified at time of enrollment. See additional details provided below in the **Co-Enrollment and Case Management Services/Required Co-Enrollment of Trade Participants in WIOA section.**

### The participant will provide the following:

- U.S. Citizenship (Birth Certificate, U.S. Passport, etc.)
- Marriage License (proof of name change, if applicable).
- Photo ID to verify address.
- Social Security Card.
- If not a U.S. Citizen, documentation for Authorized to Work in U.S. (**see Verification of eligibility for program benefits below**).
- DD214 (Veterans).
- Selective Service record for men born January 1, 1960 or after.
- Trade Certified Company Lay-off letter.
- Documentation of job searches conducted.

The career planner will copy each document listed above, validate the authenticity of each, and verify the participant's signatures. Retain copies in participant file.

### **Verification of eligibility for program benefits (20 CFR 618.876)**

In addition to all other eligibility criteria, if not a citizen or national of the United States, an individual must be authorized to work in the United States to receive benefits under the Trade program. Career planners are required to verify the status of participants who are not a citizen or national of the United States.

A participant is not entitled to any benefits or services if he/she cannot document his/her authorization to work in the U.S. Documentation sources for authorized to work in the U.S. are listed in the **WIOA Title 1B General and Fund Source Eligibility Requirements and Documentation Sources**. Once verified, the participant can be enrolled in services. If the documentation indicates the status will expire during the period in which that participant is potentially eligible to receive benefits, the career planner must re-verify the status. Services cannot continue after the expiration date unless documentation is provided that indicates the status has been extended. If the participant cannot provide any other type of documentation to support he/she is authorized to work in the U.S., immigration status must be verified via the Systematic Alien Verification for Entitlement (SAVE) U.S. Customs and Immigration system. The career planner must conduct such redetermination in a timely manner, using the immigration status verification system described in sec. 1137(d) of SSA (42 U.S.C. 1320b-7(d)) or by review of other documentation, as described in that provision.

**During the enrollment meetings, the career planner assists the participant in completing the following tasks:**

1. Ensure the **BRO** has been signed.
2. Complete the **WIOA-TAA Guided Application** in IWDS or the paper **Trade-WIOA Standard Application**.
3. Signing the release of information documents.
4. Complete basic skills testing. The results of these tests are used to determine the participant's grade level in each area. See **WIOA Policy 5.9 Basic Skills Deficiency Assessment Requirements** for more information.
  - a. Basic Skills Testing for all except English Language Learners:
    - i. Test for Adult Basic Education (TABE) 11 & 12 Reading and Math; or
    - ii. Comprehensive Adult Student Assessment Systems (CASAS) GOALS Reading and Math.
  - b. Basic Skills testing for English Language Learners (English Language Acquisition (ELA)):
    - i. BEST Literacy.
    - ii. BEST Plus 2.0.
    - iii. CASAS Life and Work Reading Assessments.

- c. If it is known at the time of the enrollment meeting, an exception to the testing requirement can be made as outlined in **WIOA Policy 5.9 Basic Skills Deficiency Assessment Requirements** for:
    - i. Participants who has obtained an associate degree or higher;
    - ii. Participants who within the last year have taken the entrance or placement exam for the postsecondary institution that he/she intends to attend and passed with score that do not need developmental or remedial courses in his/her chosen area of study;
    - iii. Participants only receiving **A/RTAA**; or
    - iv. Participants only receiving **Job Search** and/or **Relocation Allowances**.
5. Complete a full assessment of the participant's skills and abilities and start developing the **IEP**.
6. Review and file all required eligibility documentation.

### **Document Signatures**

Documents must be signed by all parties as evidence of acknowledgement of receipt and agreement. Required signatures may be issued and maintained electronically. Retain documents in the participant file.

### **Extenuating Circumstances**

Depending on the certification number, there are different extenuating circumstances available to be used when the 26/26 or 8/16 (for 2021R) deadline was missed through no fault of the participant. All extenuating circumstances must be documented in the participant's file, **IWDS Case Notes** and **Status Records**, and uploaded to IWDS. The career planner must also check the appropriate extenuating circumstances box on the **Waiver** or **Training Enrollment Form** and **Status Record** in IWDS and describe in detail the justification for granting an extenuating circumstance.

Granting an extenuating circumstance should be rare and handled on a case-by-case basis. When applying extenuating circumstances, the career planner must consider the circumstances in a specific order based on applicability of the circumstance for each Trade program. For example, under 2015 Law if the participant misses the 26/26, the career planner must first determine if the participant meets the 45-day provision. If not, then the next consideration is the 60 Day upon Proper Notification, then Federal Good Cause, and as a last resort Equitable Tolling may apply. The career planner must document how and why the extenuating circumstance is applicable.

In cases where the cause of the participant's failure to meet the deadline for applying for TRA or enrolling in training was the participant's own negligence, carelessness, or procrastination, a state may not find that good cause exists to allow the state to waive these time limitations.

**45-Day Extenuating Circumstances (20 CFR 618.725(a)(3)): (Applies to all Trade Laws)** A participant may be issued a waiver or enrolled in training within 45 additional days after the 26/26 or 8/16 (for 2021R) deadline if there are extenuating circumstances that justify the extension. Circumstances that would justify the extension must be for good cause, which means the participant acted diligently yet was unable to enroll because of exigent circumstances.

**State Good Cause: (Applies Only to 2009 Trade Law)** A state Unemployment Insurance (UI) Good Cause provision (law, policy or practice) may be used to waive time limitations governing TRA and enrollment in training. The participant must meet one of the criteria below:

- 1) The worker was unaware of his/her rights under the act;
- 2) There was a failure by the state or the employer to discharge its responsibilities or obligations under the act or the rules;
- 3) Any act by the employer in coercing, warning or instructing the worker not to pursue his/her benefits or rights; or
- 4) Other circumstances beyond the worker's control.

**60 Day Proper Notification Exception (20 CFR 618.725(a)(4)): (Applies Only to 2009 and 2015 Trade Law)** Upon the state's failure to provide the participant with timely information regarding the applicable training enrollment deadline, the participant must be issued a waiver by the Monday of the first week occurring 60 consecutive calendar days following the date the participant was properly notified.

**Federal Good Cause Provisions (20 CFR 618.730): (Applies to 2011 and 2015 Trade Law)** States must waive the time limitations with respect to an application for TRA, enrollment in training, or receipt of a training waiver if the participant shows good cause. The following factors should be considered when determining whether good cause exists:

- 1) Whether the state failed to provide timely notice of the need to act before the deadline passed;
- 2) Whether factors outside the control of the worker prevented the worker from taking timely action to meet the deadline;
- 3) Whether the worker attempted to seek an extension of time by promptly notifying the state;
- 4) Whether the worker was physically unable to take timely action to meet the deadline;
- 5) Whether the employer warned, instructed, threatened, or coerced the worker in any way that prevented the worker's timely filing of an application for TRA or enrolling in training;
- 6) Whether the state failed to perform its affirmative duty to provide advice reasonably necessary for the protection of the worker's entitlement to TRA; and
- 7) Other compelling reasons or circumstances that would prevent a reasonable person from meeting a deadline.

**Equitable Tolling (20 CFR 618.888): (Applies to all Trade Laws)** A Trade program deadline must be equitably tolled when:

- 1) an extraordinary circumstance prevented an individual's timely action; and
- 2) the individual otherwise acted with diligence.
- 3) When an individual fails to take timely action because the state failed to give notice required under this part, that failure is prima facie evidence of an extraordinary circumstance.
- 4) If the individual did not receive the required notice, but otherwise received actual notice with sufficient time to take timely action, the last of receipt of the required notice is not evidence of an extraordinary circumstance.
- 5) A Trade program deadline equitably tolled under this section is tolled for the time period during which the extraordinary circumstance exists. Once that circumstance is resolved, the time period that was tolled begins to run again.
- 6) Equitable tolling may extend an otherwise expired Trade program deadline by no more than 36 months.

See the **Chapter 6: Trade Waiver from Training**, and **Chapter 7: Trade Funded Training** for instructions on recording extenuating circumstances.

## **Co-Enrollment and Case Management Services**

### **Required Co-Enrollment of Trade Participants in WIOA (20 CFR 618.325)**

Trade participants must be co-enrolled in the WIOA Dislocated Worker Program and any other appropriate partner programs. Most participants meet the eligibility criteria of a dislocated worker defined at WIOA sec. 3(15). However, some participants 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. Co-enrollment allows for coordination of funds for training and services and can occur at any point. Documentation supporting eligibility for WIOA must be obtained and verified at time of enrollment.

Participants may choose to decline co-enrollment in WIOA. The participant cannot be denied benefits or services under the Trade program based on ineligibility for or declining co-enrollment in WIOA.

WIOA assists participants with reemployment services, training and supportive services not payable with Trade program funds. WIOA follow-up services must be provided as appropriate for participants who are placed in unsubsidized employment, for up to 12 months after the first day of employment. Follow-up services do not extend the date of exit in performance reporting. WIOA services are outlined in the **WIOA Title 1B Service Matrix**.

## Trade Enrollment Process – Part II

At the enrollment meeting, the career planner will complete the **WIOA-TAA Guided Application** in IWDS or the paper **Trade-WIOA Standard Application**. If the paper application is completed, the career planner must complete the **WIOA-TAA Guided Application** in IWDS. In addition, all applicable forms should be completed which may include the **Trade Individual Employment Plan Commerce/Trade Form #014 (IEP)**, **Illinois Waiver from Training Trade Form #003 (Waiver)**, **Trade Bona Fide Application for Training (210 Form) Commerce/2021R Trade Form #004 (210 Form)**, **Eligibility Determination for Trade Transportation-Subsistence Assistance Commerce/Trade Form #005 (Transportation Form)**, **Verification of Trade Training Enrollment Commerce/Trade Form #006 (Training Enrollment Form)**, **Trade Training Program Tracking Form Commerce/Trade Form #006d (Tracking Form)** or **Trade Training Program Course Tracking Form Commerce/Trade Form #006e (Tracking Form)**, **Trade Job Search Allowance Commerce/Trade Form #012 (Job Search Allowance)**, **Trade Relocation Allowance Commerce/Trade Form #013 (Relocation Allowance)**, **Illinois Department of Employment Security A/RTAA Application – Approval/Denial Commerce/Trade Form #011 (A/RTAA Application)**, and make service and status entries in IWDS.

### Trade-WIOA Standard Application

All participants must have a completed **WIOA-TAA Guided Application** in IWDS or the paper **Trade-WIOA Standard Application**. If the paper application is completed, the **WIOA-TAA Guided Application** in IWDS must also be completed. The application must be signed and dated prior to the date of the first service in IWDS. The initial service record must be entered within 45 days of certification of the application in IWDS. If the initial service is not entered within the 45 days, the certification must be removed or a new application completed. The guided application in IWDS will move the career planner through the entire application. Here are some things the career planner must pay close attention to when completing the guided application:

- 1) The career planner will enter the participant's Trade impacted job in the Employment History marking it Yes as the Dislocation Job. Subsequent layoffs that are not from a Trade Certified company cannot be marked as the dislocation job. The participant's current employment at time of application, if applicable, should also be entered.
- 2) The Employment History's Trade job must have all fields completed, including, but not limited to, Rapid Response Services (Y/N), the Last Date the participant Received Rapid Response Services.
- 3) On the TAA Additional Info Screen verify the dates for the petition/certification for Certification/Decision Date, Petition Impact Date, Petition Expiration Date, the participant's Actual or Expected Separation date, and Date BRO was signed. If any dates do not match IBIS documentation or the certification, the career planner must contact state merit staff. Dates for the Petition/Certification Number, Certification/Decision Date, Petition Impact Date, and Petition Expiration Date are auto-filled from the Illinois Employment Business System (IEBS).
- 4) Verify the test scores and dates in IWDS match the official test documents.



The **WIOA-TAA Guided Application** in IWDS must be certified, printed, signed and dated. A signed copy of the application must be placed in the participant file.

### **Individual Employment Plan (IEP) (20 CFR 618.350)**

The career planner must make available to the participant an **IEP**. The participant must be made aware of the advantages of receiving an IEP. However, the participant may refuse to complete an IEP. Since portions of the IEP are necessary to determine eligibility for job search allowances and training, a participant's refusal to provide necessary information, either as part of the IEP or outside of the IEP process, may result in a denial of those benefits and services. The IEP is a tool that allows the career planner to partner with the participant to identify the transferrable skills, barriers to employment, prior work history, education history, occupational goal, determination of services (Trade and WIOA), and participant responsibilities.

A participant is issued one IEP. If an IEP has been previously developed with a participant by a partner program, it must be reviewed once he/she becomes Trade program-eligible to ensure it contains the required components. If the IEP does not contain all required components, it must be supplemented by the career planner in conjunction with the participant to ensure it is fully compliant with the Trade requirements.

The career planner must monitor the progress of the participant in meeting his/her responsibilities as listed in the IEP, including attendance and achievement in the approved training program. The career planner and participant must modify the paper **IEP** as necessary when changes occur in the re-employment plan to facilitate a successful performance outcome for the participant. The IEP must be modified when there is any change in the participant's re-employment plan. The career planner must record all modifications to a participant's plan for services in the IWDS' **IEP Status Record** and in **Case Notes**. All state merit staff approval requests must be submitted prior to the change in plan, and the change is not effective until state merit staff approval is received. If approval is not possible and the request is denied, state merit staff will direct the career planner on the next steps to take.

An IEP must use the results of the initial and, if available, comprehensive and specialized assessments to assist in documenting a strategy to provide the participant with the services needed to obtain employment, including the items listed below:

- The participant's employment goal, including the targeted occupation and industry;
- The training program proposed, if any;
- Any services that will be needed by the participant to obtain suitable employment, including career services, supportive services provided through partner programs, and post-training case management services;
- If applicable, any supplemental assistance (subsistence or transportation payments) required for participation in training and the basis for their calculation; and

- The participant's responsibilities under the plan.

The next step is for the career planner to offer the participant the eight required Trade Case Management Services as below.

### **Eight Required Trade Case Management Services (20 CFR 618.310)**

The regulations at 20 CFR 618.360 require career planners to make employment and case management services available, including placement and referrals to supportive services and follow-up services available through partner programs, to participants during training, and after completion of training, and for those on waivers. All eight of the items listed below must be discussed and offered to the participant. The date the service was offered must be entered on the **IEP**. If the service was provided, the date it was provided must also be entered in the appropriate field on the **IEP** form. If the Local Workforce Innovation Area (LWIA) does not have the ability to provide one of the services, the career planner must refer the participant to a partner program that provides the service and enter the date the referral was made on date offered.

1. Comprehensive and specialized assessment of skill levels and service needs, including:
  - a. Diagnostic testing/use of assessment tools (to address interests, skills, aptitudes, abilities).
  - b. In-depth interviewing (to identify employment barriers and employment goals).
2. Development of an **IEP** (to identify goals, objectives, and appropriate training needs).
3. Information on training available in local and regional areas, information on individual counseling to determine which training is suitable training, and information on how to apply for such training.
4. Financial aid information (may include referral of participants to educational centers to apply for financial aid and determination of participant need for financial assistance using current year income, at discretion of educational center).
5. Short-term prevocational services, including development of learning skills, communications skills, interviewing skills, punctuality, personal maintenance skills, and professional conduct skills.
6. Individual and group career counseling, including job search and placement counseling during the training period and after training period has been completed.
7. Employment statistics information related to local, regional, and national labor market area including job vacancies, job skills necessary for job listings, in demand occupations, potential earnings.
8. Supportive services available through partner programs, including childcare, dependent care, transportation, housing assistance, and needs related payments.

In addition, Illinois requires the participant complete registrations for Illinois Job Link and Illinois workNet.

As a part of the evaluation to help determine which benefits and services are necessary for successful reemployment, the career planner should thoroughly discuss the following sections on the **IEP** with the participant.

**Transferable skills** are portable skills and abilities that are useful in a variety of jobs and industries. The participant's work history can be a resource to complete this section. They are important to identify because of the following benefits for the participant and employers:

- **Flexibility.** In an increasingly competitive job market, companies want to recruit employees who can diversify and complete multiple tasks and roles. When a participant can demonstrate he/she has a diverse skill set, this sets him/her apart from the other applicants and shows he/she has greater flexibility.
- **Diversity.** The more transferable skills the participant has, the more diversity he/she can offer to a potential employer.
- **Portability.** Transferable skills can be taken with the participant as he/she changes jobs. A participant's skill set grows as he/she moves through life, jobs, outside activities. The participant's current skills will be improved, and he/she will gain new ones.
- **Employability.** Even if the participant has very little work experience, identifying his/her transferable skills will strengthen the chances of success.

**Barriers to employment** includes anything that impedes the participant's chances of obtaining and retaining suitable employment. Many participants experience one or more barriers to employment. Although these barriers can make finding or keeping a job or going into training more difficult, it is not impossible. Physical and mental barriers must be documented in the file but not disclosed in **Case Notes**.

### **Education History**

The participant should provide up-to-date transcripts and degrees/certifications to be recorded on the **IEP**. Transcripts should be given to the training provider to determine if credit for completed training will be applied to the proposed training. This may reduce the length and cost of the training. This process must be completed prior to requesting approval for a specific training program to determine if the program can be completed within the time allowed.

### **Assessment (20 CFR 618.330)**

The assessment process forms the basis for determining which Trade program benefits and services, including training, are necessary to enable the participant to successfully obtain reemployment. An initial assessment must allow sufficient time and information for the participant to consider, request, and enroll in training or obtain a waiver of the training requirement to protect the participant's eligibility to receive TRA.

Assessments are administered with the cooperation of the participant and should include discussion of the participant's interests, skills, aptitudes, and abilities. The results of assessments must be documented in the case file and in **Case Notes**. If an assessment has already been administered by a partner program, it must be reviewed once a participant becomes Trade eligible to ensure it has the required components as listed in 20 CFR 618.335 for an initial assessment and, if necessary, 20 CFR 618.345 for a comprehensive and specialized assessment. If the assessment(s) does not contain the required components, the assessment(s) must be supplemented, in conjunction with the participant, to ensure it is fully compliant with Trade program requirements.

The participant must be made aware of the advantages of receiving an assessment(s). However, a participant may refuse an assessment. Since portions of the assessment(s) are necessary to determine eligibility for certain Trade program benefits, a participant's refusal to provide necessary information, either as part of the assessment or outside of the assessment process, may result in a denial of those benefits.

### **Initial assessment (20 CFR 618.335)**

The initial assessment of the availability of suitable employment to the participant in the local labor market must take into consideration the following factors:

- Prevailing local labor market conditions, including the unemployment rate, local employer skill demands and hiring prerequisites;
- The participant's knowledge, skills, and abilities from his/her education and previous employment;
- Transferable skills that the participant may possess that would be of interest to other local employers;
- Evaluation of a participant's skill levels (including literacy, numeracy, and English language proficiency), aptitudes, abilities (including skills gaps), and supportive service needs; and
  - The basic skills test scores may not be more than one year old.
  - If the Reading, Math and or English test scores are deficient, it may indicate the need for Remedial Training, prior to or in conjunction with occupational training.
  - If the participant's primary language is other than English, English Language Acquisition (ELA) may also be a necessary component to include in the training plan.
- Any barriers to the participant's reemployment, such as:
  - Lack of applicability of skills from the participant's present occupation to other occupations;
  - Skills that are in excess supply in the labor market area; or

- Other barriers as outlined in WIOA sec. 3(24).
- Based upon the information gathered in the initial assessment, the career planner may:
  - Determine that suitable employment is available to the participant, and if so, the career planner must make available employment and case management services.
    - If the participant disagrees with the determination, the career planner must make available to the participant a comprehensive and specialized assessment (under 20 CFR 618.345) to obtain additional information to determine whether the initial assessment was correct.
  - Determine that no suitable employment is available to the participant and, if so, the career planner must make available services as described in 20 CFR 618.310 (responsibilities for the delivery of employment and case management services) and a comprehensive and specialized assessment (as described in 20 CFR 618.345) to develop a comprehensive service strategy for the participant.
- If the career planner determines that suitable employment is not available to a participant, even with additional employment and case management services, the career planner must advise the participant to apply for training.
  - The training plan must consider the allowable training weeks and include all training necessary for the participant to secure suitable employment of a long term duration.

### **Comprehensive and specialized assessment (20 CFR 618.345)**

The career planner must make available a comprehensive and specialized assessment to all participants.

- The comprehensive and specialized assessment must take into account the participant's goals and interests as they relate to employment opportunities either in the participant's commuting area or, where there is no reasonable expectation of securing employment in the participant's commuting area and the participant is interested in relocation, the employment opportunities and demand in the area to which the participant proposes to relocate.
- The comprehensive and specialized assessment must expand upon the initial assessment regarding the participant's interests, skills, aptitudes, and abilities. This may include use of diagnostic testing tools and instruments and in-depth interviewing and evaluation to identify barriers to employment and appropriate employment goals. The in-depth interviewing of participants must include discussion of training opportunities reasonably available to each participant; reviewing the opportunities with each participant; and informing each participant of the requirements for participating in training, including the enrollment deadlines required for TRA eligibility.

- The career planner may use information from the comprehensive and specialized assessment to determine whether the participant has met the six criteria for approval of training.

The participant may be asked to take the Illinois workNet Skills and Interest Profiler, O\*NET Interest Profiler, Career Scope, or Career One Stop Skills Assessment, to assist in making an informed career/training choice.

Prior to the conclusion of the initial enrollment meeting, the participant must be provided an overview of the services Trade provides and a reminder of the deadlines that must be met. The career planner must aid the participant in determining what Trade services are necessary for the participant to reach his/her employment goal and find suitable employment. In order to secure the participant's TRA eligibility, the career planner must be mindful of the 26/26 or 8/16 (for 2012R) enrollment deadlines. Trade service(s) may include case management, waiver, training, job search allowances, relocation allowances, and/or A/RTAA. If enrollment in training is unavailable, a **Waiver** may be issued. See **Chapter 6: Trade Waiver from Training** for more information. RTAA can be combined with training or utilized as a standalone service. If the participant would prefer to use RTAA benefits which has much longer enrollment deadlines, then the career planner's focus would be to help the participant find a full-time job or several part-time jobs that would allow him/her to receive the reimbursement for RTAA employment. ATAA is a service available only to 2021R participants. It provides a similar benefit like RTAA, but a participant cannot receive both ATAA and training. For ATAA, the participant must obtain reemployment by the last day of the 26<sup>th</sup> week after the participant's qualifying separation. See **Chapter 11: Alternative and Reemployment Trade Adjustment Assistance (A/RTAA)** for more information.

### **Career Training Research Packets**

Participants who are considering enrolling in training should be provided a career/training research packet and a list of additional documentation that will be required to continue the enrollment process for training services. The career planner must discuss the next steps with the participant. The participant may be required to complete documents, conduct research, or gather documentation prior the next appointment.

Career training research packets vary by LWIA but all should contain information on how to gather LMI which details wages, employment trends, job requirements and potential career choices. The participant is required to gather actual current employment postings, demonstrating that jobs are available in the career/training choice of the participant and will lead to suitable employment.

The career training research packets should also contain information on how a participant can research training institutions and programs. Participants may be required to research up to three training institutions that offer the training program of choice. The participant should gather equal/comparable information for each training institution including entrance requirements, program curriculum, length of program, availability or limitation of classes per

term, total program costs (including classes, books, fees, etc.), travel distance to/from classes based on single or multiple training locations for that training institution, hours required for full time status, any required pre-requisites or internships (paid/non-paid) for the program, type of Industry-Recognized Credential(s) that will be gained upon successful completion of the program, all certification exams required upon completion of the training and training institution job placement assistance and placement rate.

Career training research packets must contain a budget sheet or income vs expenses worksheet for the participant to complete. Even if the participant is eligible for UI and TRA benefits during training, the participant may have expenses that exceed these benefits. To be approved for training the career planner must ensure the participant has the financial ability to complete the program. If they do not, the training program cannot be approved. The calculation for income is based upon total family income. Trade regulations defines family to include a spouse. See TEGL 27-13 dated June 18, 2014, for more information.

### **Trade Bona Fide Application for Training (210 Form) (Required for 2002 and 2021R Trade Only)**

The **210 Form** is required to be completed for any participant being served under a 2002 or 2021R petition. The **210 Form** should be completed at the same time as the **BRO** and must be completed within 210 days after the most recent qualifying separation or 210 days from the certification date, whichever is later. Meeting the 210 requirement allows a participant to preserve eligibility for Additional TRA payments when participating in a full-time training program.

### **Completing Enrollment**

Once the career planner and participant have completed, signed and dated all the necessary enrollment documents, and conducted all necessary testing and assessments, the career planner can begin the process of entering the records in IWDS.

#### **The career planner will do the following:**

- 1) Complete the **Trade Individual Employment Plan Commerce/Trade Form #014 (IEP)**.
- 2) Complete the **210 Form** if applicable, and it has not already been completed (2002 and 2021R participants only).
- 3) Add **Case Management Services** in IWDS on the Trade application by completing the following:
  - a. Add a **Trade Case Management Service**, which will also add a **Case Note**.
  - b. In the **Case Note** indicate the enrollment steps that have been completed and the services being provided.
- 4) Enter the **IEP Service Record**. Upon saving the **IEP Service Record**, IWDS will transfer the career planner to the **IEP Status Record** to complete entry.

- 5) Enter the **IEP Status Record** in IWDS with a dated comment in the **Comment Box** and adding the **IEP Amount Approved**, if known. Note: If Illinois is the Liable State and the Agent State is paying for the training, the IEP Amount Approved will be zero.
- 6) Enter a **Met the 210 Day Application Requirement Status Record**, if applicable (2002 and 2021R participants only).
- 7) If enrolling in any other services such as: **Waiver, Training, A/RTAA, Job Search Allowance**, and/or **Relocation Allowance** see the respective chapters for these services for the instructions.
- 8) Upload the **IEP, 210 Form** (if applicable), and all relevant forms and documents in IWDS.
- 9) Send an email request to state merit staff for approval using the following format (if it is a revision, forward the last state merit staff approval):
  - a. **Email Subject Line:** New IEP (if appropriate), 210 Form Approval Request (if applicable), and (other enrolling services and statuses as applicable) – “Participant First Name Initial and Participant Last Name” – LWIA XX.
  - b. **Body of Email:**  
Can we have a New IEP, 210 Form (if applicable), and (all other enrolling services and statuses as applicable) Approval (if applicable) for:  
  
**Participant Name:**  
**Justification Statement:**  
  
**NOTE: See respective chapters for services being entered and submitted for approval for specific items that must be included in the email.**

**State merit staff will do the following:**

- 1) Review the email, IWDS entries, and uploaded documents to ensure all entries are made as required and all documents are complete.
- 2) If issues are found, state merit staff will email the career planner and inform him/her of the issues that need addressed.
- 3) Once the issues have been addressed, the career planner will forward back the email from state merit staff and note that issues have been addressed.
- 4) State merit staff will review corrections.
- 5) Once all issues have been corrected, state merit staff will approve all service and status records and forward the email chain to the career planner to inform them of the approval.
- 6) If approval is not possible and the request is denied, state merit staff will direct the career planner on the next steps to take.

## **Participant File**



The career planner will file all documents in the participant file. The file should be well-organized to allow Federal, state and Local LWIA staff to review the file for monitoring and data validation purposes to complete a review in a more efficient manner.

### **Appeals (20 CFR 618.525 and 20 CFR 618.820(e))**

The state must notify participants in writing of any determination or redetermination of eligibility to Trade program benefits. Each determination or redetermination must inform the participant of the reason for the determination or redetermination and of the right to reconsideration or appeal in the same manner as determinations of entitlement to Unemployment Insurance are subject to redetermination or appeal under state law.

If a participant disagrees with a determination, he/she may complete and submit a request for reconsideration/appeal. A letter will suffice if the participant does not have an agency form. *The request must be filed with the Illinois Department of Employment Security (IDES) within thirty (30) calendar days after the date at the top of the document. If the last day for filing the request is a day that IDES is closed, the request may be filed on the next day that IDES is open. Please file the request by mail at: IDES P.O. Box 19509 Springfield, IL 62794 or fax to: 217-557-4913. Any request submitted by mail must bear a postmark date within the applicable time limit for filing. See the **Chapter 12: Trade Appeals** for more information.*

## Chapter 4: Trade Liable and Agent State Responsibilities (20 CFR 618.824)

A liable state is defined as “the state whose State UI law is the applicable State law.” An agent state is defined as “a state, other than a Liable State, that provides benefits or services to a trade-affected worker.” In most cases, a state serves as both liable and agent state.

When a participant establishes his/her Unemployment Insurance (UI) or Trade Adjustment Assistance (TRA) claim in Illinois regardless of where they live or seek services, Illinois acts as the liable state. When the UI/TRA claim is established in another state, Illinois acts as the agent state if the participant seeks services in Illinois.

Employee lists obtained from the employer contain the list of all affected workers attached to the certified worker group including remote workers and workers whose work locations are in other states. Through the Rapid Response process, the Local Workforce Innovation Area (LWIA) that owns that Trade event will reach out to LWIAs who have affected workers residing in their area and the appropriate state(s) to ensure all covered workers have access to Trade services. The Illinois Department of Employment Security (IDES) is responsible for notifying all workers attached to an Illinois certification.

Outlined below are the processes for serving liable/agent participants. The career planner must first email the respective state’s Trade Coordinator to agree upon coordination and program responsibilities for the participant(s). The email should include Department of Commerce and Economic Opportunity (DCEO) state merit staff, IDES Special Programs Unit staff and other affected LWIAs that may be serving participants from the certification, so all parties are informed of the agreement. The career planner will retain a copy of the email in the participant file and enter a **Case Note** in the Illinois Workforce Development System (IWDS) detailing the agreement. The career planner must check the appropriate boxes on the **TAA Additional Info Screen** in IWDS to indicate if the participant is an agent/liable participant and what state is paying the UI benefits. If problems occur while working with another state, immediately contact DCEO state merit staff for assistance. If necessary, DCEO will contact the other state, IDES and Region V U.S. Department of Labor (DOL) to assist in the matter.

### Liable State

The liable state is responsible for providing general program information and the provision of appropriate career services. Activities include obtaining the affected worker list, publishing newspaper notices, conducting outreach, and providing Trade rapid response. The liable state must provide a list of Trade and Alternative/Reemployment Trade Adjustment Assistance (A/RTAA) participants directly to the Internal Revenue Service for Health Care Tax Credit (HCTC) purposes.

The liable state is responsible for “making all determinations, redeterminations, and decisions on appeals on all claims for program benefits.” This includes determinations and

redeterminations related to Trade eligibility, UI/TRA benefits (including extenuating circumstances), Waiver (issuances, extensions, criteria changes, and revocations), Training (approvals, extensions, revisions, and cessations), Transportation/Subsistence assistance (approvals and revisions), Job Search and Relocation allowances (approvals and reconciliations), and A/RTAA benefits (approvals, revisions, and payments).

The applicable commuting distance and appeals process are determined by the liable state. The liable state's state merit staff is responsible for pre-approving all Trade benefits and services.

### **A/RTAA**

There will be instances where the agent state and liable state have different definitions of full-time employment. Section 246 of the Trade Act specifies the determination of full-time is made based on the law of the state where the participant works. In these cases, the liable state will use the agent state's definition of full-time employment in making the eligibility determination for the A/RTAA program.

## **Illinois as the Liable State**

As the Liable State, the career planners in Illinois have the following responsibilities:

### **When Illinois owns the certification**

- Ensuring an **Illinois Employment Business System (IEBS) Event** is set up and updated to include workers from the agent state.
- Ensuring Trade rapid response workshops occur and include out-of-state workers, if possible. The rapid response workshops should include representatives from the agent state, other appropriate LWIAs that may be serving participants from the certification, and other partner agencies. During the Trade rapid response workshop, inform the participant of his/her responsibility of securing eligibility for Trade/TRA benefits and applicable deadlines. Specifically, inform the participant of the following:
  - He/she must file a UI/TRA claim with IDES to secure eligibility for those benefits.
  - Ensure that the participant understands that he/she must work and cooperate with both states to receive Trade services and benefits.

### **For benefits**

- Illinois determines eligibility for all benefits and services. Any approval must be in writing to the agent state prior to the start of services. IWDS entries and Illinois state merit staff approval are required.
- The Illinois career planner will contact the agent state Trade Coordinator/career planner to discuss the preferred method of communication for approvals, required forms,

monthly contact and notification of issues that may affect the participant's status and payment of benefits.

See the appropriate chapter for guidance on the delivery of services and IWDS entries.

### **IDES Responsibility**

When Illinois is the liable state, the participant needs to file a UI claim online with IDES. Filing this UI claim will prompt the participant to file a TRA claim with IDES. IDES will review IWDS for information entered by the LWIA. The POTENTIAL TRA TRAINING/WAIVER FILE MAINTENANCE REPORT is transmitted to IDES overnight. If the participant has met the 8/16 for Trade Adjustment Assistance for Workers: Reversion 2021R or 26/26 training enrollment deadline and in a payable status, upon UI exhaustion, TRA payments may begin.

### **Agent State**

The responsibilities of the agent state are cooperating fully with the liable state. The agent state is responsible for obtaining pre-approval from the liable state before any benefits or services are provided to the participant. Services include providing Trade employment and case management, waivers, procuring and paying the cost of training, including related costs, subsistence and transportation allowances, tracking the participant's progress through the training program (attendance, benchmarks, case notes, etc.), offering and if requested by the liable state, paying for job search and relocation allowances, and A/RTAA according to approvals issued by the liable state. There must be ongoing communication between the agent and liable states to ensure proper payment of benefits. The agent state must cooperate with the liable state by providing information needed to issue determinations, redeterminations and decisions on benefits, services and/or appeals.

### **Illinois as the Agent State**

Illinois is the agent state when the participant receives Trade services from Illinois but receives UI/TRA from another state.

#### **As the Agent State, the career planners in Illinois have the following responsibilities:**

- Contact and confirm with the liable state that the participant meets all Trade and WIOA eligibility requirements.
- Contact the liable state career planner to discuss the preferred method of communication for approvals, required forms, monthly contact and notification of issues that may affect the participant's status and payment of benefits.
- Confirm with the liable state career planner that the participant received Trade rapid response. If not, the Illinois career planner will provide Trade rapid response.
- Ensuring an **Illinois Employment Business System (IEBS) Event** is set up and updated to include all workers from the liable state certification.
- Ensure that the participant understands that they must work and cooperate with both states to receive Trade services and benefits.

- Request any Trade paperwork, forms, documentation from the liable state. If the paperwork received does not include the required information to register the participant in IWDS, the career planner will work with the participant and the liable state to obtain additional information.
- Obtain pre-approval in writing from the liable state prior to the start of the benefit or service. Illinois state merit staff approval is also required. Make related entries in IWDS.

See the appropriate chapter for guidance on the delivery of services and IWDS entries. Remember that the liable state must approve all services prior to Illinois state merit staff approval and respective IWDS entries.

### **Document Signatures**

Documents must be signed by all parties as evidence of acknowledgement of receipt and agreement. Required signatures may be issued and maintained electronically. Retain documents in the participant file.

## Chapter 5: Trade Readjustment Allowance (TRA) (20 CFR 618.700-780)

Trade Readjustment Allowance (TRA) is a weekly allowance payable to a participant who meets the requirements of 20 CFR 618.700-780. There are three types of TRA: Basic, Additional, and Completion.

Eligibility for TRA is established at the beginning and must be maintained during the participant's progression through the re-employment plan. The career planner must verify and document that the participant is part of the affected certified worker group with a qualifying separation and ensure the participant has filed an Unemployment Insurance (UI)/TRA claim with Illinois Department of Employment Security (IDES). The participant's qualifying separation date must be verified by the **TRA Claim Details** from the Illinois Benefits Information System (IBIS). Qualifying separation means any total or partial separation of a participant from adversely affected employment within the certification period for the purposes of determining the participant's eligibility to receive Basic TRA; the 26/26 or 8/16 for Trade Adjustment Assistance for Workers: Reversion 2021 (2021R) week period for enrollment in approved training; and Basic TRA eligibility period. The first qualifying separation is used to determine the weekly and maximum amounts of Basic TRA payable to a participant. A copy of the IBIS documents must be placed in the participant file and uploaded to IWDS.

To secure eligibility for TRA, the participant must be enrolled in training, be participating in approved training or have a waiver granted no later than the latest of:

- a. The last day of the 26<sup>th</sup> or 8<sup>th</sup> (2021R) week after the week in which the certification was issued; or
- b. The last day of the 26<sup>th</sup> or 16<sup>th</sup> (2021R) week after the participant's most recent qualifying separation.

The training enrollment deadline may be extended for good cause as provided for in 20 CFR 618.730 and detailed below in the **Extenuating Circumstances** section. States must waive the time limitations with respect to an application for TRA, enrollment in training, or receipt of a training waiver if the participant shows good cause. Good cause exists if the participant acted diligently yet was unable to enroll in training or be waived from training by the deadlines discussed above because of exigent circumstances. Good cause is determined on a participant-by-participant basis.

If a participant is deemed ineligible for TRA, loses eligibility for TRA, or exhausts TRA, the career planner must obtain documentation from the participant demonstrating the participant has the financial resources to sustain himself/herself for the duration of the training.

See **Chapter 7: Trade Funded Training**, **Chapter 8: Trade Case Management During Training**, and **Chapter 9: Potential Suspension Requests (PSR)** for more information on situations that may affect TRA benefits.

For participants certified under the 2021R Program, receipt of Alternative Trade Adjustment Assistance (ATAA) represents a choice between training and TRA and the wage insurance benefit.

- ATAA cannot be combined with training;
- ATAA cannot be received after receiving TRA; and
- A participant cannot receive TRA after receiving ATAA.
- See TEGL 24-20 for more information.

### **Categories of TRA**

**Basic TRA** is payable to a participant who meets the requirements of 20 CFR 618.720. Basic TRA is payable for weeks of unemployment after the participant meets the criteria for exhaustion of Unemployment Insurance (UI) under 20 CFR 618.720(e) and, consistent with 20 CFR 618.725 for weeks of unemployment during which the participant either is enrolled in, is participating in, or has completed approved training, or has received a waiver of the training requirement under 20 CFR 618.735.

**Additional TRA** is payable to a participant who meets the requirements of 20 CFR 618.760. Additional TRA is payable only for weeks of unemployment during which the participant is in approved training.

**Completion TRA** is payable to a participant who meets the requirements of 20 CFR 618.765. Completion TRA is payable only for weeks of unemployment during which the participant is participating in approved training and is necessary for the worker to complete training. Completion TRA is payable only after the participant has exhausted all rights to Basic and Additional TRA.

### **Applications for TRA and payment**

An initial application for TRA must be filed with IDES after certification of the appropriate worker group has been made and within the time limit applicable to claims for regular compensation under the applicable state law.

Determinations on TRA applications are determinations to which 20 CFR 618.820 (determinations of eligibility; notices to individuals), 20 CFR 618.824 (liable state and agent state responsibilities), and 20 CFR 618.828 (appeals and hearings) apply. Copies of such applications for TRA and all determinations by the state on such applications must be included in the participant's case file.

A state must not make any payment of TRA until a certification is issued and the state determines that the participant is a member of a worker group covered under the specified certification. A participant, if he/she otherwise meets the eligibility

requirements, including exhaustion of UI, may be entitled to TRA for any week of unemployment that begins on or after the date of the applicable certification. A participant may receive only one form of TRA (Basic, Additional, or Completion) for any given week. An initial application is required for TRA, and a separate application is required for Completion TRA. Applications may be filed and processed by any means allowed for UI claims in the state. States must provide notice to the participant when a participant begins receipt of Additional TRA. That notice must include the eligibility requirements under which Additional TRA is payable.

### **Evidence of qualification for Basic, Additional, and Completion Trade Readjustment Allowances (20 CFR 618.740)**

When a participant applies for Basic, Additional, or Completion TRA, the state must obtain information necessary to establish:

- 1) Whether the participant meets the qualifying requirements in 20 CFR 618.720 for Basic TRA, in 20 CFR 618.760 for Additional TRA, or in 20 CFR 618.765 for Completion TRA; and
- 2) For a partially separated participant, the average weekly hours and average weekly wage in adversely affected employment.

If the information above is not available from state records or from any employer, the state must require the participant to submit a signed statement setting forth such information as may be required for the state to make the determinations.

The statement must be certified by the participant to be true to the best of the participant's knowledge and belief and must be supported by evidence including W-2 forms, paycheck stubs, union records, income tax returns, or statements of fellow workers, and must, whenever possible, be verified by the employer.

The state must make the necessary determinations on the basis of information obtained, except that if, after reviewing information obtained from the participant statement against other available data, including agency records, it concludes that such information is not reasonably accurate, it must make the determination on the basis of the best available information.

The state must follow the established method used for processing regular UI claims. If an employer does not respond within the timeframe established for UI claims, then the state must act on the best available information.

Obtaining suitable employment may impact TRA eligibility. Suitable employment is defined as: work of a substantially equal or higher skill level than the participant's past adversely affected employment, and wages for such work that are not less than 80 percent of the participant's average weekly wage. Part-time, temporary, short-term, or threatened employment is not suitable employment.



## Basic TRA

The length of an employee's service at the Trade employer is not an eligibility requirement for Trade services. However, a participant must meet the qualifying requirements to be eligible for TRA benefits at a future date. To qualify for Basic TRA for a week of unemployment, a participant must meet each of the following requirements:

- 1) The participant must be a member of a Trade certified worker group.
- 2) The participant must have experienced a qualifying separation during the certification period. Qualifying separation means any total or partial separation of a participant from adversely affected employment within the certification period. The first qualifying separation is used to determine the weekly and maximum amounts of Basic TRA payable to a participant. The qualifying separation date is verified via the **TRA Claim Details Screen** from IBIS. This determination is made in conjunction IDES staff.
- 3) The participant must be enrolled in the Trade program and meet enrollment in training by the eligibility deadline. See **Chapter 3: Trade Eligibility and Enrollment Requirements** and **Chapter 7: Trade Funded Training** for instructions. Enrollment deadlines are:
  - a. The last day of the 26<sup>th</sup> or 16<sup>th</sup> (2021R) week after the participant's most recent qualifying separation;
  - b. The last day of the 26<sup>th</sup> or 8<sup>th</sup> (2021R) week after the week in which the certification was issued.
  - c. Extenuating Circumstances. See the **Extenuating Circumstances** section below.
  - d. In the case of a participant who fails to enroll by the dates above due to a failure by the state to provide the participant with timely information regarding the applicable training enrollment deadline, the participant must be enrolled in training or obtain a waiver by the Monday of the first week occurring 60 consecutive calendar days following the date the participant was properly notified (this provision is not available for participants certified under 2021R); or
  - e. The Monday of the first week occurring 30 consecutive calendar days (or, if the state is closed that last day because that day falls on a weekend or holiday or for any other reason, the next business day) following the day of termination, whether by revocation or expiration or revocation of a waiver.
- 4) Exceptions:
  - a. Extended training enrollment deadline for delayed approval of application for TRA.
    - i. The training enrollment deadlines above do not apply where:

1. A state's negative determination on an initial application for TRA has been reversed through redetermination or appeal;
  2. The participant is unable to meet the training enrollment deadline because of the delay in obtaining the reversal of the negative determination; and
  3. The delay in obtaining the reversal is not attributable to the participant.
- ii. Where these conditions are met, the participant will have until the last day of the 26<sup>th</sup> (8<sup>th</sup> for 2021R) week following the date on which the negative determination was reversed to enroll in training or have a training waiver in effect.
- b. If a participant who is a member of a reserve component of the Armed Forces and has served a period of duty during the participant's Basic TRA eligibility period but before enrolling in training, the participant's training enrollment deadline will be the last day of the 26th week following the last day of the participant's period of duty. This provision is not available to participants certified under 2021R.
  - c. Good Cause. See the **Extenuating Circumstances** section below.
- 5) An initial application for TRA must be filed after certification of the appropriate worker group has been made. An application for TRA must be filed within the time limit applicable to claims for regular compensation under Illinois law. Applications must be filed with IDES.
  - 6) During a consecutive 52-week period ending with the participant's qualifying separation, the participant must have had at least 26 weeks of employment earning \$30 or more a week in wages from the certified worker group/company. A complete list of wage and other requirements are detailed in 20 CFR 618.720(c).
  - 7) The participant must meet the additional requirements detailed in 20 CFR 618.720(d) & (e).
  - 8) The participant must meet the requirements for the Extended Benefit (EB) Work Test and be registered to work. To meet the EB work Test the participant must:
    - a. Accept any offer of suitable work and actually apply for any suitable work the participant is referred to by IDES;
    - b. Actively engage in seeking work (i.e. make significant -- defined as at least five per week -- personal contacts with prospective employers and apply for work on at least three working days during each week) and furnish the LWIA and IDES tangible evidence of such efforts each week. The "tangible evidence" requirement as it relates to the EB Work Test is not the same as that which accompanies a normal UI process. This requires that the participant provide

hard copy documentation to verify to the Local Workforce Innovation Area (LWIA) and IDES they have in fact engaged in seeking work.

- c. Register for work with the Illinois Employment Services, via the Illinois Job Link, [www.illinoisjoblink.com](http://www.illinoisjoblink.com); and

Illinois State law does not allow a participant to be paid TRA for any week of unemployment they have not complied fully with the Extended Benefit Work Test. However, state law does not apply and will not disqualify him/her from receiving TRA if the participant has an **Enrolled in Training Status Record**. The participant may also quit work that is not suitable to begin or continue with Trade approved training. IDES determines suitable work.

A complete list of EB Work Test requirements are detailed in - 20 CFR 618.720(f).

9) Participation in approved training.

1. As a condition for receiving Basic TRA, unless there is justifiable cause, the participant must attend all scheduled training classes, required activities, and required events in a given week, unless the training provider has excused the worker's absence or failure to take part in accordance with its written policies. A participant who fails to attend all scheduled training classes, required activities, and required events in a given week must have a Ceased Participation Status Record entered in the Illinois Workforce Development System (IWDS). See **Chapter 8: Trade Case Management During Training** for instructions.
2. A participant who has not been enrolled in training, waived from the training requirement, or participating in approved training, may, if otherwise eligible, receive Basic TRA before expiration of the applicable training enrollment deadline (26/26 or 8/16 for 2021R). Once the training enrollment deadline is reached, Basic TRA payments must cease beginning the first week for which the participant is not enrolled in training, waived from the training requirement, or participating in approved training.
3. The requirements of enrolled in training, waived from the training requirement, or participating in approved training do not apply to a participant with respect to claims for Basic TRA for weeks of unemployment beginning before the filing of an initial claim for TRA after publication of the certification of the appropriate worker group as provided in 20 CFR 618.715(a), nor for any week that begins before the participant is notified that he or she is covered by a certification and is fully informed of the requirements.
4. A participant who meets the participation in approved training requirement by the applicable 26/26 or 8/16 for 2021R deadline may continue to receive Basic TRA after the participant has completed training, even if such participation in training was on a part-time basis, provided that the participant meets all other eligibility requirements for Basic TRA.

- 10) A participant is not enrolled in training by the 26/26 or 8/16 (2021R) eligibility deadline to preserve TRA eligibility, the participant must be issued the applicable **Illinois Waiver from Training Commerce/Trade Form #003 (Waiver)** (for participants served under certifications up to 97999) or **Illinois Waiver from Training Commerce/2021R Trade Form #003 (Waiver)** (for participants served under certifications 98000 and above) including state merit staff approval. See **Chapter 6: Trade Waiver from Training** for information on waivers.

#### **Maximum amount of Basic Trade Readjustment Allowances (20 CFR 618.750)**

The maximum amount of Basic TRA payable to a participant is the product of 52 multiplied by the TRA weekly amount for a week of total unemployment, calculated under 20 CFR 618.745(a) (weekly amounts of TRA), reduced by the total sum of UI (except state funded additional compensation) that the participant was entitled or would have been entitled to had the participant applied in such participant's first benefit period.

The maximum amount of TRA determined does not include:

- 1) The amount of dependents' allowances paid as a supplement to the base weekly amount determined under 20 CFR 618.745; or
- 2) The amount of the difference between the participant's weekly increased allowances determined under 20 CFR 618.745(b) and such participant's weekly amount determined under 20 CFR 618.745(a).

#### **Eligibility period for Basic Trade Readjustment Allowances (20 CFR 618.755)**

A participant is ineligible to receive Basic TRA for any week of unemployment beginning after the close of the 104-week period beginning with the first week following the week in which the participant's most recent qualifying separation occurred or after certification, whichever is later.

A state may not count any period during which a judicial or administrative appeal is pending with respect to a denial of a petition for the purpose of calculating the period of separation. The separation will be deemed as having occurred on the certification date and the Basic TRA eligibility period will begin on the week that follows the certification date.

### **Additional TRA**

A participant is eligible to receive Additional TRA for any week only if:

- 1) The participant meets all qualifying requirements for receipt of Basic TRA in 20 CFR 618.720; and
- 2) Except as provided in 20 CFR 618.775 for a break in training, the participant is participating in approved training.

- 3) For participants issued a waiver, the participant's enrollment in training must occur within 30 days following the week in which Basic TRA exhausted. Once Basic TRA is exhausted, a waiver from training is no longer valid.
- 4) For participants certified under 2002 and 2021R Trade program law, additional TRA is payable only if the participant has a properly executed **Trade Bona Fide Application for Training (210 Form) Commerce/2021R Trade Form #004** on file within 210 days of his/her most recent partial or total separation whichever is later.

Additional TRA is payable for up to 65 weeks during the 78 consecutive calendar week period that:

- 1) Immediately follows the last week of entitlement to Basic TRA otherwise payable to the participant;
- 2) Begins with the first week of approved training, if such training begins after the last week of entitlement to Basic TRA; or
- 3) Begins with the first week in which such training is approved, if such training is approved after the training already has commenced (although Additional TRA or training costs may not be paid for any week before the week in which the Trade approved training was approved).
- 4) Participants certified under 2002 and 2009 Trade program years have different payable training weeks. For questions, contact IDES.

#### **Additional TRA for Remedial Training 2002 and 2009**

Remedial training may begin at any point during the participant's entitlement to Basic TRA. The LWIA must approve the training and provide justification for the need for remedial education (i.e. the college identifies through assessment he/she has a need for remedial classes).

Participants participating in remedial education as part of their training may be eligible for a period of up to 26 weeks of Remedial TRA, payable only upon exhaustion of the 52-week additional period. Participants are not automatically eligible for the benefit. If the participant's training program ends at the same time as, or before, the exhaustion of his/her UI, Basic TRA and Additional TRA, then Remedial TRA is no longer available.

Upon the participant's eligibility determination, Additional TRA benefits for remedial are only payable when the expiration of UI and any other TRA (Basic and Additional) benefit period occurs. The participant is eligible for payment for each week (up to 26) that the participant's participation in remedial education extends their training program beyond the Additional TRA benefit period.

#### **Completion TRA**

A participant is eligible to receive Completion TRA if such participant meets all qualifying requirements for receipt of Basic TRA in 20 CFR 618.720 and Additional TRA in 20 CFR 618.760, and if the eligibility criteria below are met for that week. The requirements are applied at the

time the state approves payment for a week of Completion TRA. Completion TRA is not available to participants certified under 2002 and 2009 Trade program years. The eligibility criteria are:

- Payment of Completion TRA is necessary for a participant to complete the approved training.
- The participant is participating in approved training each week that leads to the completion of a degree or industry-recognized credential and the participant's training program will extend for a period longer than the periods during which Basic and Additional TRA are payable under 20 CFR 618.755 (eligibility period for Basic TRA) and 20 CFR 618.760 (qualifying requirements for, timing and duration of, Additional TRA), and the requested weeks are necessary for the participant to complete training.
- The participant:
  - Has substantially met the performance benchmarks in 20 CFR 618.660 (training benchmarks) established as part of the approved training program;
  - Is expected to continue to make progress toward the completion of the approved training; and
  - Will complete the approved training during the period of eligibility.
- If, during the period in which a participant is eligible to receive Completion TRA, the participant ceases to meet any of the eligibility criteria above, no further Completion TRA is payable to such participant.

A total of up to 13 weeks of payments are allowable during the period of eligibility. Completion TRA may be payable during the period of 20- week consecutive calendar period that begins with the first week in which a participant files a claim for Completion TRA and seeks compensation for such week, regardless of when the first payment is received. The eligibility period may be extended if justifiable cause exists, in accordance with 20 CFR 618.770(a).

The state must have a process to take applications for Completion TRA. States must not automatically establish the 20-week period for Completion TRA as the week following either expiration of the eligibility period for Additional TRA, or the exhaustion of Additional TRA; filing a claim after either of those first weeks is permitted. Since training that leads to a degree or industry-recognized credential must be completed during the eligibility period, the first week of Completion TRA claimed should be carefully considered in coordination with case management while the participant's training program is being developed.

### **Benchmarks Not Met – No Completion TRA**

The career planner will enter **Potential Suspension Request** when the participant has failed two benchmarks and a modification to the training plan is not feasible. This potential suspension

reason triggers a state merit staff approval automatically in IWDS. See **Chapter 9: Potential Suspension Requests (PSR)** for additional information.

Prior to paying Completion TRA, IDES will confirm with the career planner that the benchmarks are accurate and current. A Completion TRA Application must be submitted to IDES for a determination. **NOTE:** IDES will not adjudicate this issue until the participant has exhausted Additional TRA and a Completion TRA application has been submitted.

### **Weekly amounts of Basic, Additional, and Completion Trade Readjustment Allowances (20 CFR 618.745)**

The amount of Basic, Additional, or Completion TRA payable for a week of unemployment (including a week of approved training) is an amount equal to the most recent weekly benefit amount of UI (including dependents' allowances) payable to the participant for a week of total unemployment preceding the participant's first exhaustion of UI following the participant's first qualifying separation, except that:

- 1) Where a state calculates a base period amount of UI and calculates dependents' allowances on a weekly supplemental basis, TRA weekly benefit amounts must be calculated in the same manner and under the same terms and conditions as apply to claimants for UI except that the base amount must not change.
- 2) For partially separated participants, the weekly amount of TRA must be calculated as determined under the applicable state law.

Any participant in approved training who is thereby entitled for any week to TRA and a training allowance (as defined in 20 CFR 618.705) under any other Federal law for the training of participants, will be paid for each week in which the participant is undergoing approved training, TRA in the amount (computed for each week) equal to the amount computed or, if greater, the amount of any weekly allowance for such training to which the participant would be entitled under any other Federal law for the training of participants, if the participant applied for such allowance. TRA must be paid in lieu of any payment for training made directly to the participant to which the participant is entitled under such other Federal law.

The weekly amount of TRA payable will be reduced (but not below zero) by:

- 1) Income that is deductible from UI under the disqualifying income provisions of the applicable State law or Federal UI law, except that in the case of a participant who is participating in approved training, such income must not include earnings from work for such week that are equal to or less than the most recent weekly benefit amount of the UI payable to the participant for a week of total unemployment preceding the participant's first exhaustion of UI (as determined for purposes of sec. 231(a)(3)(B) of the Act).
- 2) If the amount of a training allowance as defined in 20 CFR 618.705 (including a training allowance) under any Federal law that the participant receives for such week is less than

the amount of TRA otherwise payable to the participant for a week, the participant must, when applying for TRA for the week, be paid TRA in an amount not to exceed the difference between the participant's regular weekly TRA amount, as determined under 20 CFR 618.745(a) (regular allowance), and the amount of the training allowance paid to the participant for the week.

- 3) Except as provided in #4 below, if a training allowance under any Federal law other than the Act, is paid to a participant for any week of unemployment with respect to which the participant would be entitled (determined without regard to any disqualification under #2 above) to TRA, if the participant applied for TRA, each such week must be deducted from the total number of weeks of TRA otherwise payable to the participant when the participant applies for and is determined to be entitled to TRA. If such training allowance paid directly to the participant for any week of unemployment is less than the amount of TRA to which the participant would be entitled if the participant had applied for it, the participant must receive (when the participant applies for and is determined to be entitled to TRA) TRA for such week equal to such difference.
- 4) If the training allowance (as defined in 20 CFR 618.705) referenced above is Federal student financial assistance, then the amount of TRA will not be reduced. In the case of a participant to whom the Federal student financial assistance is available, the state will rely on prearrangements for the sharing of training costs under 20 CFR 618.625(c)(2) (payment restrictions for training programs) in order to harmonize the provision of Federal student financial assistance with the participant's TRA.
- 5) Any amount that would be deductible from UI for days of absence from training under the provisions of the applicable state law that applies to participants in approved training.

#### **Payment of Trade Readjustment Allowances during breaks in training (20 CFR 618.775)**

Basic and Additional TRA are payable to an otherwise eligible participant during breaks in training (periods within or between courses, terms (quarters or semesters), and academic years) that do not exceed 30 days only if:

- 1) The participant participated in approved training immediately before the beginning of the break in training;
- 2) The break in training was provided in the established schedule of the training provider; and
- 3) The participant resumes participation in the approved training immediately after the break ends.

To determine whether a break in training is within the 30- day maximum allowed, all calendar days beginning with the first day of the training break and ending with the last day of the break, as provided in the published schedule of the training provider, must be counted. However, any Saturday, Sunday, or official state or national holiday occurring during the



scheduled break in training is excluded from the 30-day count if training normally would not be scheduled in the training program during those days if there were no break.

For Completion TRA, breaks in training are permissible during the 20-week eligibility period. However, payments during breaks in training are not allowed.

### **Disqualifications (20 CFR 618.780)**

Except as stated below and in 20 CFR 618.832(b)(2) (overpayments; penalties for fraud), a participant may not be paid TRA for any week of unemployment such participant is or would be disqualified from receiving UI under the disqualification provisions of the applicable state law, including the provisions of the applicable state law that apply to EB claimants and are consistent with Federal-State Extended Unemployment Compensation Act of 1970 (EUCA).

A state law may not be applied to disqualify a participant from receiving UI or TRA because:

- 1) Such participant is enrolled in or participating in an approved training program;
- 2) Such participant refuses work to which the state referred such participant because such work either would require discontinuation of approved training or interfere with successful participation in TAA approved training;
- 3) Such participant quits work that was not suitable employment, and it was reasonable and necessary to quit in order to begin or continue approved training. This includes temporary employment the participant may have engaged in during a break in training;
- 4) Such participant continues full-time or part-time employment while participating in approved training; or
- 5) Such participant leaves OJT within the first 30 days because the OJT is not meeting requirements of sec. 236(c)(1)(B) of the Act.

A participant who, without justifiable cause, fails to begin participation in approved training, or ceases participation in such training, or for whom a waiver is revoked under 20 CFR 618.735(f) (waiver of training requirement for Basic TRA), may not receive Basic TRA for any week in which such failure, cessation, or revocation occurred. The disqualification will continue for any succeeding week thereafter until the week in which such participant begins or resumes participation in an approved training program. A participant who has justifiable cause for such failure to begin, or for ceasing, participation in training may receive Basic TRA for any week in which such failure or cessation occurred if the participant otherwise meets the requirements. Such failure, cessation, or revocation normally does not change the eligibility periods defined in 20 CFR 618.755, 20 CFR 618.760(b), and 20 CFR 618.765(b) and (c).

For determining the disqualification of trainees for all TAA approved training, the following provisions apply:

- 1) A participant will be determined to have failed to begin participation in an approved training program when the participant fails to attend one or more scheduled training classes and other training activities in the first week of the approved training program, without justifiable cause.
- 2) A participant will be determined to have ceased participation in an approved training program when the participant fails to attend all scheduled training classes and other training activities scheduled by the training provider in any week of the approved training program, without justifiable cause.
- 3) Justifiable cause has the same meaning as good cause under 20 CFR 618.730, except that good cause for absence also includes an absence excused under a training provider's written policy.

A participant may not be paid any TRA for any week during which such participant is engaged in OJT, in accordance with 20 CFR 618.635.

A participant may not be paid any TRA for any week in which the participant is participating in approved training that is part-time. Part-time training is any approved training that does not meet the definition of "full-time training" as defined in 20 CFR 618.110. Participants enrolled in part-time training in the last semester of the training program may be eligible to receive TRA payments. Participants served under the 2021R program may be eligible for TRA payments if attending part-time training.

#### **Good Cause (20 CFR 618.730)**

States must waive the time limitations with respect to an application for TRA, enrollment in training, or receipt of a training waiver if the participant shows good cause.

Good cause exists if the participant acted diligently yet was unable to complete in a timely manner the relevant task at issue because of exigent circumstances.

The state must determine good cause on a participant-by-participant basis.

#### **Special Rule for Justifiable Cause (20 CFR 618.770)**

The eligibility period during which Basic, Additional, and Completion TRA are payable to a participant may be extended for justifiable cause, which has the same meaning as good cause in 20 CFR 618.730.

While the eligibility period for Basic, Additional, and Completion TRA may be extended for justifiable cause as determined by the state, the maximum benefit amount and number of weeks this benefit may be received must not change.

## Extenuating Circumstances

Depending on the certification number, there are different extenuating circumstances available to be used in rare instances when the enrollment deadline was missed through no fault of the participant. All extenuating circumstances must be documented on the **Verification of Trade Training Enrollment Commerce/Trade Form #006 (Training Enrollment Form)** or **Waiver, in Case Notes**, and, where appropriate, supporting documentation is in the participant file. The career planner must also check the appropriate extenuating circumstances box and add a comment on the **Enrolled In Training, Not Yet Started Status Screen** or **Waiver Status Screen** in IWDS to describe in detail the justification for granting an extenuating circumstance.

Granting an extenuating circumstance should be rare and handled on a case-by-case basis. When applying extenuating circumstances, the career planner must consider the circumstances in a specific order based on applicability of the circumstance for each Trade program. For example, under 2015 Law if the participant misses the 26/26, the career planner must first determine if the participant meets the 45-day provision. If not, then the next consideration is the 60 Day upon Proper Notification, then Federal Good Cause, and as a last resort Equitable Tolling may apply. The career planner must document how and why the extenuating circumstance is applicable.

In cases where the cause of the participant's failure to meet the deadline for applying for TRA or enrolling in training was the participant's own negligence, carelessness, or procrastination, a state may not find that good cause exists to allow the state to waive these time limitations.

**45-Day Extenuating Circumstances (20 CFR 618.725(a)(3)): (Applies to all Trade Laws)** A participant may be issued a waiver or enrolled in training within 45 additional days after the 26/26 or 8/16 (for 2021R) deadline if there are extenuating circumstances that justify the extension. Circumstances that would justify the extension must be for good cause, which means the participant acted diligently yet was unable to enroll because of exigent circumstances.

**State Good Cause: (Applies Only to 2009 Trade Law)** A state Unemployment Insurance (UI) Good Cause provision (law, policy or practice) may be used to waive time limitations governing TRA and enrollment in training. The participant must meet one of the criteria below:

- 1) The worker was unaware of his/her rights under the act;
- 2) There was a failure by the state or the employer to discharge its responsibilities or obligations under the act or the rules;
- 3) Any act by the employer in coercing, warning or instructing the worker not to pursue his/her benefits or rights; or
- 4) Other circumstances beyond the worker's control.

**60 Day Proper Notification Exception (20 CFR 618.725(a)(4)): (Applies Only to 2009 and 2015 Trade Law)** Upon the state's failure to provide the participant with timely information

regarding the applicable training enrollment deadline, the participant must be issued a waiver by the Monday of the first week occurring 60 consecutive calendar days following the date the participant was properly notified.

**Federal Good Cause Provisions (20 CFR 618.730): (Applies to 2011 and 2015 Trade Law)** States must waive the time limitations with respect to an application for TRA, enrollment in training, or receipt of a training waiver if the participant shows good cause. The following factors should be considered when determining whether good cause exists:

- 1) Whether the state failed to provide timely notice of the need to act before the deadline passed;
- 2) Whether factors outside the control of the worker prevented the worker from taking timely action to meet the deadline;
- 3) Whether the worker attempted to seek an extension of time by promptly notifying the state;
- 4) Whether the worker was physically unable to take timely action to meet the deadline;
- 5) Whether the employer warned, instructed, threatened, or coerced the worker in any way that prevented the worker's timely filing of an application for TRA or enrolling in training;
- 6) Whether the state failed to perform its affirmative duty to provide advice reasonably necessary for the protection of the worker's entitlement to TRA; and
- 7) Other compelling reasons or circumstances that would prevent a reasonable person from meeting a deadline.

**Equitable Tolling (20 CFR 618.888): (Applies to all Trade Laws)** A Trade program deadline must be equitably tolled when:

- 1) an extraordinary circumstance prevented an individual's timely action; and
- 2) the individual otherwise acted with diligence.
- 3) When an individual fails to take timely action because the state failed to give notice required under this part, that failure is prima facie evidence of an extraordinary circumstance.
- 4) If the individual did not receive the required notice, but otherwise received actual notice with sufficient time to take timely action, the last of receipt of the required notice is not evidence of an extraordinary circumstance.
- 5) A Trade program deadline equitably tolled under this section is tolled for the time period during which the extraordinary circumstance exists. Once that circumstance is resolved, the time period that was tolled begins to run again.
- 6) Equitable tolling may extend an otherwise expired Trade program deadline by no more than 36 months.

See the **Chapter 6: Trade Waiver from Training**, and **Chapter 7: Trade Funded Training** for instructions on recording extenuating circumstances.

Participants who have missed the 26/26 (or 8/16 for 2021R) training enrollment deadline and have no extenuating circumstances to warrant an exception to receive TRA but can demonstrate the ability to support themselves during training without TRA may be enrolled in a training program. A **Waiver** cannot be issued if the training enrollment deadline has passed and there are no extenuating circumstances.

### **Worker's Compensation and Qualifying Separation Date**

When a participant is on worker's compensation, the date of separation is the date the employee ceases to have a relationship with the employer. Upon closure, the date of separation is the date of the closure. If a participant is on worker's compensation and is part of the certified worker group that is laid off, the participant's separation date is the date he/she is released to return to work.

### **IDES Responsibility**

Prior to paying TRA, IDES must ensure the participant has met all criteria in the Code of Federal Regulations, Title 20 Chapter 5, Part 617.11 (Qualifying Requirements for TRA). IDES responsibility includes:

- Ensuring the participant has completed the IDES TRA application. Although the participant may not receive TRA because not all rights to unemployment insurance have been exhausted, it is appropriate to file the initial application for Trade Readjustment Allowances (TRA) within a reasonable period after the petition is certified. IDES should review the application within 48 hours of receipt. TRA applications need entered so that a participant who collects UI and is Trade eligible receives information on Health Care Tax Credit (HCTC) from the HCTC Unit.
- Determining if the participant has exhausted all rights to unemployment insurance
- Determining any employment the participant had, either with the impacted employer or in other employment, since the last qualifying separation date, on record at the time of application. If the individual has worked in another state(s) after the last qualifying separation.

A participant is laid off from a certified impacted employer October 31, 2007. A UI claim is filed and the participant establishes entitlement to UI for the period 11/4/2007 through 11/3/2008. During the entitlement period, the participant returns to work for a non-adversely affected employer the following week and claims no UI benefits during the benefit year. For TRA purposes, the layoff separation, which occurred 10/31/07 from the impacted employer, would be used to establish TRA eligibility for the 104-week period during which the participant would have entitlement to Basic TRA.

Separation from the adversely affected employment, IDES staff should investigate eligibility for UI in the other state before proceeding with payment of TRA. Sending a notice to the employer which gives the separation date and asks the employer to provide correct information if they disagree with the information appearing on the notice.

Once IDES has completed the above, IDES updates the TRA records in the IDES system. If the Qualifying Separation Date differs on the information returned by the employer, IDES will investigate, resolve conflicting information and enter the appropriate Qualifying Separation date on the TRA Basic Claim Inquiry Screen.

## Chapter 6: Trade Waiver from Training (20 CFR 618.735)

The fundamental component of Trade is training. However, if the participant is not enrolled in training by the 26/26 or 8/16 for Trade Adjustment Assistance for Workers: Reversion 2021 (2021R) eligibility deadline for Basic Trade Readjustment Assistance (TRA), then the participant may be issued the applicable **Illinois Waiver from Training Trade Form #003 (for participants covered by certifications up to 97999) or Illinois Waiver from Training Commerce/2021R Trade Form #003 (for participants covered by certifications 98000 and above) (Waiver)**. The 26/26 or 8/16 (2021R) deadline is defined as the later of the last day of the 26<sup>th</sup> week (8<sup>th</sup> week for 2021R) after the week in which the certification was issued or the last day of the 26<sup>th</sup> week (16<sup>th</sup> week for 2021R) after the participant's most recent qualifying separation. A **Waiver** will only be issued if the participant has a fully developed training plan, but enrollment into the training program is not feasible or appropriate at the time of the TRA eligibility deadline. While on a **Waiver**, a participant must actively seek employment and accept any offers of suitable employment. **Waivers** are issued initially for 60 days and cannot exceed 6 months except in rare instances, or the period of Basic TRA. Case management services are required for participants on a **Waiver**.

### Document Signatures

Documents must be signed by all parties as evidence of acknowledgement of receipt and agreement. Required signatures may be issued and maintained electronically. Retain documents in the participant file.

### Case Notes

The career planner and the participant are required to maintain meaningful two-way communication every 30 days regardless of the services the participant is receiving. The method of contact can be either in person, by phone, or by email, or a mutually agreed upon method. This contact is recorded in Illinois Workforce Development System (IWDS) **Case Notes**. The **Case Note** must be timely, detail the communication and provide information about the current status of the participant. The **Case Notes** must document the details of every aspect of the participant's progression through his/her re-employment plan.

### Extenuating Circumstances

Depending on the certification number, there are different extenuating circumstances available to be used when the 26/26 or 8/16 (for 2021R) deadline was missed through no fault of the participant. All extenuating circumstances must be documented in the participant's file, IWDS **Case Notes** and **Status Records**, and uploaded to IWDS. The career planner must also check the appropriate extenuating circumstances box on the **Waiver** and **Waiver Status Record** in IWDS and describe in detail the justification for granting an extenuating circumstance.

Granting an extenuating circumstance should be rare and handled on a case-by-case basis. When applying extenuating circumstances, the career planner must consider the circumstances

in a specific order based on applicability of the circumstance for each Trade Program. For example, under 2015 Law if the participant misses the 26/26, the career planner must first determine if the participant meets the 45-day provision. If not, then the next consideration is the 60 Day upon Proper Notification, then Federal Good Cause, and as a last resort Equitable Tolling may apply. The career planner must document how and why the extenuating circumstance is applicable.

In cases where the cause of the participant's failure to meet the deadline for applying for TRA or enrolling in training was the participant's own negligence, carelessness, or procrastination, a state may not find that good cause exists to allow the state to waive these time limitations.

**45-Day Extenuating Circumstances (20 CFR 618.725(a)(3)) (Applies to all Trade Laws):** A participant may be issued a waiver or enrolled in training within 45 additional days after the 26/26 (8/16 for 2021R) deadline if there are extenuating circumstances that justify the extension. Circumstances that would justify the extension must be for good cause, which means the participant acted diligently yet was unable to enroll because of exigent circumstances.

**State Good Cause: (Applies Only to 2009 Trade Law)** A state Unemployment Insurance (UI) Good Cause provision (law, policy or practice) may be used to waive time limitations governing TRA and enrollment in training. The participant must meet the criteria defined in the state's UI good cause provision.

- 1) The worker was unaware of his/her rights under the act;
- 2) There was a failure by the state or the employer to discharge its responsibilities or obligations under the act or the rules;
- 3) Any act by the employer in coercing, warning or instructing the worker not to pursue his/her benefits or rights; or
- 4) Other circumstances beyond the worker's control.

**60 Day Proper Notification Exception (20 CFR 618.725(a)(4)): (Applies Only to 2009 and 2015 Trade Law)** Upon the state's failure to provide the participant with timely information regarding the applicable training enrollment deadline, the participant must be issued a waiver by the Monday of the first week occurring 60 consecutive calendar days following the date the participant was properly notified.

**Federal Good Cause Provisions (20 CFR 618.730): (Applies to 2011 and 2015 Trade Law)** States must waive the time limitations with respect to an application for TRA, enrollment in training, or receipt of a training waiver if the participant shows good cause. The following factors should be considered when determining whether good cause exists:

- 1) Whether the state failed to provide timely notice of the need to act before the deadline passed;



- 2) Whether factors outside the control of the worker prevented the worker from taking timely action to meet the deadline;
- 3) Whether the worker attempted to seek an extension of time by promptly notifying the state;
- 4) Whether the worker was physically unable to take timely action to meet the deadline;
- 5) Whether the employer warned, instructed, threatened, or coerced the worker in any way that prevented the worker's timely filing of an application for TRA or enrolling in training;
- 6) Whether the state failed to perform its affirmative duty to provide advice reasonably necessary for the protection of the worker's entitlement to TRA; and
- 7) Other compelling reasons or circumstances that would prevent a reasonable person from meeting a deadline.

**Equitable Tolling (20 CFR 618.888): (Applies to all Trade Laws)** A Trade Program deadline must be equitably tolled when:

- 1) an extraordinary circumstance prevented an individual's timely action; and
- 2) The individual otherwise acted with diligence.
- 3) When an individual fails to take timely action because the state failed to give notice required under this part, that failure is prima facie evidence of an extraordinary circumstance.
- 4) If the individual did not receive the required notice, but otherwise received actual notice with sufficient time to take timely action, the last of receipt of the required notice is not evidence of an extraordinary circumstance.
- 5) A Trade Program deadline equitably tolled under this section is tolled for the time period during which the extraordinary circumstance exists. Once that circumstance is resolved, the time period that was tolled begins to run again.
- 6) Equitable tolling may extend an otherwise expired Trade Program deadline by no more than 36 months.

### **Waiver Criteria (20 CFR 618.735)**

For certifications 81,000 to 97,999 (and certain certifications 80,000 to 80,999), the career planner will use **Illinois Waiver from Training Trade Form #003 (Waiver)**. One of three criteria must be met and documented to receive a **Waiver**.

For certifications 98,000 and above the career planner will use the **Illinois Waiver from Training Commerce/2021R Trade Form #003 (Waiver)**. One of the three criteria must be met and documented to receive a **Waiver**.

For certain certifications 80,000 to 80,999, the career planner will use **TAAEA Illinois Waiver from Training Commerce/TAAEA Form #003 (Waiver)**. One of three criteria must be met and documented to receive a **Waiver**.

The three criteria are:

- **Health** - The participant is unable to participate in training due to the health of the participant. A waiver granted for this reason does not exempt the participant from requirements relating to the availability for work, active search for work, or refusal to accept work under Federal or state unemployment compensation laws.
- **Enrollment Unavailable** - The first available enrollment date for approved training is within 60 consecutive calendar days after the date on which a waiver determination is made or, if later, there are extenuating circumstances, as determined under the criteria in 20 CFR 618.725(a)(3), that apply to the delay in enrollment in training. Per United States Department of Labor (USDOL), if there are extenuating circumstances under 20 CFR 618.730 Good cause for the delay in enrollment, the waiver can be issued beyond the applicable deadline.
- **Training Not Available** - Approved training is not reasonably available to the participant from governmental agencies or private sources (which may include area vocational education schools, as defined in sec. 3 of the Strengthening Career and Technical Education for the 21st Century Act (20 U.S.C. 2302), and employers), or suitable training is not available at a reasonable cost, or no training funds are available.

For certifications 70,000 to 79,999, the career planner will use **TGAAA Illinois Waiver from Training Commerce/TGAAA Form #003 (Waiver)**. One of six criteria must be met and documented to receive a waiver from training. The six criteria are **(20 CFR 617.19)**:

- **Recall** – Worker has been notified that he/she will be recalled by the firm from which the separation occurred. (File must contain written notice of recall from the company.)
- **Marketable Skills** – Worker possesses marketable skills for suitable employment (as determined pursuant to an assessment of the worker, which may include the profiling system under section 303(j) of the Social Security Act (42 U.S.C. 503(j)), carried out in accordance with guidelines issued by the Secretary) and there is a reasonable expectation of employment at equivalent wages in the foreseeable future. The term ‘marketable skills’ may include the possession of a postgraduate degree from an institution of higher learned (as defined in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002)) or an equivalent institution, or the possession of an equivalent postgraduate certification in a specialized field.
- **Retirement** – Worker is within two years of meeting all requirements to receive old age insurance benefits under Title H of the Social Security Act (42 U.S.C. 401 et seq.) (except for application therefor); or a private pension sponsored by an employer or labor organization.
- **Health** - Worker is unable to participate in training due to the health of the worker, except that a waiver shall not be construed to exempt a worker from requirements

relating to the availability for work, active search for work, or refusal to accept work under Federal or state unemployment compensation laws.

- **Enrollment Unavailable** – The first available enrollment date for the worker’s approved training is within 60 days of the date of this waiver, or if later, there are extenuating circumstances for the delay in enrollment.
- **Training Not Available** – Suitable training is not reasonably available to the worker from either governmental agencies or private sources (which may include area vocational education schools, as defined in section 3 of the Carl D. Perkins Vocational and Technical Education Act of 1998 (20 U.S.C. 2302), and employers), no suitable training for the worker is available at reasonable cost, or no training funds are available.

For certifications 50,000 – 69,999, contact Trade state merit staff.

### **Enrollment Activities**

Prior to issuing a **Waiver** the career planner must test and assess the participant, develop the **Trade Individual Employment Plan Commerce/Trade Form #014 (IEP)**, complete the **WIOA/Trade Standard Application** and collect eligibility documentation. See **Chapter 3: Trade Eligibility and Enrollment Requirements** for more information.

The career planner must discuss with the participant the TRA enrollment deadlines and the importance of enrolling in a training program timely to preserve the maximum allowable TRA payable weeks while in training. Waiting to begin training may limit the participant’s training options, because TRA eligibility may exhaust prior to completion of the training program.

If it is determined that a **Waiver** is not appropriate, see **Denying a Waiver Section** below.

### **Initiating a Waiver**

A participant may receive one **Waiver** per certification. No **Waiver** may be issued after a participant enrolls in training. After verifying the participant meets one of the criteria, a training plan has been developed, and the TRA eligibility deadline still applies (or under limited circumstances, the participant is eligible for an extenuating circumstance provision), initiate a **Waiver** by completing the appropriate **Waiver** form. This is the only Trade form that requires state merit staff signature. The completed form must be uploaded to IWDS when requesting state merit staff approval. All Trade training forms must be completed and uploaded in IWDS at this time, but no training service records are to be entered in IWDS at time of waiver initiation. The career planner must document the participant’s Benefit Period End (BPE) date. The BPE can be found on the **TRA Claim Details Screen** from the Illinois Department of Employment Security (IDES) Illinois Benefit Information System (IBIS). See **Chapter 7: Trade Funded Training** for further instructions.

**To process a Waiver, the career planner will do the following:**

- 1) Complete the **IEP**.

- 2) Complete the **Waiver** noting the following:
  - a. Do not enter the waiver period. State merit staff will enter that upon approval.
  - b. Mark the correct waiver criteria.
  - c. If applicable, mark the correct extenuating circumstance and provide a detailed justification.
- 3) Complete a **Verification of Trade Training Enrollment Commerce/Trade Form #006 (Training Enrollment Form)**.
- 4) Complete a **Eligibility Determination for Trade Transportation-Subsistence Assistance Commerce/Trade Form #005 (Transportation-Subsistence Form)** along with a Google Maps printout supporting the mileage distance between the residence and the training institution site, to determine eligibility for transportation-subsistence assistance.
- 5) Complete a **Trade Training Program Tracking Form Commerce/Trade Form #006d (Tracking Form)** or **Trade Training Program Course Tracking Form Commerce/Trade Form #006e (Tracking Form)**, as appropriate.
- 6) Add **Case Management Services** in IWDS on the Trade application by completing the following:
  - a. Add a new episode to the **Trade Case Management Service**, which will also add a **Case Note**.
  - b. In the **Case Note** detail the waiver dates and reason.
- 7) If this is the initial service for the participant:
  - a. Enter the **IEP Service Record**. Upon saving the **IEP Service Record**, IWDS will transfer the career planner to the **IEP Status Record** to complete entry.
  - b. Enter the **IEP Status Record** in IWDS with a dated comment in the **Comment Box**.
- 8) If this is an IEP modification for the participant:
  - a. Update the **IEP Status Record** in IWDS with a dated comment in the **Comment Box**.
  - b. Update the paper **Trade Individual Employment Plan (IEP) Modification Form Commerce/Trade Form #014a (IEP Modification Form)**.
- 9) Enter the six criterion for approval of training **Case Note**.
- 10) Enter an **Issued Waiver Service** in IWDS and **Save**.
- 11) IWDS will send the career planner to the **Waiver Status Record** to complete the process.
- 12) Check the appropriate box for the **Waiver Reason** on the **Waiver Status Record**.
- 13) If the **Waiver** is being issued using extenuating circumstances, check the appropriate box.

- 14) If applicable, enter a note in the **Comment Box** justifying the **Extenuating Circumstance** and supporting documentation.
- 15) Upload the **Waiver, IEP or IEP Modification Form, Training Enrollment Form, Transportation-Subsistence Form, Tracking Form, TRA Claim Details Screen, UI Basic Inquiry Screen**, and any documentation to IWDS.
- 16) Send an email request to state merit staff for approval using the following format (if it is a modification, forward the last state merit staff approval):
  - a. **Email Subject Line:** New IEP (or IEP Modification) and Waiver Approval Request – “Participant First Name Initial and Participant Last Name” – LWIA XX
  - b. **Body of Email:**  
Can we have a New IEP or IEP Modification and Waiver Approval for:  
**Participant Name:**  
**Waiver Period:**  
**Justification Statement:**

**State merit staff will do the following:**

- 1) Review the email, IWDS entries, and uploaded documents to ensure all entries are made as required and all documents are complete.
- 2) If issues are found, state merit staff will email the career planner and inform him/her of the issues that need addressed.
- 3) Once the issues have been addressed, the career planner will forward back the email from state merit staff and note that issues have been addressed.
- 4) State merit staff will review corrections.
- 5) Once all issues have been corrected, state merit staff will approve all service and status records and forward the email chain to the career planner to inform him/her approval.
- 6) If approval is not possible and the request is denied, state merit staff will direct the career planner on the next steps to take.

Following state merit staff approval, the career planner will provide a copy of the executed **Waiver** to the participant.

## **Waiver Case Management**

### **30 Day Reviews (20 CFR 618.735(f)(3))**

A review of the **Waiver** must occur every 30 days. The purpose of the 30 day review is to ascertain if the conditions for meeting the **Waiver** still exist. A participant who fails to maintain contact with the career planner every 30 days will be sent a **Trade Waiver Non-Compliance Letter Commerce/Trade Form #003b (Non-Compliance Letter)** with instructions to contact the

career planner immediately. Upon failure of the participant to contact the career planner as instructed in the **Non-Compliance Letter**, the career planner will send a second **Non-Compliance Letter** marking the 2<sup>nd</sup> failure box. Then after the 2<sup>nd</sup> failure to maintain the 30 day contact, a **Trade Potential Suspension Letter Commerce/Trade Form #003c (Potential Suspension Letter)** must be sent to the participant. This will initiate the entry of a **Potential Suspension Request** in IWDS. **See Chapter 9: Potential Suspension Requests (PSR) Chapter.**

In order to maintain eligibility for TRA, the participant is required to make contact (in person, by phone, or by email) every 30 days with the career planner to provide updates on employment status and job search efforts. During these reviews, the conditions under which the waiver was issued will be assessed. If conditions still exist, the waiver will be continued. Failure to maintain monthly contact may result in revocation of the **Waiver** and loss of TRA benefits.

The participant's **Wavier** will be reviewed even while receiving Unemployment Insurance, working part-time or temporary jobs, or during the probation period of a permanent full-time job.

The participant must work diligently with the career planner to implement the training plan at the next possible enrollment date, must contact the career planner if he/she no longer wish to be covered by a **Waiver**, and must report any changes regarding personal information immediately including name and address changes.

During the 30 day review, determine the following:

If **Health** is the **Waiver** reason, the career planner must ensure:

- The reason for granting the health waiver still exists.
- That nothing has changed that would impact the development or implementation of a training plan and a potential start date for training. If something has changed, describe.

If the **Health** reason no longer exists, contact state merit staff.

If **Enrollment Unavailable** is the **Waiver** reason, the career planner must ensure:

- The training will begin within the 60 day period.
- The participant meets the Extended Benefit (EB) work test. To determine, the participant must:
  - Be registered for work with the Illinois Job Link and Illinois workNet;
  - Actively engage in seeking work;
  - Upon request, furnish the tangible evidence of work search efforts each week; and
  - Accept any offer of suitable work, including those referred by the State.

If the **Enrollment Unavailable** reason no longer exists, contact state merit staff.

If **Training Not Available** is the **Waiver** reason, the career planner must ensure:

- The participant meets the Extended Benefit (EB) work test. To determine, the participant must:
  - Register for work with the Illinois Job Link and Illinois workNet;
  - Actively engage in seeking work;
  - Upon request, furnish tangible evidence of work search efforts each week; and
  - Accept any offer of suitable work, including those referred by the State.
- What activities have been completed to find a suitable training program for the participant? If the participant is not making any substantial progress or does not have a valid reason for finding or enrolling in training, contact state merit staff.

For **Waivers** issued for all other criteria (Recall, Retirement, Marketable Skills), contact state merit staff for appropriate review questions.

### **Recording the 30 day Review in IWDS**

The career planner will record the results of the 30 day review in IWDS utilizing the **30 Day Review Button** within the **Waiver Status** record. All 30 day reviews in IWDS show the review date, method of contact, outcome and comments. The outcome must contain the reason the waiver was granted and if that criteria is still being met with an explanation of how it is being met. It must also address how the participant is working toward meeting enrollment in training.

**To record the Waiver review, the career planner will do the following:**

- 1) Open the **Waiver Status Record** and select the **30 Day Review Button**. Select **Add 30 Day Review** and complete the fields. The comments will indicate if the **Waiver Criteria** still exists and if the waiver should continue.
- 2) Add **Case Management Services** in IWDS on the Trade application by completing the following:
  - a. Add a new episode to the **Trade Case Management Service**, which will also add a **Case Note**.
  - b. In the **Case Note** detail the review.

In instances where the participant fails to make contact for the 30 day review, utilize the following process to notify the participant of non-compliance with the mandatory review. Keep copies of all letters in the participant's file and upload in IWDS.

- 1) Complete the **Non-Compliance Letter** marking the **1<sup>st</sup> Failure to Contact Career Planner for 30 Day Waiver Review as scheduled** box and send to the participant. This will notify

the participant of the rescheduled 30 day review. The rescheduled review must occur within 7 calendar days.

- 2) Add **Case Management Services** in IWDS on the Trade application by completing the following:
  - a. Add a new episode to the **Trade Case Management Service**, which will also add a **Case Note**.
  - b. In the **Case Note** detail the circumstances.
- 3) If after 7 days the participant is unresponsive, complete the **Non-Compliance Letter** marking the **2<sup>nd</sup> Failure to Contact Career Planner for 30 Day Waiver Review as scheduled** box and send to the participant. This will notify the participant of the rescheduled 30 day review that must occur within 14 calendar days. This also warns the participant that he/she is jeopardizing eligibility for Trade/TRA/UI payments, HCTC, if available, eligibility, and facing potential revocation of the waiver, ending eligibility for TRA benefits.
- 4) Add **Case Management Services** in IWDS on the Trade application by completing the following:
  - a. Add a new episode to the **Trade Case Management Service**, which will also add a **Case Note**.
  - b. In the **Case Note** detail the circumstances.
- 5) If the participant contacts the career planner within the 14 calendar days, the career planner will do the following:
  - a. Add **Case Management Services** in IWDS on the Trade application by completing the following:
    - i. Add a new episode to the **Trade Case Management Service**, which will also add a **Case Note**.
    - ii. In the **Case Note** detail the circumstances.
- 6) If the participant fails to contact the career planner within the 14 calendar days, follow the process outlined in **Chapter 9: Potential Suspension Requests (PSR) Non-Compliance with Trade Requirements Section**.
- 7) Following IDES adjudication of the **PSR**, contact state merit staff for further instructions.

There are two reports in IWDS that will aid the career planner in managing the 30 day reviews.

- **30 day Waiver Review Report** – locates the most recent 30 day review record and calculates the number of days since the completion of the review.



- **TAA Waiver Review Report** - counts down the days until the next review is due based on the waiver's issue date.

During the review, if the career planner discovers that the participant was recalled by the Trade certified employer or accepted new employment, the career planner will do the following:

**To record employment, the career planner will do the following:**

- 1) Verify employment.
- 2) Add an **Employment Record** in IWDS.
- 3) Enter a **Return to Work Status Record** in IWDS.
- 4) Add **Case Management Services** in IWDS on the Trade application by completing the following:
  - a. Add a new episode to the **Trade Case Management Service**, which will also add a **Case Note**.
  - b. In the **Case Note** detail the employment, including the start date.

Upon obtaining full-time, suitable work, the **Waiver** will be revoked following the probationary period of the employment. See **Waiver Revocation Section** below. The career planner should discuss **Reemployment Trade Adjustment Assistance (RTAA)** benefits. See **Chapter 11: Alternative/Reemployment Trade Adjustment Assistance (RTAA)**.

If during, the waiver review it is determined that the participant refused suitable employment, a **Potential Suspension Letter** must be sent to the participant. To record a **Potential Suspension Request**, follow the instructions in **Chapter 9: Potential Suspension Requests (PSR)**. Depending on the outcome of the potential suspension request process, the **Waiver** may be revoked. See the **Waiver Revocation Section** below.

### **Waiver Criteria Changes**

During the review the career planner may find that the **Waiver** criteria is no longer valid and needs changed. If so, there must be documentation to support the reason to approve the change in criteria. If the participant no longer wants training, revoke the **Waiver**. See **Waiver Revocation Section**.

**To change the Waiver Criteria, the career planner will do the following:**

- 1) If appropriate, verify that enrollment in training will be met. If not, contact state merit staff.
- 2) Complete the **IEP Modification Form**.

- 3) On the state merit staff approved **Waiver**, under the section labeled **Waiver Criteria Change** enter the new **Waiver Criteria**, the date of change and reason for the change, the initials of the career planner and the date.
- 4) If the **Waiver Criteria** change creates the need for a **Waiver Extension**, refer to the **Waiver Extension Section** below.
- 5) Add **Case Management Services** in IWDS on the WIOA and Trade applications based on the following:
  - a. Add a new episode to the **Trade Case Management Service**, which will also add a **Case Note**.
  - b. In the **Case Note** detail the criteria change and reason for the change.
- 6) In IWDS, change the **Waiver Criteria** in the **Waiver Status Record**, add the reason for the change, and **Save**. This will set the record to pending approval.
- 7) Update the **IEP Status** record with a dated comment in the **Comment Box**.
- 8) Upload the **IEP Modification Form, Waiver** and supporting documentation to IWDS.
- 9) Send an email request to state merit staff for approval by forwarding the last state merit staff approval email and use the following format:
  - a. **Email Subject Line:** IEP Revision Request for Waiver Criteria Change – “Participant First Name Initial and Last Name” – LWIA XX
  - b. **Body of Email:**  
Can we have an IEP revision approval for a waiver criteria change for:  
**Participant Name:**  
**Current Waiver Criteria:**  
**New Waiver Criteria:**  
**Waiver Period:**  
**Justification Statement:**

**State merit staff will do the following:**

- 1) Review the email, IWDS entries, and uploaded documents to ensure all entries are made as required and all documents are complete.
- 2) If issues are found, state merit staff will email the career planner and inform him/her of the issues that need addressed.
- 3) Once the issues have been addressed, the career planner will forward back the email from state merit staff and note that issues have been addressed.
- 4) State merit staff will review corrections.
- 5) Once all issues have been corrected, state merit staff will approve all service and status records and forward the email chain to the career planner to inform him/her approval.
- 6) If approval is not possible and the request is denied, state merit staff will direct the career planner on the next steps to take.

Following state merit staff approval, the career planner will provide a copy of the updated **Waiver** to the participant.

### **Waiver Extensions (20 CFR 618.735(f))**

There are limited instances where it may be necessary to continue the **Waiver** beyond the initial 60-day waiver period. In very limited circumstances, the waiver may exceed 6 months but in no case can it exceed the Basic TRA eligibility period. Reasons to extend the **Waiver** may include a change in criteria or if the training institution has changed the start date of the approved training. If it is determined that an extension is appropriate, it must occur prior to the **Waiver's** expiration date. Extenuating circumstances may be invoked to extend the **Waiver** once it has expired but these are very limited. If the participant is receiving Basic TRA benefits while on a **Waiver**, the career planner must ensure the participant will have enough TRA benefits or have the financial means to support himself/herself to complete the proposed training program before allowing an extension.

**To extend the Waiver, the career planner will do the following:**

- 1) On the state merit staff approved **Waiver**, under the section labeled **Waiver Extension Information Section** enter the waiver extension period, the initials of the career planner and the date.
- 2) If applicable, record any criteria change that attributed to the extension under the **Waiver Criteria Change Section** of the **Waiver**.
- 3) Update the paper **IEP Modification Form**.
- 4) Add **Case Management Services** in IWDS on the Trade application by completing the following:
  - a. Add a new episode to the **Trade Case Management Service**, which will also add a **Case Note**.
  - b. In the **Case Note** detail the circumstances.
- 5) In the **Case Note** detail the circumstances.
- 6) In IWDS, enter the waiver extension date in the **Waiver Status Record**, add the reason for the extension, and **Save**. This will set the record to pending approval.
- 7) Update the **IEP Status** record with a dated comment in the **Comment Box**.
- 8) Upload the **IEP Modification Form, Waiver, TRA Claim Details Screen, UI Basic Inquiry Screen** and supporting documentation to IWDS.
  - 1.
- 9) Send an email request to state merit staff for approval by forwarding the last state merit staff approval email and use the following format:
  - a. **Email Subject Line:** IEP Modification Request for Waiver Extension – “Participant First Name Initial and Last Name” – LWIA XX

b. **Body of Email:**

Can we have an IEP modification approval for a waiver extension for:

**Participant Name:**

**Current Waiver Period:**

**New Waiver Period:**

**Justification Statement:**

**State merit staff will do the following:**

- 1) IWDS entries, and uploaded documents to ensure all entries are made as required and all documents are complete.
- 2) If issues are found, state merit staff will email the career planner and inform him/her of the issues that need addressed.
- 3) Once the issues have been addressed, the career planner will forward back the email from state merit staff and note that issues have been addressed.
- 4) State merit staff will review corrections.
- 5) Once all issues have been corrected, state merit staff will approve all service and status records and forward the email chain to the career planner to inform him/her approval.
- 6) If approval is not possible and the request is denied, state merit staff will direct the career planner on the next steps to take.

Following state merit staff approval, the career planner will provide a copy of the updated **Waiver** to the participant.

**Waiver Revocation (20 CFR 618.735(g))**

A **Waiver** can end by participant request, expiration, upon enrollment in training, or is revoked for cause (**Failure to make contact for 30 Day Review, Failure to Accept Suitable Employment, and Failure to Enroll in a Training Program that Became Feasible and Appropriate**).

Regardless of why a **Waiver** ends, it must be revoked in IWDS and on the state merit staff approved paper **Waiver** under the **Waiver Revocation Section**. The participant must sign the **Waiver of Training Requirement Revocation Letter Commerce/Trade Form #003d (Revocation Letter)**. If a participant requests termination of a Waiver, the **Trade Waiver Termination Letter Commerce/Trade Form #003a (Termination Letter)** must be completed. When a revocation occurs, the participant is no longer eligible for any TRA benefits and is jeopardizing HCTC, if available, eligibility unless he/she has met enrollment in training. Enrollment in training must take place by the Monday of the first week occurring 30 consecutive calendar days following the day of Waiver termination, whether by revocation or expiration to preserve eligibility for TRA, Additional TRA and Completion TRA.

Once a participant meets enrollment in training, the participant is not required to seek work if receiving unemployment insurance (regular or EUC) or conduct the extended benefits work test if receiving extended benefits or Basic TRA. Failure on the participant's part to seek work during the enrollment period will not result in a UI/TRA disqualification.

A **Waiver** cannot be reinstated once it has been revoked. The participant has appeal rights which are detailed on the **Waiver** form and letters.

**To Revoke the Waiver, the career planner will do the following:**

**For ALL Waiver revocations, the career planner will complete the following:**

- 1) Update the paper **IEP Modification Form**.
- 2) Complete all items on the **Revocation Letter** except for the Date of Revocation. The date of revocation is the date of approval by state merit staff and should be added after approval. The **Revocation Letter** is then sent to the participant for signature.
- 3) On the state merit staff approved **Waiver**, under the **Waiver Revocation Section** enter the date the **Waiver** was revoked, the reason, mark the appropriate box for notice provided to participant, signature of career planner and date.
- 4) Add **Case Management Services** in IWDS on the Trade application by completing the following:
  - a. Add a new episode to the **Trade Case Management Service**, which will also add a **Case Note**.
  - b. In the **Case Note** provide the dates and reason for the revocation, the date the **Revocation Letter** was sent to the participant and describe any documentation.
- 5) Update the **IEP Status Record** in IWDS with a dated comment in the **Comment Box**.
- 6) When the **Revocation Letter** is returned signed, upload the letter in IWDS and add a **Case Note** providing the date it was received.
- 7) Upload the **Waiver**, **IEP Modification Form**, the **Revocation Letter** and, if applicable, the **Termination Letter** and supporting documentation to IWDS.

**In addition to the steps listed above, the career planner will complete the following for the appropriate reason for ending this waiver:**

**For a participant request to end the waiver only:**

- 1) Inform the participant of the impact this decision will have on TRA and HCTC, if available, eligibility.
- 2) Have the participant sign the **Termination Letter**.
- 3) Enter the **Waiver Revoked Status Record** in IWDS, enter the **Status Start Date** and the **Status End Date**, add dated detailed comments in the **Comment Box**, select the **Revocation Reason**, and **Save**. This will set the record to pending approval.
- 4) Provide the participant with a copy of the **Termination Letter** and keep a copy of the signed letter in the participant's file.

**For expiration of a Waiver:**

- 1) Enter the **Waiver Revoked Status Record** in IWDS, enter the **Status Start Date** (date of expiration of the **Waiver**. Add dated detailed comments in the **Comment Box**, select the **Revocation Reason**, and **Save**. This will set the record to pending approval.

**For Enrollment in Training reason to end the waiver:**

- 1) DO NOT ENTER a **Waiver Revoked Status Record** in IWDS.
- 2) See **Chapter 7: Trade Funded Training** for further instructions on entries for Enrollment in Training.

**For revocations due to Failure to make contact for 30 Day Review:**

- 1) Enter a **Potential Suspension Request**. See the instructions for the suspension condition of: **Participant did not meet one of the qualifying requirements for eligibility in a Trade/TRA Program** in **Chapter 9: Potential Suspension Request** for instructions.

**For revocations due to Failure to Accept Suitable Employment:**

- 1) Enter a **Potential Suspension Request**. See the instructions for the suspension condition of: **Participant was issued a Waiver From Training and Refused Suitable Employment** in **Chapter 9: Potential Suspension Request** for instructions.

**For revocations due to Failure to Enroll in a Training Program that Became Feasible and Appropriate:**

- 1) Enter the **Waiver Revoked Status Record** in IWDS, enter the **Status Start Date** (date of revocation shown on the **Waiver**. Add dated detailed comments in the **Comment Box**, select the **Revocation Reason**, and **Save**. This will set the record to pending approval.

**For all revocations:**

- 1) Send an email request to state merit staff for approval by forwarding the last state merit staff approval email and use one of the following formats:
  - c. Use this email format for revocations for **participant termination**:
    - i. **Email Subject Line:** IEP Modification Request for Participant Termination of Waiver – “Participant First Name Initial and Last Name” – LWIA XX
    - ii. **Body of Email:**  
Can we have an IEP modification approval for a participant termination of waiver:  
  
**Participant Name:**  
**Current Waiver End Date:**  
**Justification for waiver termination:**
  - d. Use this format for revocations for **Enrollment in Training**:

- i. **Email Subject Line:** IEP Modification Request for Waiver Revocation/Enrollment in Training – “Participant First Name Initial and Last Name” – LWIA XX
- ii. **Body of Email:**  
Can we have an IEP modification approval for a waiver revocation/enrollment in training for:  
  
**Participant Name:**  
**Current Waiver End Date:**  
**Training Plan:**  
**Training Provider:**  
**Program:**  
**Training Start Date:**  
**Planned Training End Date:**  
**Total # of Training Weeks:**  
**Travel Cost:**  
**Training Cost:**  
**Total IEP Cost:**  
**Justification:**

e. Use this email format for revocations for **expiration and cause:**

- i. **Email Subject Line:** IEP Modification Request for Waiver Revocation – “Participant First Name Initial and Last Name” – LWIA XX
- ii. **Body of Email:**  
Can we have an IEP modification approval for a waiver revocation for:  
  
**Participant Name:**  
**Current Waiver End Date:**  
**Justification for waiver revocation:**

**State merit staff will do the following:**

- 1) IWDS entries, and uploaded documents to ensure all entries are made as required and all documents are complete.
- 2) If issues are found, state merit staff will email the career planner and inform him/her of the issues that need addressed.
- 3) Once the issues have been addressed, the career planner will forward back the email from state merit staff and note that issues have been addressed.
- 4) State merit staff will review corrections.
- 5) Once all issues have been corrected, state merit staff will approve all service and status records and forward the email chain to the career planner to inform him/her approval.
- 6) If approval is not possible and the request is denied, state merit staff will direct the career planner on the next steps to take.

Following state merit staff approval, the career planner will provide a copy of the updated **Waiver** to the participant.

### **Denying a Waiver (20 CFR 618.735(e))**

If the participant requests a **Waiver** but has missed the 26/26 or 8/16 (2021R) deadline and no extenuating circumstances apply or a determination is made that a waiver is not appropriate, the career planner must issue a **Waiver** by completing the **Denial** section. The participant can use this form and the appeals information contained therein to file an appeal with IDHS. Inform the participant that he/she may still be eligible for Training, Job Search, Relocation Assistance and A/RTAA Benefits.

**To issue a Waiver denial, the career planner will do the following:**

- 1) If this is the initial service for the participant:
  - a. Complete the **IEP**.
  - b. Enter the **IEP Service Record**. Upon saving the **IEP Service Record**, IWDS will transfer the career planner to the **IEP Status Record** to complete entry.
  - c. Enter the **IEP Status Record** in IWDS with a dated comment in the **Comment Box**.
- 2) If this is an IEP modification for the participant:
  - a. Update the **IEP Status Record** in IWDS with a dated comment in the **Comment Box**.
  - b. Update the paper **IEP Modification Form**.
- 3) Complete the relevant sections on the appropriate **Waiver** form including signature/date of participant and career planner.
- 4) Add **Case Management Services** in IWDS on the Trade application by completing the following:
  - a. Add a new episode to the **Trade Case Management Service**, which will also add a **Case Note**.
  - b. In the **Case Note** provide the reason for the denial.
- 5) In IWDS, enter the **Waiver Denied Status Record** including the denial reason in the **Comment Box** and **Save**. This will set the record to pending approval.
- 6) Upload the **IEP, Waiver** and any supporting documentation to IWDS.
- 7) Send an email request to state merit staff for approval using the following format (if, it is an **IEP** modification, forward the last state merit staff approval):
  - a. **Email Subject Line:** New IEP (or IEP Modification) and Waiver Denial Approval Request – “Participant First Name Initial and Last Name” – LWIA XX



b. **Body of Email:**

Can we have a New IEP (or IEP modification) and Waiver Denial Approval for:

**Participant Name:**

**Justification Statement:**

**State merit staff will do the following:**

- 1) IWDS entries, and uploaded documents to ensure all entries are made as required and all documents are complete.
- 2) If issues are found, state merit staff will email the career planner and inform him/her of the issues that need addressed.
- 3) Once the issues have been addressed, the career planner will forward back the email from state merit staff and note that issues have been addressed.
- 4) State merit staff will review corrections.
- 5) Once all issues have been corrected, state merit staff will approve all service and status records and forward the email chain to the career planner to inform him/her approval.
- 6) If approval is not possible and the request is denied, state merit staff will direct the career planner on the next steps to take.

Following state merit staff approval, the career planner will provide a copy of the updated **Waiver** to the participant.

**Appeals (20 CFR 618.525 and 20 CFR 618.820(e))**

The state must notify participants in writing of any determination or redetermination of eligibility to Trade program benefits. Each determination or redetermination must inform the participant of the reason for the determination or redetermination and of the right to reconsideration or appeal in the same manner as determinations of entitlement to Unemployment Insurance are subject to redetermination or appeal under state law.

If a participant disagrees with a determination, he/she may complete and submit a request for reconsideration/appeal. A letter will suffice if the participant does not have an agency form. *The request must be filed with the Illinois Department of Employment Security (IDES) within thirty (30) calendar days after the date at the top of the document. If the last day for filing the request is a day that IDES is closed, the request may be filed on the next day that IDES is open. Please file the request by mail at: IDES P.O. Box 19509 Springfield, IL 62794 or fax to: 217-557-4913. Any request submitted by mail must bear a postmark date within the applicable time limit for filing. See the **Chapter 12: Trade Appeals** for more information.*

**Closing the IEP**

Once all Trade services have been provided to the participant, and there are no anticipated future services, the IEP must be closed. This is an IEP Modification. If a final cost reconciliation is necessary and it has not already been completed, it can be included in this modification. An **IEP** is an active service so the end date of the **IEP Status and Service Records** must be the date of the last service provided to the participant. The date of state merit staff approval of the IEP modification cannot exceed the end date of the IEP records. The career planner will complete the following:

- 1) Update the paper **IEP Modification Form**.
- 2) Add **Case Management Services** in IWDS on Trade application by completing the following:
  - a. Add a new episode to the **Trade Case Management Service**, which will also add a **Case Note**.
  - b. In the **Case Note** state the modification is for closure of the IEP.
- 3) Close any open service and status records.
- 4) Update the **IEP Service Record** by marking the **TAA Services Completed Box**.
- 5) Ensure that **IEP Amount Approved** in the **IEP Status Record**, the **IEP Modification Form**, and the **View TAA Cost Reporting Items** all match. If they do not match, a **Final Cost Reconciliation** is necessary. See the section above for those instructions.
- 6) Update the **IEP Status** with a dated comment in the **Comment Box**, enter a **Status End Date** equal to the date of request, and update the **IEP Amount Approved**, if appropriate in IWDS. The end date of the **IEP Status Record** automatically transfers to the **IEP Service Record**.
- 7) Upload the **IEP Modification Form** and any relevant documents in IWDS.
- 8) Send an email request to state merit staff for approval by forwarding the last state merit staff approval email and use the following format:
  - a. **Email Subject Line:** IEP modification approval request for IEP Closure – “Participant First Name Initial and Last Name” – LWIA XX
  - b. **Body of Email:**  
Can we have an IEP modification approval for IEP Closure for:

**Participant Name:**

**Final IEP Amount:**

**Justification:**

**State merit staff will do the following:**

- 1) Review the email, IWDS entries, and uploaded documents to ensure all entries are made as required and all documents are complete.
- 2) If issues are found, state merit staff will email the career planner and inform him/her of the issues that need addressed.
- 3) Once the issues have been addressed, the career planner will forward back the email from state merit staff and note that issues have been addressed.

- 4) State merit staff will review corrections.
- 5) Once all issues have been corrected, state merit staff will approve all service and status records and forward the email chain to the career planner to inform them of the approval.
- 6) If approval is not possible and the request is denied, state merit staff will direct the career planner on the next steps to take.

## GENERAL REQUIREMENTS FOR PROGRAM EXIT

A program exit must occur when a participant has not received any active services funded by the program or a partner program for 90 consecutive calendar days, has no gap in service and is not scheduled for future services.

The term active program service does not include:

1. Determination of eligibility to participate in the program;
2. Self-directed job search that does not result in a referral to a job;
3. Services and activities specifically provided as follow-up services such as regular contact with the participant or employer only to obtain information regarding his or her employment status, educational progress, need for additional services, or income support payments (except for trade readjustment allowances and other needs-related payments funded through the TAA program, Dislocated Worker program, or Dislocated Worker Grant (DWG) program); or
4. Fiscal records showing payment for supportive services.

See the **Workforce Innovation and Opportunity Act (WIOA) ePolicy Chapter 3.3 General Requirements for Program Exit** for more information.

<https://apps.illinoisworknet.com/WIOAPolicy/Policy/Home>

## SUCCESS STORIES

A success story shows how Local Workforce Innovation Area (LWIA) programs are making a difference in participant's lives. The success story should provide information about the participant and how the program helped him/her reach career, training and employment goals. Success stories are entered in Illinois workNet. Success stories can be submitted here:

<https://www.illinoisworknet.com/success>

## Chapter 7: Trade Funded Training (20 CFR 618.600)

The fundamental component of Trade is training. A participant is eligible for Trade funded training if he/she is laid off from the Trade certified company. Layoff is defined in 20 CFR 618.110 as “a suspension of or separation from employment by a firm for lack of work, initiated by the employer, and expected to be for a definite or indefinite period of time.” The participant must have worked for the certified company and specific worker group, if applicable, for one day and have a qualifying separation during certification period. The certification period is defined as “the period of time during which total, partial, or threat of separations from adversely affected employment within a firm or appropriate subdivision of a firm are covered by a certification for worker groups eligible to apply for assistance under sec. 222(a) and (b) of the Act. It also means the period of time during which total or partial separations from adversely affected employment within a firm are covered by a certification for worker groups eligible to apply for assistance under sec. 222(e) of the Act. The certification period begins on the impact date and, unless stated otherwise in the certification, ends 2 years after the certification date.”

The career planner must include the participant’s Benefit Period End (BPE) date in the six criterion for approval of training **Case Note** and the email to state merit staff. The BPE can be found on the **Trade Readjustment Allowance (TRA) Claim Details Screen** from the Illinois Department of Employment Security (IDES) Illinois Benefit Information System (IBIS). The **TRA Claim Details Screen** must also be uploaded to IWDS when submitting a request for approval.

Training services are for participants who do not have the required updated skills or credentials to obtain suitable employment in the current labor market. The training must be provided at a reasonable cost and as quickly as possible and assist the participant in obtaining the necessary skills to have a reasonable expectation of employment. All else being equal, training that replaces 100 percent or more of a participant’s wages in adversely affected employment or that qualifies as suitable employment is preferred. Suitable employment is defined as “work of a substantially equal or higher skill level than the participant’s past adversely affected employment, and wages for such work that are not less than 80 percent of the participant’s average weekly wage.”

To preserve eligibility for Trade Readjustment Assistance (TRA), while attending training, the participant must be enrolled in training by the 26/26 or 8/16 (Trade Adjustment Assistance Program Reversion 2021) (2021R) eligibility deadline. The 26/26 or 8/16 (2021R) deadline is defined as the later of the last day of the 26<sup>th</sup> week (16<sup>th</sup> week for 2021R) after the participant’s most recent qualifying separation or the last day of the 26<sup>th</sup> week (8<sup>th</sup> week for 2021R) after the week in which the certification was issued. In rare instances, the eligibility deadline may be extended if there are extenuating circumstances that apply. See the **Chapter 3: Trade Eligibility and Enrollment Requirements** for further instructions. If the participant is not enrolled in training by the 26/26 or 8/16 (2021R) eligibility deadline to preserve TRA eligibility, the participant must be issued the applicable state merit staff approved **Illinois Waiver from**

**Training Form #003 (Waiver).** See **Chapter 6: Trade Waiver from Training** for information on waivers.

The United States Department of Labor interprets the regulations found in 20 CFR 618.310(c) as prohibiting the use of Trade funds for training that is illegal under federal law. The six training criteria of training cannot be met because the training for which the participant seeks employment is not suitable since any employment gained in the occupation for which the worker is training is illegal under federal law.

When a Trade petition has been filed, but a determination has not been made, enrollment in WIOA services enables a participant to start re-employment services even before a petition is certified and he/she is determined eligible for Trade services. This reduces the length of time the participant is out of work. This training is not Trade approved training. Once certified, and the participant is determined to be eligible for Trade benefits and services, the training may be Trade approved if it meets all of the requirements and limitations. The approval is not retroactive. If a training plan started under the Workforce Innovation and Opportunity Act (WIOA) is Trade approvable, the costs of the training must be shifted from WIOA funding to Trade funding as soon as possible and not later than the next semester/term. To do so, the career planner must follow the procedures in the **Submitting for DCEO State Merit Staff Approval** section in this chapter. This may require a grant modification to add the additional participants and funding needed.

Except in the case of a redetermination or decision reversing a training denial in which case the approval must be retroactive to the date of that denial, prior training costs and TRA cannot be paid. Training approved under other programs may be amended by the Trade program to allow a participant additional training in order to meet additional retraining needs identified in his/her IEP.

### **Extenuating Circumstances**

Depending on the certification number, there are different extenuating circumstances available to be used when the 26/26 or 8/16 (for 2021R) deadline was missed through no fault of the participant. All extenuating circumstances must be documented on the **Verification of Trade Training Enrollment Commerce/Trade Form #006 (Training Enrollment Form)**, in **Case Notes**, and, where appropriate, supporting documentation in the participant file. The career planner must also check the appropriate extenuating circumstances box and add a comment on the **Enrolled In Training, Not Yet Started Status Screen** in IWDS to describe in detail the justification for granting an extenuating circumstance.

Granting an extenuating circumstance should be rare and handled on a case-by-case basis. When applying extenuating circumstances, the career planner must consider the circumstances in a specific order based on applicability of the circumstance for each Trade Program. For example, under 2015 Law if the participant misses the 26/26, the career planner must first

determine if the participant meets the 45-day provision. If not, then the next consideration is the 60 Day upon Proper Notification, then Federal Good Cause, and as a last resort Equitable Tolling may apply. The career planner must document how and why the extenuating circumstance is applicable.

In cases where the cause of the participant's failure to meet the deadline for applying for TRA or enrolling in training was the participant's own negligence, carelessness, or procrastination, a state may not find that good cause exists to allow the state to waive these time limitations.

**45-Day Extenuating Circumstances (20 CFR 618.725(a)(3)) (Applies to all Trade Laws):** A participant may be issued a waiver or enrolled in training within 45 additional days after the 26/26 (8/16 for 2021R) deadline if there are extenuating circumstances that justify the extension. Circumstances that would justify the extension must be for good cause, which means the participant acted diligently yet was unable to enroll because of exigent circumstances.

**State Good Cause: (Applies Only to 2009 Trade Law)** A state Unemployment Insurance (UI) Good Cause provision (law, policy or practice) may be used to waive time limitations governing TRA and enrollment in training. The participant must meet the criteria defined in the state's UI good cause provision.

- 1) The worker was unaware of his/her rights under the act;
- 2) There was a failure by the state or the employer to discharge its responsibilities or obligations under the act or the rules;
- 3) Any act by the employer in coercing, warning or instructing the worker not to pursue his/her benefits or rights; or
- 4) Other circumstances beyond the worker's control.

**60 Day Proper Notification Exception (20 CFR 618.725(a)(4)): (Applies Only to 2009 and 2015 Trade Law)** Upon the state's failure to provide the participant with timely information regarding the applicable training enrollment deadline, the participant must be issued a waiver by the Monday of the first week occurring 60 consecutive calendar days following the date the participant was properly notified.

**Federal Good Cause Provisions (20 CFR 618.730): (Applies to 2011 and 2015 Trade Law)** States must waive the time limitations with respect to an application for TRA, enrollment in training, or receipt of a training waiver if the participant shows good cause. The following factors should be considered when determining whether good cause exists:

- 1) Whether the state failed to provide timely notice of the need to act before the deadline passed;
- 2) Whether factors outside the control of the worker prevented the worker from taking timely action to meet the deadline;

- 3) Whether the worker attempted to seek an extension of time by promptly notifying the state;
- 4) Whether the worker was physically unable to take timely action to meet the deadline;
- 5) Whether the employer warned, instructed, threatened, or coerced the worker in any way that prevented the worker's timely filing of an application for TRA or enrolling in training;
- 6) Whether the state failed to perform its affirmative duty to provide advice reasonably necessary for the protection of the participant's entitlement to TRA; and
- 7) Other compelling reasons or circumstances that would prevent a reasonable person from meeting a deadline.

**Equitable Tolling (20 CFR 618.888): (Applies to all Trade Laws)** A Trade Program deadline must be equitably tolled when:

- 1) an extraordinary circumstance prevented an individual's timely action; and
- 2) The individual otherwise acted with diligence.
- 3) When an individual fails to take timely action because the state failed to give notice required under this part, that failure is prima facie evidence of an extraordinary circumstance.
- 4) If the individual did not receive the required notice, but otherwise received actual notice with sufficient time to take timely action, the last of receipt of the required notice is not evidence of an extraordinary circumstance.
- 5) A Trade Program deadline equitably tolled under this section is tolled for the time period during which the extraordinary circumstance exists. Once that circumstance is resolved, the time period that was tolled begins to run again.
- 6) Equitable tolling may extend an otherwise expired Trade Program deadline by no more than 36 months.

Participants who have missed the 26/26 training enrollment deadline and have no extenuating circumstances to warrant an exception to receive TRA but can demonstrate the ability to support themselves during training without TRA may be enrolled in a training program. TRA eligibility is discussed in 20 CFR 618.720 and 20 CFR 618.725 and in **Chapter 5: Trade Readjustment Allowance (TRA)**.

Adversely Affected Incumbent Workers (AAIW) may begin a training program prior to separation. See the **Training for Adversely Affected Incumbent Workers (AAIW) (20 CFR 618.655)** below. In the 2021R program, AAIWs are not eligible for services.

**Exception for certain workers who perform a period of duty in the Uniformed Services (20 CFR 618.615(d)(4))**



A member of one of the reserve components of the U.S. Armed Forces who serves a period of duty will have the period for training suspended upon being called up to duty provided requirements are met. Any such reserve component member may either:

- Resume training upon discharge from active service for the training period that remained at the time the reservist left the training program to report for active duty, or
- Be allowed to repeat portions of the training if doing so is necessary for completion of the approved training program, or
- Where appropriate, begin a new approved training program.

If the reservist repeats a training program or begins a new training program, the reservist will be entitled to a new 130-week period to complete the approved training. The career planner must contact state merit staff for further instructions if a participant requires this exception. This exception is not available in the 2021R Trade program.

### **Trade Training**

A participant may apply and be approved for training at any time after the certification date on which his/her worker group is certified without regard to whether he/she has applied for or exhausted all rights to any UI to which he/she is entitled. The career planner will provide the participant with an initial assessment, employment and case management services, make available a comprehensive and specialized assessment, review labor market information (LMI), and develop a **Trade Individual Employment Plan Commerce/Trade Form #014 (IEP)** with input from the participant. If the participant refuses an assessment or to develop an IEP, the information necessary to determine eligibility for training must be documented. See **Chapter 3: Trade Eligibility and Enrollment Requirements** for information on this process.

The career planner must explore, identify, and secure training opportunities to ensure the participant returns to employment as soon as possible. The career planner must use all necessary and reasonable means to find alternatives when local training resources cannot adequately train the participant for reemployment. Training resources may be inadequate when they cannot train participants quickly, or at a reasonable cost, or equip participants with skills that meet the demands of the job market. When available training is inadequate, Trade funds may be used to create customized, group training opportunities in response to a particular dislocation event. Funds may be used for trainings that provide intensive remedial education classes, English language training, or contextualized occupational training, which combines academic and occupational training. These group trainings must adhere to the Trade training requirements. Career planners are required to coordinate with other public and private agencies, in cooperation with the Local Workforce Development Boards (LWDBs) established under the WIOA, to ensure a wide-range of training opportunities are available to participants in demand occupations.

If it is determined that training is required, the appropriate training must be of the shortest duration necessary to return the participant to employment. Following are the requirements

that must be met for the development of the re-employment and training plan to obtain approval for trade approved training:

The career planner and participant must work together to develop the training plan. If there are disagreements about the type of training, the cost of the training, the participant's qualifications to successfully complete the training, the training program itself is not Trade approvable, or for any other issue, the career planner must consult with state merit staff. The career planner must continue to work with the participant to find a Trade approvable training program. If a resolution cannot be met, the training program must be denied. The participant must be notified in writing of the training denial. The written denial must include the reason why the training plan is not approvable citing any applicable section from 20 CFR 618 and appeals rights. Prior to sending the letter to the participant, the career planner will upload the letter to IWDS and send an email to state merit staff requesting approval of the denial. The **IEP Service** and **Status Records** and **Case Notes** are entered in IWDS.

If state merit staff agree with the denial, the letter is mailed to the participant and **Case Notes** are updated. The participant has the right to appeal and the determination results documented in **Case Notes**. If the determination is in favor of the participant, the career planner must process the training request as detailed below. If during this process (denial and appeal to IDES, and favorable outcome) the participant misses the enrollment deadline, extenuating circumstances may apply. If state merit staff disagree with the career planner's denial and the training program is Trade approvable, IWDS entries are made as detailed below. The maximum duration of training programs under Trade is 130 weeks (eligible training weeks include the actual weeks the participant is in training; this excludes holidays and scheduled breaks). The maximum duration of training programs under Trade and Globalization Adjustment Assistance Act (TGAAA) is 156 weeks (eligible training weeks are only the actual weeks the participant is in training; this excludes holidays and scheduled breaks). The maximum duration of OJT is 104 training weeks (eligible training weeks include the actual weeks the participant is in training; this excludes holidays and scheduled breaks).

### **Facts about ALL Trade Approved Training**

- The participant is allowed one training program per certification.
- A training program may be amended.
- Training is a lifetime benefit for a Trade affected worker.
- A training program may consist of multiple forms of training.
- Training may be full-time or part-time or a combination of both.
- All training must be full-time as defined by the training institution to receive TRA. This is for all programs with the exception of 2021R. Participants certified under 2021R may be enrolled in full-time or part-time training and receive TRA.
- The participant may be allowed to attend part-time during the final semester with TRA benefits, if the training institution will document that no additional training or coursework is needed to complete the training program.

- A participant may refuse an offer of suitable employment while enrolled in or attending training.
- A participant may attend training while employed.
- Trade funds are the primary source of Federal assistance to Trade-affected workers.
- In instances where a participant is in training paid by another funding source and the training is Trade approvable, funding for the training can be shifted to Trade funds at the next logical break.
- It is allowable for the participant's Trade-affected firm to fund all or a portion of the participant's training costs if there is an agreement established.
- Training may not exceed the maximum allowable training weeks – only weeks spent in actual training are counted.
- The participant and the training institution must be located within the United States. This includes distance learning.
- Trade training is not limited to the Eligible Training Provider List (ETPL) or WIOA approvable training.
- Training may be for self-employment if the wages are at or near the participant's wages at the adversely affected employer.
- No duplication of costs allowed. When the payment of the costs of training has already been made under any other Federal law, or the costs are reimbursable under any other Federal law and apportion of the costs has already been paid under other such Federal law, payment of such training costs may not be made from Trade program funds.
- A state may not take into account Federal student financial assistance, include Pell Grants, or any funds provided under any other provision of Federal law that are used for purposes other than direct payment of training costs. This allows a participant to use student financial assistance for living expenses instead of tuition and thus provides the worker income support during long-term training.
- A training program must not be approved if the participant is required to pay any of the costs of the training program from funds belonging to the participant, including funds from relatives or friends, or from personal or educational loans that will require repayment.
- All training must be geared towards suitable employment.
- All training must meet the 6 criterion for training approval.
- All training plans submitted must have cost comparisons for the selected training program and two additional training programs regardless of the cost of the training program.
- Completion TRA is only payable for training that results in a degree or industry recognized credential and when benchmarks have been met. Additional details are found in 20 CFR 618.765(a)(2).
- Training must meet specific training benchmarks every 60 days. See **Chapter 8: Trade Case Management During Training** for more information. If a participant fails a class, Trade can pay for one re-take per class.
- Under certain circumstances, a training plan may be modified. See **Chapter 8: Trade Case Management During Training** for more information.

- Training to complete a degree or credential previously started is approvable.
- Training in the same degree/field of study previously obtained by the participant may be approved if the training program will give the participant updated credentials.

### **Additional Training Considerations**

Although not exhaustive, below are other areas to consider as the training plan is developed:

- Determine whether the combination of multiple training types is necessary.
- The benchmarks must be tracked every 60 days throughout the training to document the participant's eligibility for Completion TRA.
- The training benchmarks must be described in the IEP, if available, or otherwise must be documented in the participant's case file.
- Online/distance learning classes are approvable as part of a Trade training program provided there is a mechanism in place to track attendance and progress as with any other class.
- In Trade, there is no prohibition from testing out of a class using a College-Level Examination Program® (CLEP test). However, the career planner must consider the full-time participation in training requirement and make sure testing out of a class does not drop the participant below full-time status. Payment for this test is allowable as part of the comprehensive and specialized assessment evaluating the participant's skills. (618.335(b)(4) or 618.345(a)).
- Preparatory coursework is an allowable cost under Trade if it is instructor led. Self-study is not an allowable cost under Trade. The costs for the instructor led preparatory coursework must be included in the training plan prior to the cessation, ideally at the onset.
  - Transportation is allowable to attend the preparatory course, assuming it meets all other transportation requirements:
    - The prep course will attach "at-large" to the training plan. So, if the preparatory coursework is included as part of the plan, then the transportation allowance is permissible.
    - The exam itself is not instructor led and thus the transportation allowance is not permitted since the transportation allowance can only attach to approved instructor led training.
- Ensure the participant understands educational resources available through the training program (e.g. free tutoring).
- For liable/agent participants, see **Chapter 4: Trade Liable and Agent State Responsibilities.**
- The costs for initial licensing and certification tests and fees where the license or certification is required for employment is an allowable cost under Trade.
- The transportation to the testing site is an allowable cost under Trade only if the training institution requires the license or certification prior to issuing a degree or credential.
- Under 2021R and TAARA 2002, participants must file a **Trade Bone Fide Application for Training (210 Form ) Commerce/2021R Trade Form #004 (210 Form)** within 210 days

from the later of the date of certification or total or partial separation to be eligible for Additional TRA.

- In determining whether to approve a training program, the career planner must determine the appropriateness of the length of training, as follows:
  - The training must be of suitable duration to achieve the desired skill level in the shortest possible time, and not more than the established training week limits.
  - Factors that may impact the length of training include, but are not limited to, the participant's employment status (full- or part-time), the need for supportive services from partner programs, and breaks in training due to class schedules and availability.
  - Except as otherwise provided for OJT, apprenticeship, and the exception for Uniformed Services, the maximum duration for approvable training under Trade is 130 weeks. Only weeks spent in actual training are counted. Scheduled breaks in training are not counted. If a training program will extend beyond the period during which TRA is available, the participant must attest that he/she has sufficient personal resources (i.e., funds for the worker's living expenses) to support himself/herself while completing the training. The participant cannot be required to obtain such funds as a condition of training approval.
  - A member of one of the reserve components of the U.S. Armed Forces who serves a period of duty will have the period for training suspended upon being called up to duty. The participant may resume training upon discharge from active service provided the requirements in 20 CFR 618.615 are met.

### **Enrolled in Training, Failed to Start (20 CFR 618.780(b)(2))**

A participant will be deemed to have failed to begin participation in an approved training program when the participant fails to attend one or more scheduled training classes and other training activities in the first week of the approved training program without justifiable cause. See **Chapter 9: Potential Suspension Requests (PSR)** for instructions. In addition to the steps in **Chapter 9**, following state merit staff approval of the new **Training Service Record**, the career planner will end the originally approved **Training Service Record** and **Travel in Training or Subsistence in Training Service Record**, if applicable as Unsuccessful Completion on the date it was to start.

### **60 Day Training Benchmark Requirements (20 CFR 618.660)**

Training benchmarks must be established when the participant enrolls in an approved training program so that progress towards completing the approved training can be tracked.

The two evaluation criteria to be met every 60 days are:

- **Maintaining Satisfactory Academic Standing** (not on probation or determined to be "at risk" by the instructor or training provider).

- **On Schedule to Complete Training within the Timeframe Identified in the Approved Training Program** (based upon the progress of the participant in completing the training program by the merit staff approved planned training end date).

The benchmarks are based upon passing grades each term, enrolling in the required classes in the proper sequence as listed on the **Tracking Form**, instructor attestation, and career planner consultation with the training provider and participant.

Benchmark requirements are included in the **Trade Benefit Rights and Obligations (BRO) Commerce/Trade Form #001 (BRO)** or Trade Benefit Rights and Obligations (BRO) 2021R Trade Form #001 (for 2021R participants) and the **IEP**. Prior to the start of training, the career planner must discuss the 60 day training benchmark requirements with the participant. The participant's eligibility for Completion TRA is based largely upon the benchmarks that are recorded in IWDS. Up to 13 weeks of Completion TRA may be payable to assist the participant in completing a full-time training program that leads to a degree or industry-recognized credential provided that all the **60 Day Benchmarks** are met or the training program is modified. The career planner and participant should review these requirements in detail as often as necessary.

The Benchmark Reviews will be conducted at 60 day intervals from the first day of training. Entering more frequent reviews in IWDS will reset the next 60 day review. The **60 Day Benchmark** reviews are recorded in the **In Training Status Record** in IWDS under **60 Day Review**. See **Chapter 8: Trade Case Management During Training** for more information.

### **Document Signatures**

Documents must be signed by all parties as evidence of acknowledgement of receipt and agreement. Required signatures may be issued and maintained electronically. Retain documents in the participant file.

### **Selection of Training Program (20 CFR 618.620)**

Eligible Trade-affected workers must be provided training using either one, or a combination of, the following types of training.

#### **Work-Based Training (20 CFR 618.635)**

The objective of Trade training is to provide workers with a means of obtaining marketable skills for today's increasingly competitive work environment. Trade utilizes work-based training (apprenticeships, on-the-job (OJT) or customized) as an alternative to traditional institutional training as a method to obtain suitable employment. Work-based training usually takes place in a productive work setting where the participant obtains the necessary knowledge and skills to perform a specific job or group of jobs. Work-based training can be combined with classroom training. For participants certified under the 2021R program, work-based learning is the preferred method of training. In addition to the specific requirements that must be met to

approve work-based training, all other Trade training requirements must also be met for the training to be approved. TRA is not payable for participants enrolled in work-based learning.

If eligible, participants in work-based training may be able to receive transportation and/or subsistence payments. The career planner must complete the **Eligibility Determination for Trade Transportation-Subsistence Assistance Commerce/Trade Form #005 (Transportation-Subsistence Assistance Form)** for all work-based training participants. If the participant is determined to be ineligible for Trade transportation assistance, the denial on the **Transportation-Subsistence Form** will serve as notice. The career planner must inform participants enrolled in work-based training of ineligibility for TRA and HCTC, if available.

Related skills/education training provided as part of the work-based training contract and sponsored by the employer may be provided in conjunction with the work-based training. Such training may be provided at the employment site, or at educational institutions, or other locations. Trade funds can be used to pay the work-based training participant's expenses associated with the educational or instructional component (e.g., classroom and distance learning, tools, uniforms, equipment, and books) for participation in the work-based training program.

#### **DOL Approved Registered Apprenticeship Programs (20 CFR 618.635(c))**

Apprenticeship includes registered apprenticeships under the Act of August 16, 1937 (commonly known as the National Apprenticeship Act; 50 Stat. 664, chapter 663; 29 U.S.C. 50 *et seq.*), as well as other training programs that include a paid work-based learning component and required educational or instructional component that results in the issuance of a recognized postsecondary credential, which includes an industry-recognized credential. Apprenticeship information can be found at: <https://www.apprenticeship.gov>

#### **Duration**

Apprenticeships are not subject to the 104-week statutory duration of OJT training limit. The length of the paid work-based learning component must not exceed 130 weeks. However, the length of the educational or instructional training component of the apprenticeship may exceed 130 weeks and continue through the scheduled completion of that specific apprenticeship training.

#### **Eligible apprenticeship expenses**

Trade program funds can be used to pay for expenses associated with the educational or instructional component (e.g. classroom and distance learning, tools, uniforms, equipment, and books) for the apprentice. The employer may be reimbursed not more than 50 percent of the apprentice's regular wage rate for the cost of providing the training and additional supervision related to the work-based learning component provided by the employer.

#### **Exclusion of certain employers**

The LWIA may not enter into a contract for apprenticeship with an employer that exhibits a pattern of failing to provide apprentices with successful attainment of an industry-recognized credential or the apprenticeship completion certificate in the case of registered apprenticeship, as issued by the U.S. Department of Labor or state apprenticeship agency.

### **Approval of the costs of apprenticeship**

Costs for an apprenticeship program may be approved by a LWIA only if the requirements of the National Apprenticeship Act, 29 CFR parts 29 and 30, and Departmental administrative guidance are met. Costs for an apprenticeship program may be approved by a LWIA only if a determination is made that:

- No currently employed worker is displaced (including a partial displacement, such as a reduction in the hours of non-overtime work, wages, or employment benefits) by the participant;
- Such training does not impair existing contracts for services or collective bargaining agreements;
- In the case of training that would be inconsistent with the terms of a collective bargaining agreement, written concurrence has been obtained from the concerned labor organization;
- No other worker is on layoff from the same or any substantially equivalent job for which the participant is being trained;
- 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 participant;
- The job for which the participant is being trained is not being created in a promotional line that will infringe in any way upon the promotional opportunities of currently employed workers;
- The training is not for the same occupation as the participant's adversely affected employment;
- The employer has not received payment under the Trade program or under any other Federal law for any other apprenticeship provided by such employer that failed to meet the requirements of this section or the requirements of the other Federal laws governing employment practices; and
- The employer has not taken, at any time, any action that violated the terms of this section with respect to any other apprenticeship provided by the employer for which the state has made a payment under the Trade program.

### **TRA and HCTC eligibility during apprenticeships**

Participants enrolled in an apprenticeship program, in most cases, will not be able to access TRA income support due to his/her income earned through wages, but the state must still make individual determinations on TRA benefits. This could also impact HCTC eligibility, if HCTC is available. Career planners must advise workers considering this training option of these issues.

### **RTAA eligibility during apprenticeships**



Participants age 50 or older may be eligible for RTAA. Participants certified under 2021R cannot receive Alternative Trade Adjustment Assistance (ATAA) and any training benefit including apprenticeships.

### **State contract with apprenticeship employer**

The LWIA must enter into a contract with the employer that provides the terms and conditions of the apprenticeship.

### **On-the-Job Training (OJT) (20 CFR 618.635(a))**

OJT is work-based training provided under contract with an employer in the public, nonprofit, or private sector to participant who is employed by the employer. OJT may be approved if the participant meets the six criteria of training (20 CFR 618.610) and all other requirements for Trade approved training under 20 CFR 618.615 and 20 CFR 618.665. The career planner must determine that the OJT can reasonably be expected to lead to suitable employment with the employer offering the OJT; is compatible with the skills of the participant; includes a curriculum through which the participant will gain the knowledge or skills to become proficient in the job for which the participant is being trained; and can be measured by standards or targets that indicate the participant is gaining such knowledge or skills. The DOL OJT Toolkit can be found here: <https://ion.workforcegps.org/resources/2017/12/01/11/19/On-the-Job-Training-Toolkit>

### **Participant Enrollment**

Participants interested in an OJT must be registered as a Trade registrant. See **Chapter 3: Trade Eligibility and Enrollment Requirements**. The six criteria for approval of a training also apply to an OJT contract. The **Trade Work-Based Training Agreement Commerce/Trade Form #008 (WBT Agreement)** must be completed to obtain the necessary information from the employer and participant and develop the training plan. Once the **WBT Agreement** is signed and state merit staff approved, the career planner must provide a copy of the approved form to the participant and place a copy in the participant's file.

### **Duration**

The OJT contract with the employer must specify the duration of the OJT. The duration of the OJT must be appropriate to the occupational goal for which the participant is being trained, taking into consideration the skills requirements of the job for which he/she is being trained, the academic and occupational skill level of the participant, and the work experience of the participant, as documented in his/her IEP, if available. The duration of the training must be long enough for him/her to become sufficiently proficient in the occupation for which the training is being provided to enable the participant to perform as well as workers in comparable positions within the firm. The OJT must not exceed the specific vocational preparation required for the occupation, as listed on O\*NET ([www.onetonline.org](http://www.onetonline.org)); and must not exceed 104 weeks in any case.

**Exclusion of certain employers**

The LWIA may not enter into a contract for OJT with an employer that exhibits a pattern of failing to provide participants receiving OJT from the employer with: continued long-term employment as regular employees; and wages, benefits, and working conditions that are equivalent to the wages, benefits and working conditions provided to regular employees who have worked a similar period of time and are doing the same type of work as participants receiving the OJT from the employer.

**OJT costs**

OJT costs for participant may be approved by a state only if a determination is made that:

- No currently employed individual is displaced (including a partial displacement, such as a reduction in the hours of non-overtime work, wages, or employment benefits) by the participant;
- Such training does not impair existing contracts for services or collective bargaining agreements;
- In the case of training that would be inconsistent with the terms of a collective bargaining agreement, written concurrence has been obtained from the concerned labor organization;
- No other individual is on layoff from the same or any substantially equivalent job for which the participant is being trained;
- 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 by hiring the participant;
- The job for which the participant 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;
- The training is not for the same occupation from which the participant was separated with respect to which the participant's worker group is covered under a certification;
- The employer has not received payment under the Trade Program or under any other Federal law for any other OJT provided by such employer that failed to meet the requirements of this section or the requirements of the other Federal laws governing employment practices; and
- The employer has not taken, at any time, any action that violated the terms of this section with respect to any other OJT provided by the employer for which the state has made a payment under the Trade Program.

**TRA eligibility during OJT**

A participant may not be paid TRA for any week during which he/she is in OJT and, therefore, may be ineligible for the HCTC, if available.

**Reemployment Trade Adjustment Assistance (RTAA) eligibility during OJT**

Participants enrolled in OJT may be eligible for RTAA. All the requirements of RTAA must be met. Participants certified under 2021R cannot receive Alternative Trade Adjustment Assistance (ATAA) and any training benefit including OJT.

**Use of WIOA funds for OJT**

Trade funds may be leveraged with WIOA funds to provide a reimbursement rate equal to that allowable under WIOA. See WIOA sec. 134(c)(3)(H) (29 U.S.C. 3174(b)(3)(H)).

**No OJT for Adversely Affected Incumbent Workers (AAIW's)**

The LWIA must not approve OJTs for AAIWs.

**Case Management during OJT**

See **Chapter 8: Trade Case Management During Training** for specific information.

**Customized Training (20 CFR 618.635(b))**

Customized training is designed to meet the special requirements of a single employer or a group of employers. The training may be conducted by a training provider, a single employer, or a group of employers.

Customized training must be conducted with a commitment by the employer or group of employers to employ a participant upon successful completion of the training. For purposes of customized training, a commitment by the employer(s) to employ a participant upon successful completion of the training, as required by section 236(f)(2) of the Act, means that the employer(s) must enter into an agreement with the state that describes the conditions that must be met for successful completion of the training and the expectation of employment after the training is completed. The employer must pay at least 50 percent for the cost of the training. Approval is limited to customized training for a position other than the participant's current position in adversely affected employment. See 618.655(c)(2). A participant may not be paid TRA for any week during which he/she is in customized training and, therefore, may be ineligible for the HCTC, if available.

Participants certified under 2021R cannot receive Alternative Trade Adjustment Assistance (ATAA) and any training benefit including customized training.

**Institutional Training (Vocational/Occupational Skills) (20 CFR 618.620 (b)(2))**

Institutional training, including training at public area career and technical education schools, as well as community colleges, may be approved alone or in combination with work-based training. This also includes distance learning, including online training, where a participant may complete all or part of an educational or vocational program in a geographical location apart from the institution hosting the training program, and where the final certificate or degree conferred is equivalent in standard of achievement and content to the same program completed on campus or at another institutional training location.

**Higher Education (Vocational/Occupational Skills)**

Higher education includes any training or coursework at an accredited institution, as described in section 102 of the Higher Education Act of 1965, as amended 920 U.S.C. 1002), including training or coursework for the purpose of obtaining a degree or certification, or for completing

a degree or certification that the participant had begun previously at an accredited institution of higher education. Higher education may be approved alone or in combination with work-based training. The distance learning requirements in institutional training also apply to this type of training.

### **Other Training (including Remedial/Pre-requisite) (20 CFR 618.620 (c))**

Other training includes remedial education, career and technical education, pre-requisite education or coursework, and any other training program approved by the state.

### **Remedial Training**

Remedial training is defined as any coursework or training that is designed to enhance the employability of a trade-affected worker by upgrading basic academic knowledge through such courses as adult basic education (ABE), basic math and literacy, English language acquisition (ELA) for nonnative speakers, and high school equivalency (HSE) courses, among others. Remedial education may occur before, or while participating in, the requested training program. Wherever practical, remedial training should run concurrently with other types of training to maximize allowable training weeks and available TRA.

A training program may consist solely of remedial training. The **IEP** and **case notes** for the six criterion for approval of training must document that the participant has marketable skills based on LMI data, and that the remedial education is sufficient to prepare the participant for employment. If the career planner cannot document that the participant has marketable skills – all remedial training must be combined with occupational or other types of training deemed Trade approvable that will lead to suitable employment. English Language Acquisition (ELA) can be a standalone training program for Trade, however because completion of ELA does not result in an industry recognized credential, the participant will not receive Completion TRA. The participant must document the financial ability to complete the training that exceeds the Additional TRA eligibility period.

### **Considerations for remedial training:**

- Remedial classes must meet all training benchmarks and must be documented in IWDS explaining how they have been met.
- Each type of remedial training must have an individual **Training Service Record** in IWDS. For example, if a participant is enrolled in ELA, Basic Reading and Basic Math classes that would represent three individual **Training Service Records** in IWDS. The career planner must enter the specific course and semester taken in the **Comment Box** on each **Training Service Record**.
- For any participant who is attending Remedial and Occupational Skills Training, the O\*Net Code on the Remedial Training Service Record must match the Occupational Skills Training O\*Net Code.

### **Pre-Requisite Training**

Pre-requisite training is defined as any coursework or training required by a training provider before entering an occupational training program designed to impart the skills and information required to perform a specific job or group of jobs. If a participant is enrolling in a program that requires pre-requisites and has an acceptance policy, the participant must have a back-up training program in the same occupational field that will also utilize the pre-requisite classes already taken if the participant is not accepted into the originally approved program. Wherever practical, pre-requisite training should run concurrently with other types of training.

**Considerations for pre-requisite training:**

- Pre-requisite classes must meet all training benchmarks and must be documented in IWDS explaining how they have been met.
- Each type of pre-requisite training must have an individual **Training Service Record** in IWDS. The career planner must enter the specific course and semester taken in the **Comment Box** on each **Training Service Record**.

**Advanced Degrees (Occupational Skills) (20 CFR 618.620 (d))**

Training programs that will lead to an advanced degree may be approved, however, the training program must be completed within the allowable training weeks.

**Researching Training Providers (20 CFR 618.620)**

The career planner and the participant will review the completed contents of the LWIA's training packet, the research on training providers, LMI data, and job postings to determine if they support the preferred career/training choice. Once a participant has decided on the training program he/she would like to pursue, the next step is researching multiple training institutions for his/her program of choice. The participant must research at least three training institutions. From this research, the participant and the career planner will compare the preferred training program to the two other training institution's curriculum, total cost, length of training – which determines the amount of TRA, format of the training (online/in person), distance to the school – which determines the transportation cost, school's graduation rate, school's placement rate, class size, and other relevant information. All things being equal, training providers in his/her commuting area should be given preference. Training programs that require pre-requisites or remedial courses must still meet the six criterion for approval of training. The career planner should be familiar with the training providers in their area and the programs they offer. Unlike WIOA, Trade does not have to use the Eligible Training Provider List (ETPL).

If the career planner and the participant agree upon the training program and the training provider, the participant is given the **Training Enrollment Form** to take to the selected training provider for completion, including a signature and date indicating that the participant is accepted into that training program. The participant will also be provided information on signing up for classes, funding and other training requirements.

The career planner will compare the participant's 26/26 or 8/16 (for 2021R) deadline to the start date of the training program. If the participant's 26/26 or 8/16 (for 2021R) falls within 30 days of the start of training, the enrollment in training can be completed. If the participant cannot meet the enrollment in training deadline by the 26/26 or 8/16 (for 2021R), the career planner may place the participant on a temporary **Waiver** to meet the deadline. See **Chapter 6: Trade Waiver from Training** for more information.

### **Six Criterion for Approval of Training (20 CFR 618.610)**

The career planner must consult the participant's assessment results and IEP before approving training. For participants certified under the 2021R program, work-based training is the preferred method of training. The six criteria for the 2021R program participants must indicate that the career planner researched work-based training prior to approving other forms of training. Before approval for a training program is given, the participant must meet these six criteria which must also be documented in a **Case Note**:

1. There is no suitable employment available for the Trade-affected worker.
2. The Trade-affected worker would benefit from appropriate training.
3. There is a reasonable expectation of employment following completion of such training.
4. Training is reasonably available to the Trade-affected worker.
5. The Trade-affected worker is qualified to undertake and complete such training.
6. Such training is suitable for the Trade-affected worker and available at a reasonable cost.

### **Qualifying requirement for Completion TRA (20 CFR 618.765)**

Completion TRA may be payable if a participant is attending approved training each week that leads to the completion of a degree or industry-recognized credential and the participant's training program will extend for a period longer than the periods during which Basic and Additional TRA are payable under 20 CFR 618.755 (eligibility period for Basic TRA) and 20 CFR 618.760 (qualifying requirements for, timing and duration of, Additional TRA), and the requested weeks are necessary for the participant to complete training. In addition to the six criterion below, in order to receive Completion TRA, a participant must complete an approved training program that leads to a degree or industry-recognized credential. See **Chapter 5: Trade Readjustment Allowance (TRA)** for further information.

### **Criterion of Approval Explained**

The career planner must consult the Trade-affected participant's assessment results and IEP, if available, before approving an application for training. Training must be approved for a participant if the state determines that all the criteria are met:

**Criterion 1: There is no suitable employment available for the participant.**

**(1) There is no suitable employment available for a participant in either the commuting area or another area outside the commuting area to which the participant intends to relocate, and there is no reasonable prospect of such suitable employment becoming available for the participant in the foreseeable future.**

**(2) If a training program, or an application for training, is denied under #1 above, the State must document the availability of suitable employment through traditional and real-time labor market information including, but not limited to, projections data, job postings, and job vacancy surveys.**

The career planner must document that there is no suitable employment available for the participant. "Suitable Employment" means, with respect to a participant, work of a substantially equal or higher skill level than the participant's past adversely affected employment and wages for such work at not less than 80 percent (80%) of the participant's average weekly wage. Part-time and threatened work is not considered suitable employment. Career planners must print out and list the Labor Market Information (LMI) data from the adversely affected employment and describe the job search conducted by the participant to demonstrate there is no suitable employment. Documentation of a participant's job search must be provided if requested.

**Criterion 1 questions:**

- What is the participant's layoff date and rate of pay?
- What is the Labor Market Information (LMI) for the Trade impacted occupation?
- What transferrable skills were identified as part of the participant assessment?
- What barriers to employment were identified as part of the participant assessment?
- What prior training/degrees/certifications/licenses does the participant have?
- What job search has the participant conducted?
- Has the participant found employment (full-time or part-time)?

**Criterion 1 Case Note Sample: (yellow highlighted areas to be replaced with specific language by the career planner)**

**Criterion 1:** There is no suitable employment available for the participant. [Participant name] appears on the official company layoff list for [Company name] on certification number [certification (petition) number]. [Participant name] was laid off on [date of separation] and worked in the capacity of [job title from laid off employer] making [enter salary earned at trade impacted employment]. The LMI for this trade impacted occupational shows a [enter percentage decline or growth for trade impacted occupation]. The participant has transferable skills that include [list transferrable skills]. Barriers to employment include [list barriers to employment identified as part of the assessment]. The participant has a [enter level of education, degrees, certificates, GED]. The participant has provided adequate documentation of job search efforts to reflect no success in securing employment with the current skills. None of the participant's leads

have resulted in an interview [or change to reflect information on any interviews the participant participated in and the outcome]. The participant is unable to obtain self-sufficient employment without further training due to [identify reasons for not meeting self-sufficiency. i.e. “lack of education or certifications, lack of transferrable skills, etc.”]. Additional training is needed to increase skills to obtain suitable employment.

**Criterion 2: The participant would benefit from the appropriate training.**

**(1) The participant would benefit from appropriate training when training, skills training, or remedial education would increase the likelihood of obtaining employment. Appropriate training should improve the participant’s chances of obtaining employment at higher wages than in the absence of training or place the participant on a pathway to do so.**

**(2) The participant must have the knowledge, skills, and abilities to undertake, make satisfactory progress in, and complete the training program.**

**Criterion 2 questions:**

- What training program is the participant interested in attending?
- How does this training increase the likelihood of the participant obtaining employment at higher wages than in the absence of training or how does it place the participant on a pathway to do so?
- Based on the participant assessment, does the participant possess the knowledge, skills and abilities to undertake, make satisfactory progress in, and complete the training program? Please explain.

**Criterion 2 Case Note Sample: (yellow highlighted areas to be replaced with specific language by the career planner)**

**Criterion 2:** The participant would benefit from appropriate training. [Participant name] has completed labor market research in the area of [Name of Training Program] and has concluded that employment will be available in this occupational field once the training program is completed. The participant has been unsuccessful in the past of securing employment with current transferable skills/level of education. The participant will benefit by completing the training program to increase marketable skills and become more competitive in the workforce. The outcome of successfully obtaining employment will be significantly increased by completing [Name of training program certificate/degree]. The assessments indicate the participant has the necessary skills, abilities and interest in the chosen field of training for [Name of Occupation Field]. The participant’s lack of [identify reason for not meeting self-sufficiency such as “lack of education/credentials, lack of transferable skills, etc.”] contribute to the need for additional training, to assist the participant in attaining additional marketable skills and becoming more competitive when re-entering the workforce once training is completed.



Additional training will also contribute to the participant meeting a level of self-sufficiency and secure full-time employment once training is completed.

**Criterion 3: There is a reasonable expectation of employment.**

There is a reasonable expectation of employment following completion of such training. Given the labor market conditions expected to exist at the time of the completion of the training program, a reasonable expectation, fairly and objectively considered, exists that the participant is likely to find employment, using the skills and education acquired while in training upon completion of approved training. The labor market conditions considered must be limited to those in the participant's commuting area, or in the area where the participant intends to relocate.

**(1) "A reasonable expectation of employment" does not require that employment opportunities for the participant be available, or offered, immediately upon the completion of the approved training program. When initially approving such training, there must be a projection, based on labor market information, of employment opportunities expected to exist at the time of completion of the training program.**

**(2) The State must measure expected job market conditions using pertinent labor market data, including but not limited to job order activity, short-term projections data, job vacancy surveys, business visitation programs, and local and regional strategic plans. This labor market information should be documented in the participant's case file. The State should also work with the LWDBs and their one-stop partners, especially business team members, to understand current labor market conditions and opportunities for work-based learning.**

**(3) When a participant desires to relocate within the United States, but outside the participant's present commuting area, upon completion of training, the State must document the labor market information- for the area of the planned relocation.**

**(4) A reasonable expectation of employment may exist in a limited demand occupation for a single, trained participant in the participant's commuting area or in an area to which the participant desires to relocate. A limited demand for such an occupation does not preclude the approval of training in an occupation where the State has determined that there is a reasonable expectation that the participant can secure employment in that occupation. States must verify with businesses in the commuting area or in the area of intended relocation that demand exists for an individual with such training. These efforts must be documented in the participant's case file. Before approving any training in occupations with limited demand, the State must consider the number of individuals currently enrolled in training that are likely to meet that demand before enrolling additional participants in training for that occupation.**

**(5) A State may approve a training program in an occupation if it finds that there is a reasonable expectation that the training will lead to self-employment in the occupation for which the participant requests training and that such self-employment will provide the participant with wages or earnings at or near the participant's wages in adversely affected employment.**

**(6) Training programs that consist solely of OJT or contain an OJT component are not approvable if they are not expected to lead to suitable employment, with the employer providing the OJT, in compliance with section 236(c)(1)(B)(i) of the Act.**

The career planner must document how the reasonable expectation of employment following completion of the training program is met.

**Criterion 3 questions:**

- How does the LMI support a reasonable expectation of employment in the commuting area, or outside the commuting area for the area of planned relocation, following completion of the training program selected by the participant?
- If the training is for a limited demand occupation, provide support that there is a reasonable expectation that the participant can secure employment in that occupation after completion of the selected training program.
- If the training is in an occupation that will lead to self-employment, provide support the self-employment will provide the participant with wages or earnings at or near the participant's wages from the adversely affected employment.
- If the training is solely OJT, provide support that the OJT will lead to suitable employment with the employer providing the OJT.
- For 2021R participants, what work-based learning opportunities were researched and/or are available? If a work-based learning opportunity is not selected, provide a justification for not selecting it.

**Criterion 3 Case Note Sample: (yellow highlighted areas to be replaced with specific language by the career planner)**

**Criterion 3:** There is a reasonable expectation of employment following completion of such training. The participant's labor market research supports training request in the occupational area of [Name of training program]. LMI information was researched by the participant and this is documented on the participant's Request for Training Packet. O\*NET reflects a [\_\_\_\_\_] % increase in employment is expected in Illinois in this occupational area. [Participant name] was able to identify 3 potential employers that may have job openings after participant's successful completion of training. Average hourly wage rate for this occupation is [\$\_\_\_\_\_] per hour. The training is in a [select one: demand occupation or limited demand occupation or self-employment]. [If the training is in a limited demand occupation provide support that there is a reasonable expectation the participant can secure employment in that occupation after completion of the selected training program]. [If the training is in an occupation that will lead to

self-employment, provide support the self-employment will provide the participant with wages or earnings at or near the participant's wages from the adversely affected employment]. [If the training is solely OJT, provide support that the OJT will lead to suitable employment with the employer providing the OJT]. [For 2021R participants, what work-based learning opportunities were researched and/or are available? If a work-based learning opportunity is not selected, provide a justification for not selecting it.]

**Criterion 4: Training is reasonably available to the trade-affected worker.**

Training is reasonably available to the participant. In determining whether training is reasonably available, States must first consider training opportunities available within the participant's commuting area. States may approve training outside the commuting area if none is available at the time in the participant's commuting area. Whether the training is in or outside the commuting area, the training program must be available at a reasonable cost.

**Criterion 4 questions:**

- What is the name of the training institution selected?
- What is the commuting distance (one-way and round trip) to the selected training institution?

**Criterion 4 Case Note Sample: (yellow highlighted areas to be replaced with specific language by the career planner)**

**Criterion 4:** Training is reasonably available to the participant. [Participant name] is requesting approval to attend training at [Name of training institution selected]. The participant will attend this training [select one: in-person, online, or hybrid]. The training is [full-time or part-time]. The participant resides approximately [One-way mileage distance] miles one-way, and [Round-trip distance] miles round trip from the training institution.

**Criterion 5: The participant is qualified to undertake and complete training. The career planner must ensure:**

**(1) The participant's knowledge, skills, abilities, educational background, work experience, and financial resources are adequate to undertake and complete the specific training program being considered.**

**(2) Any initial assessment, comprehensive and specialized assessment, and IEP developed must be consulted to support the participant's ability to undertake and complete the training program.**

**(3) Where the participant's remaining available weeks of UI and TRA payments will not equal or exceed the duration of the training program, that the participant will have sufficient financial resources to support completion of the training program within the time limits noted in 20 CFR 618.615(d). In making this determination, the State must consider:**

**(i) The participant's remaining weeks of UI and TRA payments in relation to the duration of the proposed training program;**

**(ii) Other sources of income support available to the participant, including severance, earnings of other family members, and other family resources;**

**(iii) Other fixed financial obligations and expenses of the participant and family;**

**(iv) The availability of Federal student financial assistance or any State-funded student financial assistance or any private funding designated for student financial assistance including, but not limited to, nongovernmental scholarships, awards, or grants; and**

**(v) Whether or not the participant is employed while attending training.**

**(4) The State must document whether or not the participant has sufficient financial resources to complete the training program that exceeds the duration of UI and TRA payments.**

**(5) If a participant has insufficient financial resources to complete the participant's proposed training program that exceeds the duration of UI and TRA payments, then the State must not approve that training program and must instead consider other training opportunities available to the participant.**

The career planner must assess the participant's skills and abilities. Based upon the results of the assessment, determine if the participant is able to complete the training. This emphasizes the participant's personal qualifications to undertake and complete approved training. Evaluation of the participant's personal qualifications must include the participant's educational background, work experience and financial resources as adequate to undertake and complete the specific training program being considered. The participant's physical and mental abilities must be assessed by the training institution, however, the career planner must not make any reference to the physical and mental abilities of the participant in **Case Notes**.

Evaluation of the participant's financial ability must include an analysis of the participant's remaining weeks of UI and TRA payments in relation to the duration of the training program. If the participant's Unemployment Insurance (UI) and TRA payments will be exhausted before the end of the training program, it shall be ascertained

whether personal or family resources will be available to the participant to complete the training. It must be noted on the participant's record that financial resources were discussed with the participant before the training was approved.

When adequate financial resources will not be available to the participant to complete a training program which exceeds the duration of UI and TRA payments, the training shall not be approved, and consideration shall be given to other training opportunities available to the participant.

#### **Criterion 5 questions:**

- What scores did the participant receive on assessment tests?
- What interest/ability areas were identified as highest for the participant?
- Describe how test scores, and interest/ability assessments provide support that the participant has the knowledge, skills, and abilities to complete the selected training program.
- Does the participant have adequate transportation to and from the training institution selected?
- How many actual training weeks will it take for the participant to complete the selected training program?
- Does the participant have enough remaining weeks of UI and TRA payments in relation to the duration of the training program selected?
- What is the participant's Benefit Period End Date (BPE)?
- If the participant does not have enough UI and TRA payments for the duration of the training program, provide support that the participant has adequate financial resources to complete the training program that exceeds the duration of UI and TRA payments.

NOTE: Documentation (TRA Claim Details Printout from IBIS) of TRA weeks available and BPE Date must be provided in an upload to IWDS.

#### **Criterion 5 Case Note Sample: (yellow highlighted areas to be replaced with specific language by the career planner)**

**Criterion 5:** The participant is qualified to undertake and complete such training. [Participant name] scored [Math score] in Math and [Reading score] in Reading. The participant scored [assessment score from interest/ability assessment tool] on [Name of assessment tool], which reflects high probability that the participant will succeed in completing a training program. The participant also scored high in aptitude areas of [List highest aptitude areas and scores from assessment tool.] The assessments indicate the participant has the necessary skills, abilities and interest in the chosen field of training for [Name of Occupation Field]. The participant has adequate transportation to and from the training institution selected. The training will take [Number of total weeks of training] weeks to complete. The participant's BPE is [BPE date]. The participant has [number of weeks of UI/TRA remaining] weeks of UI/TRA remaining. [Choose one

statement between the next two based on the participant's situation: 1) This is enough weeks to allow the participant to complete the training; or 2) The remaining weeks of UI/TRA will not cover the total training period. The participant has identified adequate financial resources [identify resource] to allow completion of the training program without UI/TRA.] If the participant does not have enough remaining weeks of UI/TRA and cannot demonstrate he/she has adequate financial resources to complete the training, it cannot be approved.

**Criterion 6: The training is suitable for the participant and available at a reasonable cost.**

**(1) *Suitable for the participant.*** The training program being considered must address the criteria and be determined by the State to be appropriate given the participant's knowledge, skills and abilities, background, and experience relative to the participant's employment goal, and criteria.

**(2) *Available at a reasonable cost.***

**(i)** Costs of a training program may include, but are not limited to, tuition and related expenses (*e.g.*, books, tools, computers and other electronic devices, internet access, uniforms and other training-related clothing such as goggles and work boots, laboratory fees, and other academic fees required as part of the approved training program) as well as supplemental assistance (subsistence expenses and transportation expenses as described in 20 CFR 618.640(c) and (d)). States must pay the costs of initial licensing and certification tests and fees where a license or certification is required for employment.

**(A)** The State must ensure and document that the training program costs are reasonable by researching costs for similar training programs, whether it is classroom or work-based training.

**(B)** Related expenses must be necessary for the participant to complete the training program. Other options should be explored before purchasing equipment or related materials.

**(ii)** Available at a reasonable cost means that training must not be approved at one provider when, all costs being considered, training better or substantially similar in quality, content, and results can be obtained from another provider at a lower total cost within a similar time frame. Training must not be approved when the costs of the training are unreasonably high in comparison with the average costs of training other participants in similar occupations at other providers. The State may approve a higher cost training if that training is reasonably expected to result in a higher likelihood of

**employment, employment retention, or greater earnings, or to return the participant to employment in a significantly shorter duration.**

**(iii) Training at facilities outside the participant's commuting area requiring transportation or subsistence payments that add substantially to the total cost of the training program may not be approved if other appropriate training is available in the commuting area at a lower cost, unless an exception applies.**

**(iv) Approval of training under Criterion 6 of this section is also subject to the provisions of 20 CFR 618.650.**

Per 20 CFR 618.650(f) states are not required to establish a limit on training costs. However, 20 CFR 618.650(a) requires that the cost be reasonable and appropriate. States must comply with the standards for reasonableness in section 20 CFR 618.610(f)(2), including those permitting states to allow training other than the least-cost option if the extra cost is justified by better participant outcomes or a faster return to the workforce. In Illinois, there is no cap for the complete cost of training. All training programs submitted for state merit staff approval must have the below information for the selected training institution and two comparison training institutions regardless of the cost of the training program. If the participant is attending a training program that is Trade approvable, two cost comparisons are not necessary. When evaluating training programs please consider the following:

- the total cost,
- the length of training – which determines the amount of TRA,
- the format of the training (online/in person),
- the distance to the school – which determines the transportation cost,
- the school's graduation rate,
- the school's placement rate,
- class size, and
- other relevant information.

#### **Criterion 6 questions:**

- What are the total costs of the training program selected (tuition, books, tools, equipment, internet service, uniforms, and other training-related clothing, required academic fees, internet service, etc.) as well as supplemental assistance (transportation/subsistence expenses), licensing and certification tests and fees (where a license or certification is required for employment)?
- What equipment, computer, or supplies are necessary for the participant to complete the selected training program? What are the costs?
- Are there any associated residencies or internships? What are the costs?
- Which two other training institutions were compared? What are the total costs of the two comparison training institutions?

- If the costs for the training institution selected are unreasonably high in comparison with average costs of the two comparison training institutions, provide a justification why this training institution was selected.
- If the lowest cost training program is not selected, provide a justification why a higher cost training institution was selected.
- If the training institution selected is outside the commuting area, provide a justification for selection of this training institution.

**Criterion 6 Case Note Sample: (yellow highlighted areas to be replaced with specific language by the career planner)**

**Criterion 6:** Such training is suitable for the participant and available at a reasonable cost. The total estimated cost of the training at [Name of training institution selected] is [\$ \_\_\_\_\_], which includes tuition, books, academic fees, uniforms of [\$ \_\_\_\_\_], necessary equipment, supplies, tools including [list equipment such as computer, types of tools, etc.] of [\$ \_\_\_\_\_], supplemental assistance (travel/subsistence) of [\$ \_\_\_\_\_], and licensing and certification tests and fees of [\$ \_\_\_\_\_]. There [are or are no] associated residences or internships for this training program. [If are is chosen, then list the residence and/or internship and the costs]. Cost comparisons were conducted for the same program at [training institution 1] and [training institution 2]. The total costs for [training institution 1] total [\$ \_\_\_\_\_]. The total costs for [training institution 2] total [\$ \_\_\_\_\_]. The training institution selected is [choose either: the least expensive option; or not the least expensive option] [provide justification for selection of training institution that is not the least expensive].

**Additional Criteria – Industry-Recognized Credential**

If a participant is enrolling in an approved training program that leads to a degree or industry-recognized credential, the career planner must specify the degree or industry-recognized credential the participant will obtain as a result of completing the training program. A participant is not eligible for Completion TRA if the training plan does not result in a degree or industry-recognized credential. However, the training plan cannot be denied solely based on this criteria not being met.

**Considerations for Distance Learning:**

- Both the provider of the distance learning and the participant must be physically located within the United States.
- Distance learning is subject to all training approval criterion.
- The career planner must establish the method of attendance verification and benchmarks attainment prior to state merit staff approval.
- A participant who fails to meet the attendance and benchmark requirements will be deemed to have ceased participation.



- If the participant is attending one or more online course(s) during a semester, the career planner must set the **Distance Learning Indicator** to **Yes** in IWDS. This indicator will remain **Yes** until a **No** indicator is entered.
  - Under **Services** in IWDS, the career planner will select **List Part Time/Distance Learning**.
  - The career planner will select **Distance Learning** under **Status Type**, enter the date the distance learning begins under **Start Date**, and select **Yes** under **Status**.
- If the participant is no longer attending even one online course, see the **Chapter 8: Case Management During Training Chapter**.

### Case Notes

The six criterion for approval of training must be documented in **Case Notes**. The career planner and the participant are required to maintain meaningful two-way communication at a minimum of every 30 days regardless of the services the participant is receiving. Timely contact and case note entries are especially important while the participant is attending training. The method of contact can be either in person, by phone, or by email, or a mutually agreed upon method. This contact is required to be recorded in IWDS **Case Notes**. The **Case Note** must detail the communication and provide as much information as possible about the current status of the participant. See **Chapter 8: Trade Case Management During Training** for specific case note entry requirements. The **Case Notes** must document the details of every aspect of the participant's progression through his/her re-employment plan.

### Determining the Cost of the Training Program (20 CFR 618.610/618.625/618.640/618.650)

The career planner must calculate the estimated costs for the entire training program, including tuition, transfer and transcript fees necessary for enrollment in Trade approved training, supplemental assistance, equipment, tools, computers, internet service, software and software subscriptions and supplies, to determine if the estimated costs meet criterion #6 "Such training is suitable for the trade-affected worker and available at a reasonable cost". The estimated costs must align with DOL's definition of reasonable costs as detailed above in the **Six Criterion for Approval of Training**. Career planners may use the **Trade Individual Training Account (ITA) Projection Commerce/Trade Form #007** to determine the total costs for a training program. However, it is not a required form for submission for state merit staff approval. Purchases of equipment and supplies for participants in training should be only for the items necessary for the current term.

### Tuition

Includes the cost of the training class or program and any academic fees associated with enrollment and participation in the training as assessed by the training provider such as registration and graduation fees, student activity, health service, and laboratory fees.

### Supplies

These must be required by all students attending the training class or program. Only items detailed in the syllabus of a class(es) as necessary for all students participating will be reimbursed. Items must be reasonable in cost (i.e., if a similar item is available at a lesser cost, the lesser cost should be the reimbursement rate). The list of supplies may include books, tools, equipment, uniforms, and other required items. Examples of required items may include mechanic's tools, medical devices, scientific or business calculators, cameras, cutlery, or other items necessary for completion of the training.)

Case managers should consult with the training provider to determine the number and style of supplies when the syllabus is not clear. For example, how many uniforms must a participant have when enrolled in a nursing program, how many knives (and what type) and other utensils must a participant in the culinary arts program have to adequately perfect their skills, or how many (and what type) hand and power tools does a participant in the automotive program need to adequately perform service.

### **Equipment/Computers**

Some equipment needs may not be known at the time of initial approval of the training program. Requests for additional equipment, tools or supplies after the start of the trade approved training may not be approvable.

Equipment, tools, computers and supplies are allowed if they are necessary for the participant to complete the training program as outlined in 618.610(f)(2)(B). As with all costs incurred in Trade, the career planner must demonstrate the cost for equipment, tools, computers and supplies are the most reasonable for that item. The career planner must review a participant's request for elective classes and the equipment, tool and supplies required as part of attendance in those classes. The career planner may deny a participant's request for an elective with high equipment/supply costs if the class does not directly relate to the participant's training plan/goal.

States are not required to recoup equipment, including computers purchased with Trade funds if the participant successfully completed the training or there is evidence that he/she made a good-faith attempt to complete the training. However, if the participant received equipment, including computers and never began training or there was a bad faith attempt, the state should make an attempt to recoup the cost of the equipment under the overpayment provisions of 20 CFR 618.832. The LWIA may consider a claw-back provision that states that if the participant drops or fails a class/program where equipment and/or specific supplies were purchased, that the return of equipment or other supplies to the LWIA is required unless the participant will be retaking that class or continuing with the occupational program otherwise.

Per 20 CFR 618.860(c) equipment purchases under the Trade program are subject to the provisions at 2 CFR 200.313, 2 CFR 439, and 2 CFR 200 part 2900, which require prior approval from the state for equipment purchases in excess of \$5,000.

Software purchases and subscriptions that are required for all students are an allowable expense provided they are at a reasonable cost and allow for cancellation within a reasonable time after training completion. Subscriptions are not payable during breaks in training of 31 days or more.

### **Internet Service**

Reimbursement for monthly internet service is considered a training cost and allowable under the following conditions:

- The participant is enrolled in and attending at least one online course during the billing period being reimbursed.
- The participant has provided verification of attendance in online training for the period of the bill.
- The participant has provided a copy of the bill.
- The service address on the bill matches the participant's address of record.
- The participant has provided proof of payment of the bill.

Reimbursement for monthly equipment rental such as a router or hotspot is allowable if the equipment is required to access the internet provided it is at a reasonable cost.

Reimbursement cannot be made for ancillary costs including, but not limited to cell phones, late fees, cancellation fees, and resumption of service fees. If there are any questions about the allowability of costs, please contact state merit staff.

On a monthly basis, to reimburse a participant for internet service, the career planner will do the following:

- 1) The career planner and participant complete the **Trade Internet Reimbursement Commerce/Trade Form #015 (Internet Reimbursement Form)**.
- 2) Confirm the participant is enrolled in at least one online course during the period of the bill.
- 3) Confirm the participant has provided verification of attendance in online training for the period of the bill.
- 4) Verify the bill is for the dates in the reimbursement request.
- 5) Confirm the service address on the bill matches the participant's address of record.
- 6) Verify the documentation showing proof of payment of the bill.

The reimbursement is tied directly to his/her participation in training. If the participant is on a break of 31 days or longer, the participant is no longer enrolled in Trade training and no longer eligible for the monthly reimbursement for internet and equipment fees. If the participant chooses to cancel the internet or equipment during this period, the cancellation fee and subsequent resumption of service fees are not an allowable Trade expense.

### **Training related consumables**

These are general supplies required by a participant to successfully complete a training class or program. Only items generally used by the majority of students will be allowed. Items must be reasonable in cost (i.e., if a similar item is available at a lesser cost, the lesser cost should be

the reimbursement rate.) Consumables can be classified in two categories for reimbursement purposes:

- Disposable – items that have a relatively short life such as writing utensils (pens, pencils and highlighters), notebooks, notepads, binders and folders, index cards, post-it notes, paper clips, staples, tape, and glue. (While this list may not be comprehensive, reasonableness of additional items as necessary should be evaluated before determining if reimbursement is allowed.) Disposable items will have a maximum combined allowance of \$100 per calendar year.
  - This maximum amount should be prorated according to the number of months the individual will actually be participating in training. (A single day of participation in any given month can be considered as a month in training for purposes of this calculation).
  - A participant entering training in the Fall semester would have only 5 months of training remaining in the year thus he/she would be entitled to only \$42 (5 months of 12, or 42% of a calendar year) of reimbursable allowable items.
- Non-disposable – items that will need to be purchased only one time and with normal use will remain usable for the entirety of the training program such as a book bag or backpack, computer storage media, stapler, scissors, manual pencil sharpener, and basic calculator. Non-disposable items will have a maximum combined allowance of \$200 for the entire program.
  - Individual items (and the like) should only be reimbursed once.
  - Participants should be informed that he/she will be provided this reimbursement only once so that he/she knows to maintain the items in working condition throughout the program. (i.e. If a participant has previously requested and received reimbursement for a new book bag but indicates he/she has damaged it or would like the newest style and color or a new manual stapler but have lost it during the summer months, the reimbursement request should be denied.)

All requests for reimbursement must be accompanied by a receipt. The receipts must be maintained in the participant's file and be utilized in determining remaining balances for a given calendar year or program and made available for monitoring purposes. All participants in training must be provided the opportunity to request reimbursement.

### **Supplemental Assistance (20 CFR 618.640)**

Supplemental assistance in the form of subsistence and transportation payments must be provided to a participant whose training program has been approved, to defray reasonable subsistence and transportation expenses while the participant attends training at a facility outside the participant's commuting area. The need for such subsistence and transportation payments must be documented in the participant's IEP, if available, or in the participant's case

file. The career planner must re-evaluate the participant's eligibility for, and the amount of supplemental assistance at the beginning of every training term, twice a year for Federal GSA rate changes (January and October), if the distance between the participant's residence and training institution location changes, and for various other reasons. See **Chapter 8: Trade Case Management During Training** for more information.

Supplemental assistance eligibility is determined by submitting an application **Eligibility Determination for Trade Transportation-Subsistence Assistance Commerce/Trade Form #005 (Transportation-Subsistence Form)**. The determination is subject to 20 CFR 618.820 (determinations of eligibility; notices to individuals) and 20 CFR 618.828 (appeals and hearings).

### **Subsistence**

Subsistence payments must be made for the reasonable costs of meals and incidental expenses, and of separate maintenance, which means maintaining temporary living quarters, when the training facility is located outside the participant's commuting area (10 miles).

A participant must be reimbursed for subsistence only for the period when the participant is not receiving or authorized to receive reimbursement or separate payments for such costs from any other source. Subsistence payments must not be made for any day such participant received a daily commuting transportation payment from Trade funds or from any other source. Subsistence payment must not be made for any day of unexcused absence from the training program, as certified by the training provider.

Subsistence payments must be made to a participant only for the lesser of:

- The participant's actual per diem expenses for subsistence; or
- 50 percent of the prevailing per diem allowance rate authorized under Federal Travel Regulations (FTR) (see 41 CFR chapters 300 through 304) for the location of the training facility.

Subsistence payments must be made upon a participant's completion of a week of training, but the LWIA may advance a subsistence payment for a week if it is determined that such advance is necessary to enable the participant to attend the approved training.

### **Transportation**

A participant must be reimbursed for transportation expenses when commuting to and from a training facility located outside the participant's commuting area. Transportation expenses funded by the Trade Program are payable only for the actual days traveled.

The commuting area in Illinois is 10 miles one-way. Participants initially approved for transportation reimbursement or subsistence *prior to September 21, 2020*, are eligible for round trip mileage from residence to the training institution when the one-way commute is 10 miles or more. Participants initially approved for transportation reimbursement or subsistence *on or after September 21, 2020*, are eligible for round trip mileage **from the first mile outside**

**the boundary of the participant's commuting area** to the location of the training institution, meaning the first 10 miles one-way must be paid from another funding source such as WIOA.

Transportation payments must not be paid when:

- Transportation is arranged and paid for by the state for one or more participants;
- Such payments are being provided under any other law; or
- The participant is authorized to be paid or reimbursed for such expenses from any other source.

The daily transportation payment may not exceed the amount of a daily subsistence payment that would be payable if the participant resided temporarily in the area of the training.

In addition, while other forms of transportation may be used, transportation payments to a participant may not exceed the cost per mile at the prevailing personal vehicle mileage rate authorized under the FTR. See <http://www.gsa.gov>.

A participant must receive transportation payments promptly after completion of a week of approved training, but at a minimum on a monthly basis. These payments also may be made in advance in order to facilitate the participant's attendance at the training.

#### **When payment can be made for both subsistence and transportation**

A participant receiving subsistence payments may also receive transportation payments only:

- At the beginning of the training that the participant is attending outside the participant's commuting area and at the end of the training for travel back to the participant's commuting area; or
- When the participant fails, for justifiable cause described in 20 CFR 618.780(b)(3)(iii), to complete the training outside the participant's commuting area, and must return home before the scheduled end of the training.

#### **Adjustments to subsistence and transportation payment advances**

If the LWIA advances subsistence or transportation funds, the LWIA must adjust subsequent subsistence and transportation payments to take into account the amount of the advance that is more or less than the amount that the participant is entitled to receive.

#### **Participant evidence**

The participant must provide receipts for all lodging, purchased transportation expenses, and meals.

### **Training for Adversely Affected Incumbent Workers (AAIW) (20 CFR 618.655)**

A state may approve training for an AAIW, or training for a worker before separation occurs. An AAIW may apply for training and a state may approve training at any time after the date on which the AAIW is determined to be individually threatened with layoff without

regard to whether such worker has applied for or exhausted all rights to any UI to which the worker is entitled. Training for AAIWs is not available under the Trade Adjustment Assistance Program Reversion 2021 (2021R).

The term adversely affected incumbent worker means a worker who:

- Is a member of a worker group certified as eligible to apply for the Trade Program;
- Has not been totally or partially separated from adversely affected employment; and
- The state/LWIA determines, on an individual basis, the worker is threatened with total or partial separation.

A state may determine that a worker has been individually threatened with total or partial separation when the worker has received a notice of termination or layoff from employment. Other documentation of a threat of total or partial separation from the firm or other reliable source may be accepted. In Illinois, the state has determined a worker has been individually threatened with separation when the worker has received a notice of termination or layoff from employment for a future layoff date specified on an affected worker list or layoff letter from the employer. The state must request a separate or combined list of workers in the worker group identified on the certification who are threatened with separation at the same time they request the list of adversely affected workers from the employer. The list or letter must have a future layoff date.

AAIW training is subject to the all the same training requirements as all other training except:

- The state may not approve an OJT.
- Customized training may be approved if the training is for a position other than the AAIW's adversely affected position.

### **Removal of Threat to Separation**

The career planner must periodically verify that the threat of total or partial separation continues to exist prior to each term for the duration of the approved training. This may be accomplished by verifying with the employer that the threat of separation still exists before approving and paying for each subsequent portion of the training. Funding of the training must cease upon removal of the threat. The participant is eligible to complete any portion of the training program where Trade funds have already been expended but would not be eligible for further Trade funding of the training program in the absence of a threatened or actual separation from the adversely affected employment. Funding may resume for the original training program upon the resumption of the threat or in the event of a total or partial separation, if the 6 criterion for approval of the training continue to be met. The approved training program must be amended, as appropriate.

A training program that the participant began before separation as an AAIW is considered the participant's one allowable Trade training program, and that training plan should be designed to meet the long-term needs of the worker based on the expectation that he/she will be laid off. The training program should also take into account the availability of up to a total of 130 weeks of training. Thus, while a pre-separation training program may be resumed, a participant

who has participated in pre-separation training will not be eligible for a new and different training program and the duration of the training program continues to be limited to a total of 130 weeks. The state must not consider the threatened employment to be suitable employment.

Upon a total or partial separation from threatened employment, the AAIW becomes an adversely affected worker (AAW) under the following conditions:

- The separation must occur prior to the expiration of the certification period under which the worker was determined to be threatened; and
- The total or partial separation must be for lack of work.
- The state must amend the worker's approved training program. Any time spent in training as an AAIW applies to the duration limits.
- The state must determine what other benefits under the Trade program the worker may now be eligible for, including TRA.

### **Part-Time Training (20 CFR 618.615(b)(2))**

Trade participants in training can choose either part-time or full-time training, although participants enrolled in part-time training may not be eligible for TRA or Health Coverage Tax Credit (HCTC), if available, except in the last semester of training. Participants eligible under the Trade Adjustment Assistance Program Reversion 2021 (2021R) may participate in part-time training without TRA and HCTC, if available, eligibility being affected. The training approval criteria that apply to the approval of full-time training also apply to the approval of part-time training including training completion within the allowable training weeks. Before allowing the participant to enroll in part-time training, the career planner must confirm that the training can be completed in the allowable training weeks. Since part-time training will not be accompanied by TRA (except for 2021R participants), the participant will need to demonstrate financial ability to complete the training. Participation in part-time training may allow a participant to work full-time, even if that work is not suitable employment.

### **Training Reemployed Participants (20 CFR 618.630)**

A participant who obtains new employment and who has been approved for a training program may elect to terminate the employment, reduce the hours worked in the employment, or continue in full- or part-time employment. The participant is not subject to ineligibility or disqualification for UI or TRA as a result of such termination or reduction in employment. If the participant continues in full- or part-time employment while in an approved training program, the participant must be informed in writing that such employment may have negative effects on UI and TRA benefit amounts and duration due to income earned from the employment (and also because a participant in part-time training is not eligible for TRA), which could also lead to the loss of the HCTC, if available. Participants eligible under the Trade Adjustment Assistance Program Reversion 2021 (2021R) may participate in part-time training without TRA and HCTC, if available, eligibility being affected. The state must apply the earnings disregard provisions, as appropriate. A participant who has been totally separated as described above may also be



eligible for job search and relocation allowances.

### **Payment Restrictions for Training Programs (20 CFR 618.625)**

Trade Program funds are the primary source of Federal assistance to participants. If the costs of training a participant can be paid under the Trade Program, no other payment for such costs may be made under any other provision of Federal law. There may be situations in which other governmental (Federal or State) or private fund sources are available to assist a participant with retraining. When non-Trade funds are used to pay for the training, there must be a prearrangement between the LWIA and the authority administering the funding source indicating the dollar amount the entity is providing in tuition assistance and details regarding how the payment is to be made. Regardless of the funding source, eligibility for TRA and HCTC, if available, is only met if the training is state merit staff approved training. Therefore, the LWIA and participant are required to follow all Trade rules and any additional rules attached to the funding source paying for the training.

#### **Payment of costs of training program**

- Solely from Trade Program funds;
- Solely from other public or private funds; or
- Partly from Trade Program funds and partly from other public or private funds.

#### **No duplication of costs allowed**

- Using Trade Program funds to duplicate the payment of training costs from another source is prohibited.
- Costs already paid or reimbursable under another Federal law may not be made from Trade Program funds.
- When the direct costs of a Trade approved training program are payable from Trade Program funds and are also wholly or partially payable from any other source, the LWIA must establish procedures to ensure Trade Program funds will not duplicate funds available from the other source(s). This preclusion of duplication does not prohibit and should not discourage sharing of costs under prearrangements below.

#### **Cost sharing permitted**

- Training costs may be shared with authorities administering other non-Federal, state, and private funding sources. Sharing training costs with other Federal sources may only occur if Trade Program funds are not available to cover the total cost of training.
- Sharing the future costs of training is authorized where prior costs were paid from another source but does not authorize reimbursement from Trade funds of any training costs that were accrued before the date the training program was approved under the Trade Program.

- When a mix of Trade funds and other funds are used for paying the costs of a training program, the LWIA must enter into a prearrangement with any entity providing the other source of funds per 20 CFR 618.625(c).
- The LWIA may not take into account Federal student financial assistance, including Pell Grants, or any funds provided under any other provision of Federal law that are used for purposes other than the direct payment of training costs, even though they may have the effect of indirectly paying all or a portion of the training costs. For additional information see 20 CFR 618.625(c)(5).
- If the participant's Trade-affected firm agrees to fund all or a portion of the training costs, the LWIA must, if the training is otherwise approvable, enter into a prearrangement with the firm to assume any unfunded training costs on the participant's behalf.

**No training fees or costs to be paid by a participant from Trade Program funds.**

- A training program must not be approved if the participant is required to reimburse any portion of the costs of such training program from Trade funds, or from wages paid under such training program.
- A training program must not be approved if the participant is required to pay any of the costs of the training program from funds belonging to the participant, including funds from relatives or friends, or from personal or educational loans that will require repayment.
- If the state and LWIA do not have sufficient funds, the participant may choose to pay the unfunded costs. In that case, neither the state nor LWIA are liable for paying those costs and must document this prearrangement in the participant's case file. Where the participant chooses not to pay the unfunded costs, the LWIA must issue an **Illinois Waiver From Training Commerce/Trade Form #003 (Waiver)** on the basis that training is not available, in order to preserve any remaining Basic TRA eligibility.

### **Submitting for DCEO State Merit Staff Approval**

Once the career planner has determined that the Trade training program meets all the conditions of training, the costs are calculated and are reasonable, the career planner will prepare all the paperwork, make all required entries in IWDS, and then send an email to request state merit staff for approval.

**The career planner will do the following for submission of requests to approve training:**

- 1) If this is the initial service for the participant:
  - a. Complete a **Trade Individual Employment Plan Commerce/Trade Form #014 (IEP)**.

- b. Enter the **IEP Service Record**. Upon saving the **IEP Service Record**, IWDS will transfer the career planner to the **IEP Status Record** to complete entry.
  - c. Enter the **IEP Status Record** in IWDS with a dated comment in the **Comment Box**.
- 2) If this is an IEP modification for the participant:
  - a. Update the appropriate sections of the **IEP**.
  - b. Update the paper **Individual Employment Plan Modification Form Commerce/Trade IEP Modification Form #014a (IEP Modification Form)**.
  - c. Update the **IEP Status Record** in IWDS with a dated comment in the **Comment Box**.
- 3) Complete a **Trade Verification of Trade Training Enrollment Commerce/Trade Form #006 (Training Enrollment Form)**.
- 4) Complete a **Trade Eligibility Determination for Trade Transportation-Subsistence Assistance Commerce/Trade Form #005 (Transportation-Subsistence Form)** along with a Google Maps printout supporting the mileage distance between the residence and the training institution site, to determine eligibility for transportation-subsistence assistance.
- 5) Complete a **Trade Training Program Tracking Form Commerce/Trade Form #006d (Tracking Form)** or **Trade Training Program Course Tracking Form Commerce/Trade Form #006e (Tracking Form)**, as appropriate.
- 6) Add **Case Management Services** in IWDS on the Trade application by completing the following:
  - a. Add a new episode to the **Trade Case Management Service**, which will also add a **Case Note**.
  - b. In the **Case Note** detail the six criterion for approval of training.
- 7) Update the **TAA Training Criteria** screen in IWDS, if necessary.
- 8) Enter the applicable **Training Service Record(s)**.
  - a. For participants who are attending both **Remedial** and **Occupational Skills Training**, the O\*Net Code on the **Remedial Training Service Record** must match the O\*Net Code on the **Occupational Skills Training Service Record**.
  - b. For **Remedial** or **Pre-Requisite Training Service Records**, a separate record must be entered for each course being taken. In addition, the **Comment Box** on each **Remedial** or **Pre-requisite Training Service Record** must contain the name of the specific course and the semester it is being taken.
  - c. For **Remedial** only training, the O\*Net Code would be the one that matches the type of training being taken.
  - d. For **Work-Based Training**:

- i. For the initial service, complete the following forms:
    1. **Trade Work Based Learning Agreement Commerce/Trade Form #008 (WBL Agreement).**
    2. **Eligibility Determination for Trade Transportation-Subsistence Assistance Commerce/Trade Form #005 (Transportation-Subsistence Form)** along with Google Map printout.
  - ii. Enter a **Training Service Record** for the appropriate type of work-based training (**Apprenticeship, OJT, Customized Training**) in IWDS.
- 9) For the initial service, enter an **Enrolled In Training, Not Yet Started Status Record**.
- 10) Enter the **Travel in Training** or **Subsistence in Training Service Record**, if applicable.
- 11) Enter **Part Time/Distance Learning Indicator**, if applicable.
  - a. Under **Services** in IWDS, the career planner will select **List Part Time/Distance Learning**.
  - b. Select **Part Time** or **Distance Learning**, as appropriate, under **Status Type**, enter the date the part-time or distance learning training begins under **Start Date**, and select **Yes** under **Status**.
- 12) Upload the **IEP** and **IEP Modification Form, Training Enrollment Form, Transportation-Subsistence Form**, Google Maps printout, **Tracking Form, TRA Claim Details Screen, UI Basic Inquiry Screen, WBL Agreement**, if applicable, and any other relevant documents in IWDS.
- 13) Send an email request to state merit staff for approval (if IEP modification, forward the last state merit staff approval email) and use the following format:
  - a. **Email Subject Line:** New IEP (or IEP modification) and new training approval request for – “Participant First Name Initial and Last Name” – LWIA XX
  - b. **Body of Email:**  
 Can we have an IEP (or IEP modification) approval for new training for:  
**Include any of the items below that are applicable. The justification must always be included:**  

**Participant Name:**  
**Training Institution:**  
**Training Program:**  
**Total Training Weeks:**  
**Start Date of Training Program:**  
**Planned End Date of Training Program:**  
**Training Cost:**  
**Transportation/Subsistence Cost:**  
**Total IEP Amount:**  
**Justification:**

**State merit staff will do the following:**

1. Review the email, IWDS entries, and uploaded documents to ensure all entries are made as required and all documents are complete.
2. If issues are found, state merit staff will email the career planner and inform him/her of the issues that need addressed.
3. Once the issues have been addressed, the career planner will forward back the email from state merit staff and note that issues have been addressed.
4. State merit staff will review corrections.
5. Once all issues have been corrected, state merit staff will approve all service and status records and forward the email chain to the career planner to inform him/her of approval.
6. If approval is not possible and the request is denied, state merit staff will direct the career planner on the next steps to take.

**Appeals (20 CFR 618.525 and 20 CFR 618.820(e))**

The state must notify participants in writing of any determination or redetermination of eligibility to Trade program benefits. Each determination or redetermination must inform the participant of the reason for the determination or redetermination and of the right to reconsideration or appeal in the same manner as determinations of entitlement to Unemployment Insurance are subject to redetermination or appeal under state law.

If a participant disagrees with a determination, he/she may complete and submit a request for reconsideration/appeal. A letter will suffice if the participant does not have an agency form. *The request must be filed with the Illinois Department of Employment Security (IDES) within thirty (30) calendar days after the date at the top of the document. If the last day for filing the request is a day that IDES is closed, the request may be filed on the next day that IDES is open. Please file the request by mail at: IDES P.O. Box 19509 Springfield, IL 62794 or fax to: 217-557-4913. Any request submitted by mail must bear a postmark date within the applicable time limit for filing. See the **Chapter 12: Trade Appeals** for more information.*

## **Chapter 8: Trade Case Management During Training (20 CFR 618.360)**

The regulations at 20 CFR 618.360 require employment and case management services be offered to participants prior to, during training, and after completion of training. These services may include placement and referrals to supportive services and follow-up services available through partner programs.

Case management is required to assist the participant in navigating his/her way through meeting eligibility deadlines, finding the right career path, and development of the employment plan, including enrollment in a training program that leads to suitable employment. The career planner must work with the participant throughout the training program to ensure all requirements continue to be met so the participant can fulfill the training benchmarks, receive Unemployment Insurance (UI)/Trade Readjustment Allowances (TRA), successfully complete the training program, and find suitable employment.

During the development of the training plan, the career planner puts mechanisms in place to track the participant's progress through the training program. It is the participant's responsibility to provide the career planner with all the required documentation, paperwork, and completed forms in a timely manner. It is the career planner's responsibility to provide ongoing guidance, process program modifications, as well as to track, record and report the participant's attendance and progress in a timely manner.

Career planners are to monitor the progress of participants in training to determine if there is a need to modify the training program for any reason, including changing labor market conditions that might necessitate a change in occupational goals or industry focus. Additionally, the career planner must assist the participant in job search efforts while still participating in training. Activities related to job search should increase as the participant nears the scheduled completion of training. This will limit the gap between the completion of training and employment.

In liable and agent state situations, follow the guidance set forth in **Chapter 4: Trade Liable and Agent State Responsibilities**.

### **Document Signatures**

Documents must be signed by all parties as evidence of acknowledgement of receipt and agreement. Required signatures may be issued and maintained electronically. Retain documents in the participant's file.

## **Recording Case Notes and Trade Case Management**

The career planner must record contact with the participant in **Case Notes**. These services include receipt of **Bi-Weekly Verification of Trade Training Attendance Commerce/Trade Form #006a (Bi-Weekly Attendance)**, recording of 60 day benchmarks, recording training interruptions, processing ceased participations and potential suspension requests, and modifying the training plan. Trade case management episodes must be entered when a case management service is provided to the participant. Upon entry of a Trade case management episode, IWDS will automatically require entry of a **Case Note**.

The Trade case management services discussed in **Chapter 3: Trade Eligibility and Enrollment Requirements** are to be provided on an on-going basis and as necessary throughout the participant's reemployment plan. Additionally, specific activities related to case management during training are detailed in this chapter.

### **Case Notes**

The career planner and the participant are required to maintain meaningful two-way communication at a minimum of every 30 days regardless of the services the participant is receiving. Timely **Case Note** entries are especially important while the participant is attending training. The method of contact can be in person, via email, U.S. mail, phone, or a mutually agreed upon method. This contact is required to be recorded in Illinois Workforce Development System (IWDS) **Case Notes**. The **Case Note** must detail the communication and provide information about the current status of the participant. The **Case Note** must document the details of every aspect of the participant's progression through his/her re-employment plan. Specific **Case Note** entries are discussed in each section below.

## **Recording Workforce Innovation Opportunity Act (WIOA) Career Planning and Trade Case Management**

Add **Case Management Services** in IWDS on the Trade application by completing the following:

- 1) Add a **Trade Case Management Service**, which will also add a **Case Note**.
- 2) In the **Case Note** provide detailed information about the case management services that have been provided to the participant.

### **Trade Training Program Tracking Form**

During the enrollment in training process, the career planner and participant will complete the **Trade Training Program Tracking Form Commerce/Trade Form #006d (Tracking Form)** or the **Trade Training Program Course Tracking Form Commerce/Trade Form #006e (Tracking Form)**. The **#006d** should be used for training programs that follow a semester/quarter type of schedule. The **#006e** should be used for training programs with courses that last for a few days such as information technology (IT) classes. All training institutions publish the required curriculum for an individual training program listing all the classes/electives that must be taken to complete the program and receive the credential/degree. On the form, the career planner

records all required remedial classes, pre-requisite classes, occupational classes, internships as well as any electives needed for successful completion of the training program. If the participant has received prior credit for classes that apply toward this training program, these are also listed on the form indicating the date taken and the grade received. Credit for prior classes must be pre-approved by the training institution and that documentation must be in the file. Each term the participant must submit his/her class schedule prior to receiving approval to attend that term.

### **Updating the Tracking Form**

Prior to each term the career planner is required to obtain, review and approve the participant's class schedule and update the **Tracking Form** before issuing a voucher or allowing the participant to attend classes. The career planner must review the class schedule to ensure that required classes are taken in the appropriate order, so the participant remains on track to complete the training program as scheduled. The on-going updating of this form will assist the career planner with the review of required training **Benchmarks** to determine if the participant is **Maintaining Satisfactory Academic Standing** and if the participant is **On Track to Complete Training within the Agreed upon Timeframe**. The career planner must place a copy of the schedule and the updated **Tracking Form** in the participant's file. When the class schedule is revised and it affects the cost of training, the participant's full-time status or the training end date, an **IEP** modification must be processed. See the **Requesting State Merit Staff Approval for IEP Modifications Section** below.

At the end of each term the career planner is required to obtain a copy of the grades, record the grades on the **Tracking Form**, add a **Case Note** and update the **Benchmarks** in IWDS. This must be completed prior to the next term to determine if the participant can continue with the training program. When reviewing, please note the following:

- Did the participant pass all classes with acceptable grades?
- Did the participant receive an Incomplete or Withdraw from a class?
- Will this affect the training end date?
- Will the participant still complete the training within the allowable training weeks?
- Can the participant continue in the training program?
- If not, will the participant be required to retake the class? (Note: In Trade, the participant can retake a course once per failed course.)
- Does this affect the sequencing of required classes?
- A meeting with the participant may be required to determine if he/she remains on track to complete on time, is in good academic standing and if an **IEP** modification is necessary.

### **Measurable Skill Gains**

Measurable Skill Gains (MSGs) must be entered in each program year (PY) in which a participant is successfully participating in education/training and making progress towards goals or



increasing skills. MSGs may be entered in IWDS as soon as a gain is made by the participant and can be documented. For reporting purpose, only one MSG gain is required for each PY. However, the career planner is encouraged to record all applicable MSGs for each participant.

To enter a measurable skills gain, **the career planner will do the following:**

- 1) Under **Profile** on the **Application Menu** in IWDS select **Measurable Skills Gains**.
- 2) Click **Skill Type** (Ex. Post -Secondary Transcript/Report Card (Grades) or Skills Progression Diploma).
- 3) Enter **Date Skill Attained** (ex. Date received grade report or date credential was awarded).
- 4) Enter a comment in the **Comment Box**.
- 5) Check the **Verification Box** and **Save**.
- 6) Enter a **Case Note** detailing the entry of the MSG.

### **Trade Training Attendance**

Attendance must be tracked using the **Bi-Weekly Attendance** forms. The attendance forms aid the career planner in monitoring the participant's daily attendance, benchmark progress and compliance with the Trade program requirements. The career planner's timely tracking and reporting of bi-weekly attendance is important to ensure the participant is attending regularly. Absences may indicate a current or future problem that the career planner needs to address immediately. Why is he/she missing classes? How are missed classes affecting his/her grades? The instructor utilizes this form to report issues or concerns by answering the questions: 1) "Has the participant attended all scheduled classes?" and 2) "Is the participant successfully progressing through the listed course?" All boxes on this form must be completed.

The career planner must ensure the participant understands how to complete the form and the importance of submitting attendance every two weeks. At the end of the two-week period (**two-week period must be Sunday to Saturday**), the participant has two business days to submit the **Bi-Weekly Attendance**. All attendance forms must be placed in the participant file. Career planners should not issue vouchers for the next semester if there are outstanding **Bi-Weekly Attendance** forms or grades from the previous semester. Failure to submit the **Bi-Weekly Attendance** forms will result in **Ceased Participation Status** entry and interruption in TRA. Repeated failure to provide **Bi-Weekly Attendance** forms will require entry of a **Potential Suspension Request - In Training, Ceased Participation (Quit)**. Non-compliance may jeopardize the participant's ability to continue or successfully complete training. See **Chapter 9: Potential Suspension Requests (PSR)** for instructions.

### **Enrolled in Training, Failed to Start (20 CFR 618.780(b)(2))**

A participant will be deemed to have failed to begin participation in an approved training program when the participant fails to attend one or more scheduled training classes and other training activities in the first week of the approved training program without justifiable cause. In addition to the steps in **Chapter 9**, following state merit staff approval of the new **Training Service Record**, the career planner will end the originally approved **Training Service Record** and **Travel in Training or Subsistence in Training Service Record**, if applicable as Unsuccessful Completion on the date it was to start.

According to TRA regulations at 20 CFR 618.705, a participant is defined as participating in approved training if:

- The participant is either attending and taking part in all scheduled classes, required activities, and required events in a given week, or the training provider has excused the participant's absence or failure to take part in accordance with its written policies.
- In the case of distance learning, the participant is either meeting all the requirements of the training provider in a given week in accordance with its rules, regulations, and standards, or the training provider has excused the participant's failure to meet those requirements in accordance with its written policies.

For online (distance learning) course attendance, if the actual instructor signature is not obtained on the **Bi-Weekly Attendance**, another method of attendance verification may be acceptable. The verification may be in the form of emails from instructors or training institution electronic system printouts (such as BlackBoard) provided the communication method contains the relevant information.

Email communication from instructors verifying attendance must include:

- Participant name
- Course name and number
- Two-week period being verified
- Answers to the following questions:
  - Has the participant attended all scheduled classes?
  - Is the participant successfully progressing through the listed course?
  - If no to either question, an explanation must be provided.

If emails from instructors cannot be obtained to verify attendance, printouts from training institution electronic systems (such as BlackBoard) may be provided as supporting documentation to the **Bi-Weekly Attendance**. Such printouts must include:

- Participant name
- Course name and number
- Verification of log ins, grades, assignments completed, etc.

Regardless of the method of attendance verification from the instructor or training institution, the participant is responsible for completing and submitting the **Bi-Weekly Attendance**.

### **Received Accurate Attendance with no Absences**

If the **Bi-Weekly Attendance** is submitted and is accurate with no absences, the career planner will make the following IWDS entry:

- 1) Add **Case Management Services** in IWDS on the Trade application by completing the following:
  - a. Add a new episode to the **Trade Case Management Service**, which will also add a **Case Note**.
  - b. In the **Case Note** record the receipt of the **Bi-Weekly Attendance** as follows:
    - i. **Case Note Subject:** Bi-Weekly Attendance Received with no absences (enter two-week period dates).
    - ii. **Case Note:** Bi-weekly attendance received for (enter two-week period dates). No absences noted.

### **Received Attendance for Finals Weeks**

Finals weeks are considered weeks of training. If there is a two-week finals period, and all the participant's finals are in week one and he/she has no class or finals during the second week, TRA is payable during the second week since the training institution has not deemed the second week as the start of the break and the participant is still fulfilling his/her attendance requirements. The **Bi-Weekly Attendance Sheet** should reflect the second week of finals. No **Ceased Participation Status Record** is entered. If the participant does not attend finals week(s) as scheduled, then a **Ceased Participation** would be required.

**The career planner will make the following IWDS entry:**

- 1) Add **Case Management Services** in IWDS on the Trade application by completing the following:
  - a. Add a new episode to the **Trade Case Management Service**, which will also add a **Case Note**.
  - b. In the **Case Note** record the receipt of the **Bi-Weekly Attendance** as follows:
    - i. **Case Note Subject:** Bi-Weekly Attendance Received with absences for Finals weeks (enter two-week period dates).
    - ii. **Case Note:** Bi-weekly attendance received for (enter two-week period dates). Participant missed classes on (enter dates of finals weeks) due to finals weeks.

## Ceased Participation

Attendance forms received within two business days following the end of the two-week period **(two-week period must be Sunday to Saturday)** must be reviewed and any absences noted. A **Ceased Participation Status** record must be entered in the following circumstances. A member of one of the reserve components of the U.S. Armed Forces who serves a period of duty will have the period for training suspended upon being called up to duty provided requirements are met. If a participant is called up to duty while attending a training program, see **Chapter 9: Potential Suspension Requests (PSR)** for instructions. The ceased participation will be transmitted overnight to the Illinois Department of Employment Security (IDES) and will be adjudicated.

### Received Attendance with Absences for Failure to attend all training class(es) and/or other training activities scheduled by the training institution

The career planner must review the **Bi-Weekly Attendance** and make sure no scheduled class or training activity was missed. If there are any absences noted, the career planner will contact the participant and determine the reason for the absence.

**The career planner will make the following IWDS entry:**

- 1) Add **Case Management Services** in IWDS on the Trade application by completing the following:
  - a. Add a new episode to the **Trade Case Management Service**, which will also add a **Case Note**.
  - b. In the **Case Note** record the receipt of the **Bi-Weekly Attendance** as follows:
    - i. **Case Note Subject:** Bi-Weekly attendance received for (enter the two-week period dates) with absences.
    - ii. **Case Note:** Bi-Weekly attendance received for (enter two-week period dates). Participant missed classes on (enter dates of missed classes) for (enter reason for missed classes). A ceased participation has been entered for the missed class(es).
- 2) Enter a **Ceased Participation Status Record** with the reason “Failed to attend all training class(es) and/or other training activity scheduled by the Training Institution”. The start and end dates are the days/weeks/period of the absence. Enter a dated comment in the **Comment Box** describing the reason for the missed class(es).

### Received Attendance with Absences for Instructor Cancelled Class(es)/Training Institution Scheduled Breaks/Weather Days/Campus Closure

When the **Bi-Weekly Attendance** is submitted, the career planner must review for any absences due to Instructor Cancelled Class(es)/Training Institution Scheduled Breaks/Weather Days/Campus Closure. No **Ceased Participation Status Record** is entered.

**The career planner will make the following IWDS entry:**

- 1) Add **Case Management Services** in IWDS on the Trade application by completing the following:
  - a. Add a new episode to the **Trade Case Management Service**, which will also add a **Case Note**.
  - b. In the **Case Note** record the receipt of the **Bi-Weekly Attendance** as follows:
    - i. **Case Note Subject:** Bi-Weekly Attendance Received with absences (enter reason for the cancelled class) (enter two-week period dates).
    - ii. **Case Note:** Bi-weekly attendance received for (enter two-week period dates). Classes were cancelled on (enter dates of cancelled classes) due to (enter reason for cancelled classes).

### **Failed to provide verification of attendance or verification is incomplete**

If the participant fails provide the **Bi-Weekly Attendance** within two business days following the reporting period, or the verification is incomplete, the career planner will contact the participant and determine the reason for the missing/incomplete verification of attendance.

**The career planner will make the following IWDS entry:**

- 1) Add **Case Management Services** in IWDS on the Trade application by completing the following:
  - a. Add a new episode to the **Trade Case Management Service**, which will also add a **Case Note**.
  - b. In the **Case Note** record the receipt of the **Bi-Weekly Attendance** as follows:
    - i. **Case Note Subject:** Bi-Weekly attendance Not Received or Incomplete (enter two-week period dates).
    - ii. **Case Note:** Bi-Weekly attendance was not received or is incomplete for (enter two-week period dates). A ceased participation has been entered.
  - c. Career planner must contact the participant to obtain missing/revised **Bi-Weekly Attendance** and record all attempts to obtain in **Case Notes**.
- 2) Enter a **Ceased Participation Status Record** with the reason “Failed to Provide Verification of Attendance”. The start and end dates are the two-week period dates for the missing attendance sheets. Enter a dated comment in the **Comment Box**.
- 3) When a participant fails to submit two consecutive **Bi-Weekly Attendance Sheets**, it may not be possible to determine if the participant has ceased participation and/or quit training. If this occurs, a **PSR** must be entered. See **Chapter 9: Potential Suspension Requests (PSR)** for instructions.

### **Received Missing/Corrected Bi-Weekly Attendance**

When the missing/corrected **Bi-Weekly Attendance** are received, the career planner will review to ensure they are complete and correct.

**If the attendance sheets are incomplete or indicate absences, follow the instructions above for the appropriate scenario.**

**If the attendance sheets are complete and correct, the career planner will do the following:**

- 1) Add **Case Management Services** in IWDS on the Trade application by completing the following:
  - a. Add a new episode to the **Trade Case Management Service**, which will also add a **Case Note**.
  - b. In the **Case Note** record the receipt of the **Bi-Weekly Attendance** as follows:
    - i. **Case Note Subject:** Bi-Weekly Attendance Received with no absences (enter two-week period dates).
    - ii. **Case Note:** Bi-weekly attendance received for (enter two-week period dates). No absences noted.

### **IDES Adjudication of Ceased Participations**

**Ceased Participations** are transmitted to IDES nightly via the POTENTIAL TRA TRAINING/WAIVER FILE MAINTENANCE REPORT. Depending on the paying program and under limited circumstances, benefits may be payable if the **Ceased Participation** is determined to be for a justifiable cause. When considering if the reason was justified or not justified, IDES may consider circumstances which might have been beyond the participant's control and the participant's capability to continue attending or completing the approved training program including action the participant took.

Absent an exemption from a work search under section 500C5 of the UI Act, participants receiving UI are required to conduct a work search. Any denials under regular UI would be for the day(s) that he/she missed class only.

The Extended Benefit (EB) work search is required of all participants not **In Training or Enrolled in Training** to receive **Basic TRA**. Additionally, while on **Basic TRA**, participants need to perform an EB work search for any classes that she/he is not in attendance. The absence will be adjudicated by IDES to determine if justified or unjustified and **Basic TRA** will be paid or not paid based on that determination. As part of the process of adjudication, if the participant provides documentation that proves the **Ceased Participation** is for a justifiable reason, **Basic TRA** may be payable.

**Additional and Completion TRA** require participation in the training program to be eligible for TRA payments. Participants therefore are not eligible for TRA payments for any **Ceased**

**Participation.** Justifiable/unjustifiable cause is not a factor for determining eligibility for **Additional** and **Completion TRA**. Participants must attend all scheduled classes/activities to receive payment (20CFR 618.760). If an absence from training is pre-arranged, excused or classes are cancelled by the institution during a period the participant is receiving **Additional** and **Completion TRA**, it may be payable if training can be completed by the planned end date of the training plan or within 130 weeks.

The career planner must cooperate with IDES and any request for additional information or IWDS entries.

#### **IDES Adjudication Process:**

- Following the career planner IWDS entries, the POTENTIAL TRA TRAINING/WAIVER FILE MAINTENANCE REPORT is transmitted to IDES overnight. IDES staff review the report and enter a ceased participation for the participant in IBIS and enter a 20 CFR 618.780(b)(2) status. IDES adjudication staff will hold a hearing on the issue.
- IDES will send the participant a Notice of Interview Letter.
- The interview with the participant is held to make a determination.
- IDES sends the determination with appeal rights to participant.
- Periodically, the career planner will review the IBIS CLAIMANT ISSUE LIST SCREEN. The “due date” will appear. The career planner should check IBIS after that date and update the IWDS **Ceased Participation** comments and add a **Case Note** with the outcome and close the record.

#### **Career Planner Follow-Up to IDES Adjudication of the Ceased Participation**

The career planner will review the **IBIS Claimant Issue List Screen**, update the IWDS **Ceased Participation Status Record Comment Box**, add a **Case Note** with the outcome and close the record. The career planner must consider the impact of the adjudication outcome and process an IEP modification, if appropriate. The career planner must consider how the outcome of the adjudication affects the training, the participant’s ability to complete the training plan on time, or at all, and update the benchmarks as appropriate.

For both an affirmation (participant did cease participation) or denial (participant did not cease participation) of the **Ceased Participation**, the career planner will do the following:

- 1) Update the **Ceased Participation Status Record** with a dated comment detailing the outcome from the IDES adjudication in the **Comment Box** and enter a **Status End Date** (date of IDES determination).
- 2) Add **Case Management Services** in IWDS on the Trade application by completing the following:
  - a. Add a new episode to the **Trade Case Management Service**, which will also add a **Case Note**.
  - b. In the **Case Note** provide information about the outcome.

- 3) If the outcome affects the training plan, an **IEP Modification** will also be required. See the **IEP Modification Section** for further information.

### **60 Day Training Benchmark Requirements (20 CFR 618.660)**

Training benchmarks must be established when the participant enrolls in an approved training program so that progress towards completing the approved training can be tracked.

The two evaluation criteria to be met every 60 days are:

- **Maintaining Satisfactory Academic Standing** (not on probation or determined to be “at risk” by the instructor or training provider).
- **On Schedule to Complete Training within the Timeframe Identified in the Approved Training Program** (based upon the progress of the participant in completing the training program by the merit staff approved planned training end date).

The benchmarks are based upon passing grades each term, enrolling in the required classes in the proper sequence as listed on the **Tracking Form**, instructor attestation, and career planner consultation with the training provider and participant.

Benchmark requirements are included in the **Trade Benefit Rights and Obligations (BRO) Commerce/Trade Form #001 (BRO)** and the **IEP**. Prior to the start of training, the career planner must discuss the 60 day training benchmark requirements with the participant. The participant’s eligibility for Completion TRA is based largely upon the benchmarks that are recorded in IWDS. Up to 13 weeks of Completion TRA may be payable to assist the participant in completing a full-time training program that leads to a degree or industry-recognized credential provided that all the **60 Day Benchmarks** are met or the training program is modified. The career planner and participant should review these requirements in detail as often as necessary.

The Benchmark Reviews will be conducted at 60 day intervals from the first day of training. Entering more frequent reviews in IWDS will reset the next 60 day review. The **60 Day Benchmark** reviews are recorded in the **In Training Status Record** in IWDS under **60 Day Review**.

### **Tracking and Recording the Benchmarks**

When determining if the participant is **Maintaining Satisfactory Academic Standing**, the career planner will review the **Bi-Weekly Attendance** forms, and any information provided by the instructor/training institution and the participant. In addition to recording the participant’s attendance, the **Bi-Weekly Attendance** form provides space for the instructor to add any comments or concerns. Instructor comments or concerns must be included in the determination of meeting this benchmark.



Example of a good entry: Participant reported her current grades are an A and a B. She is passing her clinical practicum. Her cumulative GPA is 3.6. She continues to remain in good academic standing as defined by the training institution.

When determining if the participant is **On Schedule to Complete Training within the Timeframe identified in the approved training program**, the career planner will include information from the **Bi-Weekly Attendance, Tracking Form**, the training institution's full-time and academic policies, information gathered from monthly reviews, and all other information from the training institution. Factors that may affect the participant's ability to complete on time may include dropping or failing a class, switching from full-time to part-time, training institution course cancellations, program elimination, or a variety of other reasons.

Example of a good entry: Participant continues to stay on track with her individual training plan. She continues to participate and progress successfully through her training program. This training program requires the completion of 92 credits. She has successfully completed 48.5 credits and is currently enrolled in 8 credits hours along with clinical practicum for the Spring semester which is full-time for the RN program. She will have 35.5 credits remaining if she successfully completes her classes Spring semester. Her planned end date for graduation is May 31, 2022. She is on target to complete training within the timeframe indicated on her Individual Employment Plan and ITA Projection. So far, customer has not failed any classes or taken any classes out of sequence.

**To enter benchmarks, the career planner will make the following entries in IWDS:**

- 1) Select **In Training Status Record**.
- 2) Select the **60 Day Review Button**.
- 3) Select the **Add 60 Day Review**. The Career planner will add:
  - a. **Review Date**.
  - b. **Review Type** (either Academic Standing or On Track to Complete Training Within Timeframe).
  - c. Select the **Outcome**.
  - d. Enter relevant **Comments** as to the status of the review.
  - e. Click on **Save** if finished adding both benchmark reviews or click on **Save, Add Another** to repeat the process to add the 2<sup>nd</sup> Benchmark review.
  - f. Add **Case Management Services** in IWDS on the Trade application by completing the following:
    - i. Add a new episode to the **Trade Case Management Service**, which will also add a **Case Note**.
    - ii. In the **Case Note** record the Benchmark as follows:
      1. **Case Note Subject:** 60 Day Benchmark Review.

2. **Case Note:** Completed 60 day benchmarks. (Enter a statement about whether the participant is meeting or not meeting one or both benchmarks and what the outcome of the two benchmarks are).
- 4) See below for additional actions and participant communication required based on the outcome.

## **Benchmark Outcome Choices Include:**

### **Satisfactory**

The participant has met the benchmark.

### **Not Met**

Upon failure to meet a benchmark, the career planner must warn the participant that eligibility for Completion TRA is in jeopardy. In consultation with the participant, the career planner may amend the training program. Select the appropriate outcome (warning or modification).

**Not Met – Warning** requires the **Trade Training Benchmark Warning Letter Commerce/Trade Form #006c** be sent to the participant. The date the training benchmark warning letter is mailed must be recorded in the **60 Day Review Comments Box**.

If a participant who has previously failed to meet a benchmark fails to meet a benchmark during a subsequent review, and the training plan cannot be modified, the career planner must notify the participant of ineligibility for Completion TRA. If the participant can demonstrate he/she has the financial resources to continue training, the participant may elect to continue in the approved training but will not receive any Completion TRA payments.

**Not Met – Modification** requires the **Trade Training Benchmark Warning Letter Commerce/Trade Form #006c** be sent to the participant. The date the training benchmark warning letter is mailed must be recorded in the **60 Day Review Comments Box**. A meeting must be held with the participant to modify the training program, if possible. Indicate the reason why the modification is necessary in the **60 Day Review Comments Box**. Follow the **IEP Modification** process to obtain state merit staff approval.

**Not Met – No Completion TRA** is selected if a modification to the training plan is not feasible. This also requires the entry of a **Potential Suspension Request Status Record** utilizing the reason of **Not Met – No Completion TRA**. See **Chapter 9: Potential Suspension Request (PSR)** for instructions. The career planner must send the **Trade Potential Suspension Letter Commerce/Trade Form #003c** to the participant. This **Potential Suspension Request** requires state merit staff approval. IDES will be notified of the **Potential Suspension Request** status. Potential Suspension Requests are

transmitted to IDES nightly via the Potential TRA Training/Waiver File Maintenance Report. IDES will make the final determination if the participant meets the qualifying requirements for Completion TRA. The participant can appeal this decision. See **Chapter 9: Potential Suspension Request (PSR)** for more information.

### **Additional Benchmark Reviews at End of Each Term**

At the end of each term, the career planner must obtain a copy of the participant's grades and new class schedule. Two additional benchmark reviews must be entered based on the grades/new class schedule. If necessary, follow the steps above based on the outcome of these two additional benchmark reviews.

### **Measurable Skill Gains (MSG)**

A MSG must be entered in each Program Year (PY) in which a participant is successfully participating in education/training and making progress towards goals or increasing skills. For co-enrolled participants, the MSG must be entered on both the Trade and WIOA applications. The MSG may be entered in IWDS as soon as a gain is made by the participant and can be documented. For reporting purposes, only one MSG gain is required for each PY. However, the career planner should record all applicable MSGs for each participant. Report cards (or transcripts) for Secondary School or full time participation (12 or more credit hours per semester) in Post – Secondary school are only required once per PY, however, the career planner should record a MSG each semester a participant has a successful full-time report or transcript. For a part-time student, the MSG is recorded after completion of at least 12 credit hours over two semesters during a 12-month period.

### **Recording Training Interruptions**

The training program may not exceed 130 actual training weeks. Many training programs have scheduled breaks. Additionally, there are times when the participant may have a legitimate reason to interrupt the approved training program. Such breaks in training are not included in the total number of training weeks. A break in training that is scheduled by the training institution and within the 30 day maximum allowed is considered a **Payable Training Interruption (PTI)**. A break in training that is more than the 30 day maximum allowed is considered a **Vacation Break** and TRA will not be paid. HCTC, if available, eligibility may be impacted. Scheduled breaks are listed in the training institution's published schedule or on its website and must be included on the **IEP**. Examples of a scheduled break include Thanksgiving break, Winter break, Spring break, and Summer break.

Both status records (**PTI/Vacation Break**) will be transmitted to IDES on a nightly report to ensure proper payment of benefits. It is important for the career planner to enter breaks in training in IWDS timely and accurately to ensure there are no TRA overpayments and the allowable training weeks are properly tracked and not exceeded.

20 CFR 618.775(b) of the Trade regulations states: For the purpose of determining whether a break in training is within the 30 day maximum allowed, all calendar days beginning with the

first day of the training break and ending with the last day of the break, as provided in the published schedule of the training provider, must be counted. However, Saturday, Sunday, or official state or national holiday occurring during the scheduled break in training is excluded from the 30 day count if training normally would not be scheduled in the training program during those days if there were no break.

## **Payable Training Interruption**

**The career planner will make the following entries in IWDS:**

- 1) Under Services select **List Enrolled Services/Add Enrolled Service**.
  - a. Enter a **Payable Training Interruption Service Record**.
- 2) For **Title** select **TAA**, click **Next**, for **Service Level** select **Job Training** and enter the date the **PTI** will begin, click **Next**. The start and end dates of the **PTI** are based on the training institution's published academic calendar.
- 3) For **Activity** select **Payable Training Interruption** and click **Next**.
- 4) Click on **Search Providers** and select the appropriate provider (LWIA).
- 5) Complete the remaining fields for the **Planned End Date** and add any comments and click on **Save**.
- 6) The IWDS system will automatically create a **Payable Training Interruption Status Record**.
- 7) Add **Case Management Services** in IWDS on the Trade application by completing the following:
  - a. Add a new episode to the **Trade Case Management Service**, which will also add a **Case Note**.
  - b. In the **Case Note** provide information about the reason and dates of the **Payable Training Interruption**.

When the **PTI** is complete and the participant returns to class(es), **the career planner will make the following entries in IWDS:**

- 1) Select **List Enrolled Services** and click on the link for the active **Payable Training Interruption Service Record**.
- 2) Add the **End Date**, change the **Current Status** to **Successful Completion** and then add any necessary comments, click on **Save**.
- 3) Add **Case Management Services** in IWDS on the Trade application by completing the following:
  - a. Add a new episode to the **Trade Case Management Service**, which will also add a **Case Note**.
  - b. In the **Case Note** provide the end date of the **PTI** and state the return date to classes for the participant.

If the participant returns to training but it is more than the 30-day maximum allowed following the last date of attendance, he/she may have a TRA overpayment back to the start date of the **Payable Training Interruption**. IDES will make this determination and notify the participant. The **PTI Service Record** must be ended as Unsuccessful Completion with an end date the same as the start date. A **Vacation Break Status Record** must be entered with a start date the same date as the start date of the PTI. See the **Vacation Break Section** below for entry instructions.

If the participant fails to return to training altogether following a **PTI**, he/she may have a TRA overpayment back to the start date of the **PTI**. IDES will make this determination and notify the participant.

**The career planner will make the following entries in IWDS:**

- 1) Update the **PTI Service Record** to add the end date and mark it as Unsuccessful Completion. Include any necessary comments in the comment box.
- 2) Add **Case Management Services** in IWDS on the Trade application by completing the following:
  - a. Add a new episode to the **Trade Case Management Service**, which will also add a **Case Note**.
  - b. In the **Case Note** describe the circumstances and provide dates.
- 3) Enter a **Potential Suspension Request**. See **Chapter 9: Potential Suspension Request (PSR)** for entry instructions.

## **Vacation Break**

**The career planner will make the following entries in IWDS:**

- 1) Update the paper **IEP Modification Form**.
- 2) Add **Case Management Services** in IWDS on the Trade application by completing the following:
  - a. Add a new episode to the **Trade Case Management Service**, which will also add a **Case Note**.
  - b. In the **Case Note** detail the reason for the **Vacation Break**.
- 3) Enter a **Vacation Break Status Record**.
- 4) Enter the **Vacation Break Status Start Date** and **End Date**, add any comments in the **Comments Box**, click **Save**. The start date of the break is the day following the last day of attendance, or the day following the last day of the term based on the training institution's published schedule.
- 5) If the participant was on a **PTI**, end the **PTI** as **Unsuccessful**. The **End Date** of the **PTI** is the same as the **Start Date** of the **PTI**.

- 6) Update the **IEP Status Comment Box**.
- 7) Upload the **IEP Modification Form** to IWDS.
- 8) Send an email request to state merit staff for approval using the following format:
  - a. **Email Subject Line:** IEP modification approval request for Vacation Break – “Participant First Name Initial and Last Name” – LWIA XX
  - b. **Body of Email:**

Can we have an IEP modification approval for a Vacation Break for:  
**Participant Name:**  
**Vacation Break Period:**  
**Justification Statement:**

**State merit staff will do the following:**

- 1) Review the email, IWDS entries, and uploaded documents to ensure all entries are made as required and all documents are complete.
- 2) If issues are found, state merit staff will email the career planner and inform him/her of the issues that need addressed.
- 3) Once the issues have been addressed, the career planner will forward back the email from state merit staff and note that issues have been addressed.
- 4) State merit staff will review corrections.
- 5) Once all issues have been corrected, state merit staff will approve all service and status records and forward the email chain to the career planner to inform them of the approval.
- 6) If approval is not possible and the request is denied, state merit staff will direct the career planner on the next steps to take.

A report will be transmitted to IDES so they will know the participant is on a **Vacation Break** and the participant’s TRA will stop for that period.

NOTE: When the participant resumes training prior to the scheduled end date of a Vacation Break, an **IEP** modification is required. See the **IEP Modification Section** below for instructions.

## **Case Management during Work-Based Training (WBT)**

### **Monitoring**

Periodic written evaluations should be part of the work-based training contract documents. They can be simple but should reflect the skills training being provided to the participants and show the progress the participants are making toward achieving competencies and skill gains. They are also necessary when the state and the local area need to fulfill their performance accountability roles.

The LWIA will monitor the participant training and corresponding employer payroll records. On-site monitoring of work-based training employers is required to ensure validity and propriety of the reimbursement amounts claimed, and that the training for which the contract is written is actually delivered. On-site monitoring visits must occur monthly. Schedule the visit at the convenience of all parties. A first visit should occur shortly after the placement to ensure the participant and employer understand all the responsibilities and requirements of the program.

The on-site monitoring must include the completion of **Trade Work-Based Training Monitoring Trade Form #010 (WBT Monitoring Form)** to verify training progress and a review of the employer payroll records. The career planner must add a **Case Note** in IWDS addressing the monitoring of the OJT. If any element of the OJT contract is not being met or the participant is not making progress, the OJT contract must be modified. This will require an IEP modification be submitted for state merit staff approval. If monitoring indicates non-compliance with any part of 20 CFR 618.635(a), contact state merit staff for further instructions.

### **OJT Reimbursement**

Pursuant to the OJT contract, the employer is provided reimbursement of not more than 50 percent of the wage rate of the OJT participant, for the costs of providing the training and additional supervision related to the training. If there are any changes to the agreed upon costs (raise in pay, allowable training related expenses, etc.), the OJT contract must be modified. This will require an IEP modification be submitted for state merit staff approval. The reimbursement for OJT must be limited to the duration of approved training as specified in the OJT contract. The costs of OJT that are paid from Trade funds must be paid in monthly installments. Completion of an OJT invoice (**DCEO/Trade Form # 009 - Trade Work-Based Training (WBT) Invoice**) by the career planner must occur at the end of each month. This form verifies the work performed by the participant during the documented weeks and triggers payment to the employer once submitted. Provide copies to the employer and the participant. Keep the originals in the participant's file.

### **Amending Approved Training (20 CFR 618.665 & TEGL 11-20)**

IEP modifications are required when anything in the participant's training plan changes. Absent extenuating circumstances, amendments to the training plan (including state merit staff approval) must occur before the new service is provided, before the participant finishes the originally approved training program and prior to the originally scheduled date of completion. The combination of time spent in the originally approved training program and the time it will take to complete the amended training program cannot exceed the duration of training limit for the type of training included in the training program. If the participant ceases participation for any reason, see **Chapter 9: Potential Suspension Request (PSR)** for additional information.

Participants who return to work, regardless of whether it is suitable or non-suitable work may continue with the approved training plan on a full-time or part-time basis provided the training can be completed in the allowable training weeks and the participant can continue to satisfactorily meet the benchmarks established under 20 CFR 618.660. A participant may

decide to not continue or complete a training program if he/she becomes reemployed. The career planner must clearly inform the participant that eligibility for TRA and HCTC, if available, may be affected by reemployment and/or ceased participation in training. If the participant chooses to continue his/her approved training, the career planner must determine whether the training program should be amended. The career planner must discuss with the participant whether continuing in the approved training furthers the participant's employment goals.

Participants who cease participation due to obtaining suitable employment or for good cause may be able to resume the training plan if the six criterion of training are still met, and he/she can complete in the remaining allowable training weeks. Obtaining suitable employment may constitute good cause, established at 20 CFR 618.730, for not completing the training. However, determinations of the applicability of good cause are made on a case-by-case basis by IDES, and a state may find that good cause does not exist.

### **Conditions for amending approved training (20 CFR 618.665(a))**

A participant's training program must be amended under the following conditions:

- A course or courses designed to satisfy unforeseen needs of the participant, such as remedial education or new employer skills requirements, are necessary;
- A course or courses added to the training program will enhance and complement the participant's original training program, such as preparatory courses to obtain an industry-recognized credential, certification, or license that will improve the participant's chance of being hired;
- Additional assistance such as tutoring or the use of translators would benefit the worker, keep the participant qualified for the training in which he or she is enrolled, and be sufficient for the worker to complete the training program;
- Approval of a longer term training program that will improve the likelihood of employment upon the completion of such training;
- The originally approved training program cannot be successfully completed by the participant;
- The originally approved training program is determined to be of inferior quality;
- Training in another occupation will lead to a greater likelihood of training completion or a better employment outcome, as a result of a change in labor market conditions or the participant's experience in the originally approved training program, or other similar factor;
- The participant is moving from full-time training to part-time training or from part-time training to full-time training;
- An adversely affected incumbent worker (AAIW) has been separated from adversely affected employment and has transitioned to become an adversely affected worker (AAW), or an AAIW is continuing training after a threat of separation was first removed, then resumed (NOTE: AAIW training is not available under 2021R); or



- An additional source of funding becomes available for which a prearrangement is required under 20 CFR 618.625(c)(4).

## Common IEP Modifications for Change in Cost

The career planner must calculate the revised estimated costs for the specific cost category being modified and update the total cost as necessary throughout the program. The modification request is not approvable if the updated costs do not meet criterion #6, “Such training is suitable for the trade-affected worker and available at a reasonable cost”. The estimated costs must align with DOL’s definition of reasonable costs as detailed in the **Six Criterion for Approval of Training found in Chapter 7: Trade Funded Training**. Career planners may use the **Trade Individual Training Account (ITA) Projection Commerce/Trade Form #007** to determine the total costs for a training program. However, it is not a required form for submission for state merit staff approval. Purchases of equipment and supplies for participants in training should be only for the items necessary for the current term.

### Tuition

Includes the cost of the training class or program and any academic fees associated with enrollment and participation in the training as assessed by the training provider such as registration and graduation fees, student activity, health service, and laboratory fees.

### Supplies

These must be required by all students attending the training class or program. Only items detailed in the syllabus of a class) as necessary for all students participating will be reimbursed. Items must be reasonable in cost (i.e., if a similar item is available at a lesser cost, the lesser cost should be the reimbursement rate). The list of supplies may include books, tools, equipment, uniforms, and other required items. Examples of required items may include mechanic’s tools, medical devices, scientific or business calculators, cameras, cutlery, or other items necessary for completion of the training.)

Case managers should consult with the training provider to determine the number and style of supplies when the syllabus is not clear. For example, how many uniforms must a participant have when enrolled in a nursing program, how many knives (and what type) and other utensils must a participant in the culinary arts program have to adequately perfect their skills, or how many (and what type) hand and power tools does a participant in the automotive program need to adequately perform service.

### Equipment/Computers

Some equipment needs may not be known at the time of initial approval of the training program. Requests for additional equipment, tools or supplies after the start of the trade approved training may or may not be approvable.

Equipment, tools, computers and supplies are allowed if they are listed in the Course syllabus and are **required** of every student for the approved training program. As with all costs incurred

in Trade, the career planner must demonstrate the cost for equipment, tools, computers and supplies are the most reasonable for that item. The career planner must review a participant's request for elective classes and the equipment, tool and supplies required as part of attendance in those classes. The career planner may deny a participant's request for an elective with high equipment/supply costs if the class does not directly relate to the participant's training plan/goal.

States are not required to recoup equipment, including computers purchased with Trade funds if the participant successfully completed the training or there is evidence that he/she made a good-faith attempt to complete the training. However, if the participant received equipment, including computers and never began training or there was a bad faith attempt, the state should make an attempt to recoup the cost of the equipment under the overpayment provisions of 20 CFR 618.832. The LWIA may consider a claw-back provision that states if the participant drops or fails a class/program where equipment and/or specific supplies were purchased, the return of equipment or other supplies to the LWIA is required unless the participant will be retaking that class or continuing with the occupational program otherwise.

Per 20 CFR 618.860(c) equipment purchases under the Trade program are subject to the provisions at 2 CFR 200.313, 2 CFR 439, and 2 CFR 200 part 2900, which require prior approval from the state for equipment purchases in excess of \$5,000.

Software purchases and subscriptions that are required for all students are an allowable expense provided they are at a reasonable cost and allow for cancellation within a reasonable time after training completion. Subscriptions are not payable during breaks in training of 31 days or more.

### **Internet Service**

Reimbursement for monthly internet service is considered a training cost and allowable under the following conditions:

- The participant is enrolled in and attending at least one online course during the billing period being reimbursed.
- The participant has provided verification of attendance in online training for the period of the bill.
- The participant has provided a copy of the bill.
- The service address on the bill matches the participant's address of record.
- The participant has provided proof of payment of the bill.

Reimbursement for monthly equipment rental such as a router or hotspot is allowable if the equipment is required to access the internet provided it is at a reasonable cost.

Reimbursement cannot be made for ancillary costs including, but not limited to cell phones, late fees, cancellation fees, and resumption of service fees. If there are any questions about the allowability of costs, please contact state merit staff.

On a monthly basis, to reimburse a participant for internet service, the career planner will do the following:

- 1) The career planner and participant complete the **Trade Internet Reimbursement Commerce/Trade Form #015 (Internet Reimbursement Form)**.
- 2) Confirm the participant is enrolled in at least one online course during the period of the bill.
- 3) Confirm the participant has provided verification of attendance in online training for the period of the bill.
- 4) Verify the bill is for the dates in the reimbursement request.
- 5) Confirm the service address on the bill matches the participant's address of record.
- 6) Verify the documentation showing proof of payment of the bill.

The reimbursement is tied directly to his/her participation in training. If the participant is on a break of 31 days or longer, the participant is no longer enrolled in Trade training and no longer eligible for the monthly reimbursement for internet and equipment fees. If the participant chooses to cancel the internet or equipment during this period, the cancellation fee and subsequent resumption of service fees are not an allowable Trade expense.

#### **Training related consumables**

These are general supplies required by a participant to successfully complete a training class or program. Only items generally used by the majority of students will be allowed. Items must be reasonable in cost (i.e., if a similar item is available at a lesser cost, the lesser cost should be the reimbursement rate.) Consumables can be classified in two categories for reimbursement purposes:

- Disposable – items that have a relatively short life such as writing utensils (pens, pencils and highlighters), notebooks, notepads, binders and folders, index cards, post-it notes, paper clips, staples, tape, and glue. (While this list may not be comprehensive, reasonableness of additional items as necessary should be evaluated before determining if reimbursement is allowed.) Disposable items will have a maximum combined allowance of \$100 per calendar year.
  - This maximum amount should be prorated according to the number of months the individual will actually be participating in training. (A single day of participation in any given month can be considered as a month in training for purposes of this calculation).
  - A student entering training in the Fall semester would have only 5 months of training remaining in the year thus he/she would be entitled to only \$42 (5 months of 12, or 42% of a calendar year) of reimbursable allowable items.
- Non-disposable – items that will need to be purchased only one time and with normal use will remain usable for the entirety of the training program such as a book bag or backpack, computer storage media, stapler, scissors, manual pencil sharpener, and basic calculator. Non-disposable items will have a maximum combined allowance of \$200 for the entire program.
  - Individual items (and the like) should only be reimbursed once.

- Participants should be informed that he/she will be provided this reimbursement only once so that he/she knows to maintain the items in working condition throughout the program. (i.e. If a participant has previously requested and received reimbursement for a new book bag but indicates he/she has damaged it or would like the newest style and color or a new manual stapler but have lost it during the summer months, the reimbursement request should be denied.)

All requests for reimbursement must be accompanied by a receipt. The receipts must be maintained in the participant's file and be utilized in determining remaining balances for a given calendar year or program and made available for monitoring purposes. All participants in training must be provided the opportunity to request reimbursement.

### **Criteria for an amended training program (20 CFR 618.665(b):**

When requesting an IEP modification, the career planner must ensure the following criteria are met:

- Criterion 1: A reasonable expectation of employment following completion of such training continues to exist.
- Criterion 2: Training continues to be reasonably available to the participant.
- Criterion 3: The participant continues to be qualified to undertake and complete such amended training.
- Criterion 4: Such amended training continues to be suitable for the participant and available and at a reasonable cost.

## **Requesting State Merit Staff Approval for IEP modifications**

### **Types of IEP Modifications**

- **Additional service(s):**
  - A course or courses designed to satisfy unforeseen needs of the participant, such as remedial education or new employer skills requirements, are necessary;
    - For any participant who is attending Remedial and Occupational Skills Training, the O\*Net Code on the Remedial Training Service Record must match the Occupational Skills Training O\*Net Code.
  - A course or courses added to the training program, such as preparatory courses to obtain an industry-recognized credential, certification, or license that will improve the participant's chance of being hired;
  - Additional assistance such as tutoring or the use of translators would benefit the participant, keep the participant qualified for the training in which he or she is enrolled, and be sufficient for the participant to complete the training program;
- **End service(s)**
- **Date extension**
  - English as a Second Language (ESL), English Language Acquisition (ELA) and Second Language Learners (SLL) date extensions will be approved on semester increments.

- **Switch to a new training program (20 CFR 618.665):**
  - The originally approved training program is determined to be of inferior quality;
  - Training in another occupation will lead to a greater likelihood of training completion or a better employment outcome, as a result of a change in labor market conditions or the participant's experience in the originally approved training program, or other similar factor;
  - Approval of a longer term training program that will improve the likelihood of employment upon the completion of such training;
  - The originally approved training program cannot be successfully completed by the participant;
  - When a participant switches providers for a training program with the same O\*Net Code, the previous provider training service record should be closed as successful completion.
- **Change in cost**
- **Change in full-time/part-time status (See Part-Time Training Section)**
- **Potential suspension request (See Chapter 9: Potential Suspension Request (PSR))**
- **Switch from online (distance learning) to on-site or on-site to online (distance learning)**
- **Final cost reconciliation**
- **Alternative/Reemployment Trade Adjustment Assistance (A/RTAA)**
- **Other, including, but not limited to a threatened worker participating in Trade approved training becomes permanently separated from adversely affected employment.**

**The career planner will do the following for all IEP modifications:**

- 1) Update the paper **IEP Modification Form**.
- 2) Add **Case Management Services** in IWDS on the Trade application by completing the following:
  - a. Add a new episode to the **Trade Case Management Service**, which will also add a **Case Note**.
  - b. In the **Case Note** provide specific details about the type of modification and specific information about all the changes being made.
- 3) Update the **IEP Status** with a dated comment in the **Comment Box** and update the **IEP Amount Approved**, if appropriate in IWDS.
- 4) Upload the **IEP Modification Form** and any relevant documents and newly completed forms in IWDS.

**For specific modification types, complete the following in addition to the steps above:**

- 1) For adding additional training service(s), see the **Trade Funded Training Chapter**.
- 2) For ending a training service:
  - a. End the **Training Service Record(s)** as **Successful/Unsuccessful Completion** on the date of last documented attendance.

- b. End the **Travel and/or Subsistence Service Record(s)** as **Successful Completion** on the date of last documented attendance, if applicable.
  - c. For participants who are enrolled in a training program with multiple levels of achievement or sections (ESL, ELA, SLL) who complete the state merit staff approved portion of the training but do not continue to all potential levels or segments available in the program, the training record should be marked as a successful completion. This is the case even if the actual end date differs slightly from the planned end date. **ESL, ELA, SLL training will be approved based on semester increments.** The career planner must monitor the progress of the participants in these types of training and submit modifications in a timely manner.
- 3) For date extension, update the **Training Service Record Planned End Date.**
- a. Update the Benchmark for On Track to Complete Within the Timeframe with an outcome of **Not Met – Modification** and provide a justification for the date extension.
  - b. Enter a Benchmark for Maintaining Satisfactory Academic Progress with the appropriate outcome for the status of the participant at the time of the modification.
  - c. Obtain a copy of the **TRA Claim Details** from the IDES Illinois Benefit Information System (IBIS) to document the remaining weeks of TRA eligibility for the participant. This document must be uploaded to IWDS when submitting for state merit staff approval.
- 4) Switching to a different training program:
- a. Complete a new **Trade Verification of Trade Training Enrollment Commerce/Trade Form #006 (Training Enrollment Form).**
  - b. Complete a new **Transportation/Subsistence Form** to determine eligibility for transportation-subsistence assistance including Google Map printout.
  - c. Complete a new **Tracking Form.**
  - d. Enter a **Case Note** detailing the six criterion for approval of training for the new training program.
  - e. Enter the new **Training Service Record.**
  - f. Enter the **Travel in Training** or **Subsistence in Training Service Record**, if a service record for travel or subsistence is not already active.
  - g. Enter **Part Time/Distance Learning Indicator**, if an indicator for part-time or distance learning is not already active.
  - h. **Following state merit staff approval** of the above, the career planner will:
    - i. End the existing **Training Service Record.**
    - ii. End the **Travel in Training** or **Subsistence in Training Service Record**, if eligibility for this service ends with the new training program.

- 5) For change in cost, update the **IEP Amount Approved** on the **IEP Status Record**.
  - a. Complete a new **Transportation/Subsistence Form** to determine eligibility for transportation-subsistence assistance including Google Map printout, if applicable.
  - b. Enter a new **Travel in Training** or **Subsistence in Training Service Record**, if applicable.
  - c. Update the **Tracking Form**, if applicable.
  - d. Communicate updated cost information with the local area fiscal officer to ensure obligations are updated.
- 6) For change in full-time/part-time status, update the **Part Time** indicator.
  - a. Under **Services** in IWDS, the career planner will select **List Part Time/Distance Learning**.
  - b. Select **Part Time** under **Status Type**, enter the date the part-time training begins under **Start Date**, and select **Yes** or **No** under **Status**.
- 7) For potential suspension request, see the **Chapter 9: Potential Suspension Requests (PSR)**.
- 8) For a switch from on-site to online (distance learning):
  - a. Under **Services** in IWDS, the career planner will select **List Part Time/Distance Learning**.
  - b. Select **Distance Learning** under **Status Type**, enter the date the part-time training begins under **Start Date**, and select **Yes** under **Status**.

**NOTE:** A switch from online (distance) learning to on-site does not require a change in the indicator. Once the indicator has been marked “Yes”, it remains that way.
- 9) For final cost reconciliation:
  - a. Complete the **IEP Modification Form**.
  - b. Update the **IEP Status** with a dated comment in the **Comment Box**, enter a **Status End Date** equal to the date of request or later, and update the **IEP Amount Approved**, if applicable.
  - c. Ensure that **IEP Amount Approved** in the **IEP Status Record**, the **IEP Modification Form**, and the **View TAA Cost Reporting Items** all match.
  - d. End all open **Service Records**. The **IEP** may remain open if there are additional services to be provided to the participant.
  - e. Upload the **IEP Modification Form** and any relevant documents in IWDS.
- 10) For A/RTAA, see the **A/RTAA Chapter**.
- 11) For other modifications, contact state merit staff.
- 12) Send an email request to state merit staff for approval by forwarding the last state merit staff approval email and use the following format:

- a. **Email Subject Line:** IEP modification approval request for (reason for modification)  
– “Participant First Name Initial and Last Name” – LWIA XX
- b. **Body of Email:**  
Can we have an IEP modification approval for (reason for modification) for:

**Include the items below that are applicable for the modification. The justification must always be included:**

**Participant Name:**  
**Current Training Institution:**  
**New Training Institution:**  
**Current Training Program:**  
**New Training Program:**  
**Current Total Training Weeks:**  
**New Total Training Weeks:**  
**Start Date of Current Training Program:**  
**Start Date of New Training Program:**  
**Planned End Date of Current Training Program:**  
**Planned End Date of New Training Program:**  
**New Planned End Date of Current Training Program:**  
**Current Training Cost:**  
**New Training Cost:**  
**Current Transportation/Subsistence Cost:**  
**New Transportation/Subsistence Cost:**  
**Current Approved IEP Amount:**  
**New IEP Amount:**  
**Final IEP Amount:**  
**Justification:**

**State merit staff will do the following:**

- 1) Review the email, IWDS entries, and uploaded documents to ensure all entries are made as required and all documents are complete.
- 2) If issues are found, state merit staff will email the career planner and inform him/her of the issues that need addressed.
- 3) Once the issues have been addressed, the career planner will forward back the email from state merit staff and note that issues have been addressed.
- 4) State merit staff will review corrections.
- 5) Once all issues have been corrected, state merit staff will approve all service and status records and forward the email chain to the career planner to inform them of the approval.
- 6) If approval is not possible and the request is denied, state merit staff will direct the career planner on the next steps to take.



## **Supplemental Assistance (20 CFR 618.640)**

A participant's supplemental assistance includes transportation and/or subsistence reimbursement. See **Chapter 7: Trade Funded Training** for more information. The career planner must re-evaluate the participant's eligibility for, and the amount of supplemental assistance at the beginning of every training term, twice a year for Federal GSA rate changes (January and October), if the distance between the participant's residence and training institution location changes, and for various other reasons.

### **Changes to transportation/subsistence assistance**

If any of the below occur, an **IEP Modification** must be processed:

- Change in residence location.
- Change in training institution.
- The training location changes.
  - The physical location of the course or training institution changes.
  - There are multiple locations for a training institution the participant may be required to attend.
  - Additional training institution site added.
  - An internship is added.
- The training switches from on-site to online (Distance) or from online (Distance) to on-site.
- Switch between transportation and subsistence.
- The Federal GSA Per Diem (October) or Federal GSA Mileage Rate (January) change. It is possible that a change in either will change a participant's eligibility for transportation/subsistence.
- The number of days the participant is scheduled to attend training changes. This may include when the participant adds or drops classes.
- Any other change that affects transportation/subsistence reimbursement.

**If the change results in new eligibility for transportation/subsistence, the career planner will do the following:**

- 1) Complete the **Eligibility Determination for Transportation-Subsistence Assistance Commerce/Trade Form #005 (Transportation-Subsistence Form)** and print a Google Map showing the distance between the locations on the form.
- 2) Complete the **IEP Modification Form**.
- 3) Add **Case Management Services** in IWDS on the Trade application by completing the following:
  - a. Add a new episode to the **Trade Case Management Service**, which will also add a **Case Note**.

- b. In the **Case Note** detail the reason for the modification.
- 4) Enter a new **Travel in Training Service Record** or a **Subsistence in Training Service Record**, as appropriate.
- 5) Update the **IEP Status** with a dated comment in the **Comment Box** and update the **IEP Amount Approved** in IWDS.
- 6) Upload the **IEP Modification Form, Transportation-Subsistence Form**, Google Map, and any other relevant documents to IWDS.
- 7) Send an email request to state merit staff for approval by forwarding the last state merit staff approval email and use the following format:
  - a. **Email Subject Line:** IEP modification approval request for new (travel in training or subsistence in training) service – “Participant First Name Initial and Last Name” – LWIA XX
  - b. **Body of Email:**  
Can we have an IEP modification approval for a new (travel in training or subsistence in training) service for:

**Participant Name:**  
**Current Transportation/Subsistence Cost:**  
**New Transportation/Subsistence Cost:**  
**Current Total IEP Cost:**  
**New Total IEP Cost:**  
**Justification Statement:**

**If the change results in loss of eligibility for transportation/subsistence, the career planner will do the following:**

- 1) Complete **IEP Modification Form**.
- 2) Add **Case Management Services** in IWDS on the Trade application by completing the following:
  - a. Add a new episode to the **Trade Case Management Service**, which will also add a **Case Note**.
  - b. In the **Case Note** detail the reason for the modification.
- 3) Close the **Travel in Training Service Record** or a **Subsistence in Training Service Record** as **Successful Completion**, as appropriate, on the last day of documented travel.
- 4) Update the **IEP Status** with a dated comment in the **Comment Box** and update the **IEP Amount Approved** in IWDS.
- 5) Upload the **IEP Modification Form** and any other relevant documents to IWDS.
- 6) Send an email request to state merit staff for approval by forwarding the last state merit staff approval email and use the following format:

- a. **Email Subject Line:** IEP modification approval request for closure of (travel in training or subsistence in training) service – “Participant First Name Initial and Last Name” – LWIA XX
- b. **Body of Email:**  
Can we have an IEP modification approval for a closure of (travel in training or subsistence in training) service for:

**Participant Name:**  
**Current Transportation/Subsistence Cost:**  
**New Transportation/Subsistence Cost:**  
**Current Total IEP Cost:**  
**New Total IEP Cost:**  
**Justification Statement:**

**The career planner will do the following for transportation/subsistence changes:**

**For GSA Per Diem Changes (October), the career planner will verify if the GSA Per Diem Rate change affects the transportation reimbursement for the participant**

**If the GSA Per Diem Rate change does not affect the transportation reimbursement, the career planner will do the following:**

- 1) If the GSA Per Diem Change does not affect the transportation reimbursement for the participant, the career planner will do the following:
  - a. Add **Case Management Services** in IWDS on the Trade application by completing the following:
    - i. Add a new episode to the **Trade Case Management Service**, which will also add a **Case Note**.
    - ii. In the **Case Note** state that the GSA Per Diem Rate Change does not affect the transportation reimbursement for the participant.

**If the GSA Per Diem Rate Change does affect the transportation reimbursement for the participant, the career planner will do the following:**

- 1) Complete the **IEP Modification Form**.
- 2) Complete the **Eligibility Determination for Transportation-Subsistence Assistance Commerce/Trade Form #005 (Transportation-Subsistence Form)** and attach a Google Map showing the distance between the locations on the form.
- 3) Add **Case Management Services** in IWDS on the Trade application by completing the following:
  - a. Add a new episode to the **Trade Case Management Service**, which will also add a **Case Note**.
  - b. In the **Case Note** detail the reason for the modification.

- 4) Enter a new **Travel in Training** or **Subsistence in Training Service Record**, if applicable.
- 5) End a **Travel in Training** or **Subsistence in Training Service Record**, if applicable.
- 6) Update the **IEP Status Record** with a dated comment in the **Comment Box** describing the reason for the modification.
- 7) Upload the **IEP Modification Form**, the **Transportation-Subsistence Form**, Google Map printout, and any other relevant documents to IWDS.

**For GSA Mileage Rate Changes (January), the career planner will do the following:**

- 1) Complete the **IEP Modification Form**.
- 2) Complete the **Transportation-Subsistence Form** and attach a Google Map showing the distance between the locations on the form.
  - a. If the locations traveled to and from did not change, the original Google Map printout must be attached to the **Transportation-Subsistence Form**.
  - b. If the locations traveled to and from changed, a new Google Map must be printed and attached to the **Transportation-Subsistence Form**.
- 3) Add **Case Management Services** in IWDS on the Trade application by completing the following:
  - a. Add a new episode to the **Trade Case Management Service**, which will also add a **Case Note**.
  - b. In the **Case Note** detail the reason for the modification.
- 4) Upload the **IEP Modification Form**, the **Transportation-Subsistence Form**, Google Map printout, and any other relevant documents to IWDS.
- 5) Update the **IEP Status** with a dated comment in the **Comment Box** and update the **IEP Amount Approved** in IWDS.

**For distance/location changes, the career planner will do the following:**

- 1) Complete the **IEP Modification Form**.
- 2) Complete the **Transportation-Subsistence Form** and attach a Google Map showing the distance between the locations on the form.
- 3) Add **Case Management Services** in IWDS on the Trade application by completing the following:
  - a. Add a new episode to the **Trade Case Management Service**, which will also add a **Case Note**.
  - b. In the **Case Note** detail the reason for the modification.
- 4) Update the **IEP Status** with a dated comment in the **Comment Box** and update the **IEP Amount Approved** in IWDS.

- 5) Upload the **IEP Modification Form**, the **Transportation-Subsistence Form**, Google Map printout, and any other relevant documents to IWDS.

**For all supplemental assistance modifications listed above, the career planner will complete the following after completing all the above listed steps:**

Send an email request to state merit staff for approval by forwarding the last state merit staff approval email and use the following format:

- 1) **Email Subject Line:** IEP modification approval request for transportation/subsistence change – “Participant First Name Initial and Last Name” – LWIA XX
- 2) **Body of Email:**  
Can we have an IEP modification approval for transportation/subsistence change for:

**Participant Name:**

**Current Transportation/Subsistence Cost:**

**New Transportation/Subsistence Cost:**

**New Total IEP Cost:**

**Justification Statement:**

**State merit staff will do the following:**

- 1) Review the email, IWDS entries, and uploaded documents to ensure all entries are made as required and all documents are complete.
- 2) If issues are found, state merit staff will email the career planner and inform him/her of the issues that need addressed.
- 3) Once the issues have been addressed, the career planner will forward back the email from state merit staff and note that issues have been addressed.
- 4) State merit staff will review corrections.
- 5) Once all issues have been corrected, state merit staff will approve all service and status records and forward the email chain to the career planner to inform them of the approval.
- 6) If approval is not possible and the request is denied, state merit staff will direct the career planner on the next steps to take.

### **Part-Time Training (20 CFR 618.615(b)(2))**

Trade participants in training can choose either part-time or full-time training, although participants enrolled in part-time training may not be eligible for TRA or Health Coverage Tax Credit (HCTC), if available, except in the last semester of training. Participants eligible under the Trade Adjustment Assistance Program Reversion 2021 (2021R) may participate in part-time training without TRA and HCTC, if available, eligibility being affected. The training approval criteria that apply to the approval of full-time training also apply to the approval of part-time training including training completion within the allowable training weeks. Before allowing the participant to enroll in part-time training, the career planner must confirm that the training can

be completed in the allowable training weeks. Since part-time training will not be accompanied by TRA (except 2021R participants and for those in the last semester of training), the participant will need to demonstrate financial ability to complete the training. Participation in part-time training may allow a participant to work full-time, even if that work is not suitable employment.

In the last semester of the approved training program, part-time training is allowable and eligibility for TRA and HCTC, if available, may not be affected. The training institution must provide documentation that indicates the participant is in the last semester and will obtain the degree/certificate at the completion of the semester. The documentation may be in the form of a degree audit, copy of the participant's transcript, or official correspondence from the training institution. If there is a fee to obtain the transcript/audit, it is an allowable case management cost.

**For entering new part-time training or changes to part-time training status, the career planner will do the following:**

- 1) Update the paper **IEP Modification Form**.
- 2) Add **Case Management Services** in IWDS on the Trade application by completing the following:
  - a. Add a new episode to the **Trade Case Management Service**, which will also add a **Case Note**.
  - b. In the **Case Note** state if the modification is for a new part-time training status entry or if it is a change to the part-time status entry for a participant.
- 3) Update the **IEP Status** with a dated comment in the **Comment Box** and update the **IEP Amount Approved**, if appropriate in IWDS.
- 4) For a new part-time training, enter a new **Part Time Indicator** in IWDS.
  - a. Under **Services** in IWDS, the career planner will select **List Part Time/Distance Learning**.
  - b. Select **Part Time** under **Status Type**, enter the date the part-time training begins under **Start Date**, and select **Yes** under **Status**.
- 5) To end a part-time status, update the **Part Time Indicator** as follows:
  - a. Under **Services** in IWDS, the career planner will select **List Part Time/Distance Learning**.
  - b. Select **Part Time** under **Status Type**, enter the **End Date** of the part-time training status, and select **No** under **Status**.
- 6) Upload the **IEP Modification Form** and any relevant documents in IWDS.
- 7) Send an email request to state merit staff for approval by forwarding the last state merit staff approval email and use the following format:

- a. **Email Subject Line:** IEP modification approval request for (new part-time training status or ending part-time training status) – “Participant First Name Initial and Last Name” – LWIA XX
- b. **Body of Email:**  
Can we have an IEP modification approval for (new part-time training status or ending part-time training status) for:

**Include any of the items below that are applicable for the modification. The justification must always be included:**

**Participant Name:**  
**Current Training Institution:**  
**Current Training Program:**  
**Current Total Training Weeks:**  
**New Total Training Weeks:**  
**Start Date of Current Training Program:**  
**Planned End Date of Current Training Program:**  
**New Planned End Date of Current Training Program:**  
**Current Training Cost:**  
**New Training Cost:**  
**Current Transportation/Subsistence Cost:**  
**New Transportation/Subsistence Cost:**  
**Current Approved IEP Amount:**  
**New IEP Amount:**  
**Justification:**

If the participant is attending part-time training in the last semester with documentation from the training institution, **the career planner will do the following:**

- 1) DO NOT enter a part-time indicator in IWDS.
- 2) Update the paper **IEP Modification Form**.
- 3) Add **Case Management Services** in IWDS on the Trade application by completing the following:
  - a. Add a new episode to the **Trade Case Management Service**, which will also add a **Case Note**.
  - b. In the **Case Note** state that the modification is for approval of part-time training in the last semester for the participant and has been verified by documentation from the training institution.
- 4) Update the **IEP Status** with a dated comment in the **Comment Box** and update the **IEP Amount Approved**, if appropriate in IWDS.

- 5) Upload the **IEP Modification Form**, documentation supporting the part-time status for the last semester, and any other relevant documents in IWDS.
- 6) Send an email request to state merit staff for approval by forwarding the last state merit staff approval email and use the following format:
  - a. **Email Subject Line:** IEP modification approval request for part-time training in last semester – “Participant First Name Initial and Last Name” – LWIA XX
  - b. **Body of Email:**  
Can we have an IEP modification approval for part-time training in last semester for:

**Participant Name:**  
**Current Training Institution:**  
**Current Training Program:**  
**Current Total Training Weeks:**  
**Current Training Cost:**  
**New Training Cost:**  
**Current Transportation Cost:**  
**New Transportation Cost:**  
**Current Approved IEP Amount:**  
**New IEP Amount:**  
**Justification:**

**State merit staff will do the following:**

- 1) Review the email, IWDS entries, and uploaded documents to ensure all entries are made as required and all documents are complete.
- 2) If issues are found, state merit staff will email the career planner and inform him/her of the issues that need addressed.
- 3) Once the issues have been addressed, the career planner will forward back the email from state merit staff and note that issues have been addressed.
- 4) State merit staff will review corrections.
- 5) Once all issues have been corrected, state merit staff will approve all service and status records and forward the email chain to the career planner to inform them of the approval.
- 6) If approval is not possible and the request is denied, state merit staff will direct the career planner on the next steps to take.

### **Extenuating Circumstances**

When amending after the fact, the only extenuating circumstance that is allowed is equitable tolling. The justification for using equitable tolling must be documented in **Case Notes**, and, where appropriate, supporting documentation is uploaded to IWDS.

#### **Equitable Tolling (20 CFR 618.888): (Applies to all Trade Laws)**

A Trade Program deadline must be equitably tolled when:



- 1) an extraordinary circumstance prevented an individual's timely action; and
- 2) the individual otherwise acted with diligence.
- 3) When an individual fails to take timely action because the state failed to give notice required under this part, that failure is prima facie evidence of an extraordinary circumstance.
- 4) If the individual did not receive the required notice, but otherwise received actual notice with sufficient time to take timely action, the lack of receipt of the required notice is not evidence of an extraordinary circumstance.
- 5) A Trade Program deadline equitably tolled under this section is tolled for the time period during which the extraordinary circumstance exists. Once that circumstance is resolved, the time period that was tolled begins to run again.
- 6) Equitable tolling may extend an otherwise expired Trade program deadline by no more than 36 months.

### **Voluntary Withdrawal from Approved Training (20 CFR 618.645 & TEGL 24-20)**

The career planner must advise a participant who chooses to withdraw from approved training that choosing to do so may result in the establishment of an overpayment under 20 CFR 618.832 of the Trade Program regulations if there is not good cause for the withdrawal. If an overpayment is established and collection is not waived, the participant is financially liable for repayment of the portion of the approved training that was not completed. In addition, the career planner must also advise such a participant that a withdrawal may also negatively impact eligibility for TRA or HCTC, if available. For instance, a participant receiving Additional or Completion TRA would no longer be eligible for TRA since he/she is no longer participating in training. The participant who ceases training for justifiable cause may resume the training program. If otherwise eligible, the participant may receive job search and relocation allowances.

There are provisions in the Trade Program regulations, at 20 CFR 618.780(b)(3)(iii), where a participant may have justifiable cause for withdrawing from approved training. In general, these are situations where the participant, although having acted diligently, was unable to complete the training. A participant might withdraw from training for reasons other than obtaining employment. Determinations of whether the worker had good cause to withdraw from training are made by IDES on a case-by-case basis. Voluntary withdrawal from a training program requires processing of an IEP Modification. See the **Requesting State Merit Staff Approval for IEP modifications Section** above for instructions to end services.

### **End of Training Modifications**

Following successful completion of a training program, **IEP Status** and **Service Records** may remain open for a period not to exceed 90 days if there are anticipated future services. Ending all other service and status records must be completed in a timely manner to ensure accurate

reporting to United States Department of Labor (USDOL). If a participant completes the training as state merit staff approved, that is a successful completion even if he/she does not pass an exam, obtain a credential, or gain a certification. If at the end of the training plan, the participant wants to extend the training but for reasons beyond his/her control, the plan does not get extended prior to the approved end date, a **PSR** must be entered using the reason of **In Training, Ceased Participation (dropped below full-time, quit)**. See **Chapter 9: Potential Suspension Requests (PSR)** for instructions. This will also require invoking Equitable Tolling to process the date extension modification.

**To end training services, the career planner will complete the following:**

**If no IEP modification is necessary (training ends on the approved planned end date and IEP amount approved does not change):**

- 1) Add **Case Management Services** in IWDS on the Trade application by completing the following:
  - a. Add a new episode to the **Trade Case Management Service**, which will also add a **Case Note**.
  - b. In the **Case Note** state that the training ended on the planned end date and whether it was successful or unsuccessful completion. If unsuccessful completion, provide a reason for the unsuccessful completion.
- 2) End the **Training Service Record(s)** as **Successful Completion** on the planned end date.
- 3) End the **Travel and/or Subsistence Service Record(s)** as **Successful Completion**, if applicable.
- 4) As soon as the career planner can obtain a copy of the credential, it must be entered in IWDS. See the **Performance Indicators Section** below.
- 5) Enter measurable skills gains in IWDS. See the **Performance Indicators Section** below.

**If an IEP Modification is necessary (anything in the training plan differs from the last state merit staff approval):**

- 1) Update the paper **IEP Modification Form**.
- 2) Add **Case Management Services** in IWDS on the Trade application by completing the following:
  - a. Add a new episode to the **Trade Case Management Service**, which will also add a **Case Note**.
  - b. In the **Case Note** provide information about the reason for the new end date and whether it was successful or unsuccessful completion. If unsuccessful completion, provide a reason for the unsuccessful completion.

- 3) Update the **IEP Status** with a dated comment in the **Comment Box** and update the **IEP Amount Approved**, if appropriate in IWDS.
- 4) End the **Training Service Record(s)** as **Successful** or **Unsuccessful Completion** on the date of last documented attendance.
- 5) End the **Travel and/or Subsistence Service Record(s)** as **Successful Completion** on the date of last documented attendance, if applicable.
- 6) Upload the **IEP Modification Form** and any relevant documents and newly completed forms in IWDS.
- 7) As soon as the career planner can obtain a copy of the credential, it must be entered in IWDS. See the **Performance Indicators Section** below.
- 8) Enter measurable skills gains in IWDS. See the **Performance Indicators Section** below.
- 9) Send an email request to state merit staff for approval by forwarding the last state merit staff approval email and use the following format:
  - a. **Email Subject Line:** IEP modification approval request to end training services – “Participant First Name Initial and Last Name” – LWIA XX
  - b. **Body of Email:**  
Can we have an IEP modification approval to end training services for:

**Participant Name:**  
**Currently Approved Total Training Weeks:**  
**Actual Training Weeks:**  
**Currently Approved Training End Date:**  
**Actual Training End Date:**  
**Currently Approved Training Cost:**  
**Actual Final Training Cost:**  
**Currently Approved Transportation Cost:**  
**Actual Final Transportation Cost:**  
**Currently Approved IEP Amount:**  
**Actual Final IEP Amount:**  
**Justification:**

**State merit staff will do the following:**

- 1) Review the email, IWDS entries, and uploaded documents to ensure all entries are made as required and all documents are complete.
- 2) If issues are found, state merit staff will email the career planner and inform him/her of the issues that need addressed.
- 3) Once the issues have been addressed, the career planner will forward back the email from state merit staff and note that issues have been addressed.
- 4) State merit staff will review corrections.

- 5) Once all issues have been corrected, state merit staff will approve all service and status records and forward the email chain to the career planner to inform them of the approval.
- 6) If approval is not possible and the request is denied, state merit staff will direct the career planner on the next steps to take.

### **On-Going Case Management**

The regulations at 20 CFR 618.360 require career planners to make employment and case management services available, including placement and referrals to supportive services and follow-up services available through partner programs, to participants during training, and after completion of training, and for those on waivers. Participants who have completed training must be provided information on Reemployment Trade Adjustment Assistance (RTAA), Job Search and Relocation benefits. Alternative Trade Adjustment Assistance (ATAA) is not available following training.

### **Closing the IEP**

Once all Trade services have been provided to the participant, and there are no anticipated future services, the IEP must be closed. This is an IEP Modification. If a final cost reconciliation is necessary and it has not already been completed, it can be included in this modification. An **IEP** is an active service so the end date of the **IEP Status and Service Records** must be the date of the last service provided to the participant. The date of state merit staff approval of the IEP modification cannot exceed the end date of the IEP records. The career planner will complete the following:

- 1) Update the paper **IEP Modification Form**.
- 2) Add **Case Management Services** in IWDS on Trade application by completing the following:
  - a. Add a new episode to the **Trade Case Management Service**, which will also add a **Case Note**.
  - b. In the **Case Note** state the modification is for closure of the IEP.
- 3) Close any open service and status records.
- 4) Update the **IEP Service Record** by marking the **TAA Services Completed Box**.
- 5) Ensure that **IEP Amount Approved** in the **IEP Status Record**, the **IEP Modification Form**, and the **View TAA Cost Reporting Items** all match. If they do not match, a **Final Cost Reconciliation** is necessary. See the section above for those instructions.
- 6) Update the **IEP Status** with a dated comment in the **Comment Box**, enter a **Status End Date** equal to the date of request, and update the **IEP Amount Approved**, if appropriate in IWDS. The end date of the **IEP Status Record** automatically transfers to the **IEP Service Record**.
- 7) Upload the **IEP Modification Form** and any relevant documents in IWDS.
- 8) Send an email request to state merit staff for approval by forwarding the last state merit staff approval email and use the following format:
  - a. **Email Subject Line:** IEP modification approval request for IEP Closure – “Participant First Name Initial and Last Name” – LWIA XX

**b. Body of Email:**

Can we have an IEP modification approval for IEP Closure for:

**Participant Name:**

**Final IEP Amount:**

**Justification:**

**State merit staff will do the following:**

- 1) Review the email, IWDS entries, and uploaded documents to ensure all entries are made as required and all documents are complete.
- 2) If issues are found, state merit staff will email the career planner and inform him/her of the issues that need addressed.
- 3) Once the issues have been addressed, the career planner will forward back the email from state merit staff and note that issues have been addressed.
- 4) State merit staff will review corrections.
- 5) Once all issues have been corrected, state merit staff will approve all service and status records and forward the email chain to the career planner to inform them of the approval.
- 6) If approval is not possible and the request is denied, state merit staff will direct the career planner on the next steps to take.

**De-obligation of Trade Training Funds**

The career planner must communicate any changes in the costs of a training program with the fiscal office in the LWIA. De-obligation of Trade training funds must occur as necessary to ensure proper accounting of the costs paid by Trade program funds. Funds that are de-obligated are available to be used for another participant's training costs. The LWIA must have in place a written procedure for the timely de-obligation of Trade training funds.

Some reasons for de-obligation of funds include:

- Participant completes training
- Participant ceases to participant in training
- Participant dropping classes
- GSA Mileage (January) or Per Diem (October) rate changes
- Change in transportation/subsistence
- On-line distance learning

In any of these instances the career planner must review the participant's **IEP** and the **IEP** in IWDS, **Case Notes** and request state merit staff approval for any changes to the participant's training plan or costs. See **Amending Approved Training Section** above.

## Performance Indicators (20 CFR 618.864)

States are required to report comprehensive performance accountability measures to DOL. See the **Workforce Innovation and Opportunity Act (WIOA) ePolicy Chapter 3 Performance Accountability and Reporting** for more information.

<https://apps.illinoisworknet.com/WIOAPolicy/Policy/Home>

### Credential Attainment

Credentials attained by the participant must be entered in IWDS when earned. Credentials include a secondary school diploma or its recognized equivalent, Associate's degree, Bachelor's degree, Occupational licensure, Occupational certificate including registered apprenticeship and career and technical education certificates, or other recognized certificates of industry/occupational skills completion sufficient to qualify for entry-level or advancement in employment.

To enter a credential, **the career planner will do the following:**

- 1) Under **Profile** in IWDS select **Credential**.
- 2) Select **Add Credential**.
- 3) Select **Credential Type**.
- 4) Enter **Name of Institution**.
- 5) Select **Source** (Copy of Diploma, Copy of Certificate, Copy of Degree, etc.).
- 6) Enter **Date Attained**.
- 7) Add **Description of Credential Diploma** and **Save**.
- 8) Enter a **Case Note** detailing the entry of the credential.

### Measurable Skill Gains

Measurable Skill Gains (MSGs) must be entered in each program year (PY) in which a participant is successfully participating in education/training and making progress towards goals or increasing skills. MSGs may be entered in the Illinois Workforce Development System (IWDS) as soon as a gain is made by the participant and can be documented. For reporting purpose, only one MSG gain is required for each PY. However, the career planner is encouraged to record all applicable MSGs for each participant.

To enter a measurable skill gain, **the career planner will do the following:**

- 1) Under **Profile** in IWDS select **Measurable Skill Gains**.
- 2) Select **Add Skill Gain**.
- 3) Select **Skill Type**.
- 4) Enter **Date Skill Attained**.
- 5) Add a Comment in the **Comment Box** describing the skill gain.

- 6) Click **Verification Box**.
- 7) Click **Save**.
- 8) Enter a **Case Note** detailing the entry of the measurable skill gain.

### **Appeals (20 CFR 618.525 and 20 CFR 618.820(e))**

The state must notify participants in writing of any determination or redetermination of eligibility to Trade program benefits. Each determination or redetermination must inform the participant of the reason for the determination or redetermination and of the right to reconsideration or appeal in the same manner as determinations of entitlement to Unemployment Insurance are subject to redetermination or appeal under state law.

If a participant disagrees with a determination, he/she may complete and submit a request for reconsideration/appeal. A letter will suffice if the participant does not have an agency form. *The request must be filed with the Illinois Department of Employment Security (IDES) within thirty (30) calendar days after the date at the top of the document. If the last day for filing the request is a day that IDES is closed, the request may be filed on the next day that IDES is open. Please file the request by mail at: IDES P.O. Box 19509 Springfield, IL 62794 or fax to: 217-557-4913. Any request submitted by mail must bear a postmark date within the applicable time limit for filing. See the **Chapter 12: Trade Appeals** for more information.*

### **General Requirements for Program Exit**

A program exit must occur when a participant has not received any active services funded by the program or a partner program for 90 consecutive calendar days, has no gap in service and is not scheduled for future services.

The term active program service does not include:

1. Determination of eligibility to participate in the program;
2. Self-directed job search that does not result in a referral to a job;
3. Services and activities specifically provided as follow-up services such as regular contact with the participant or employer only to obtain information regarding his or her employment status, educational progress, need for additional services, or income support payments (except for trade readjustment allowances and other needs-related payments funded through the Trade program, Dislocated Worker program, or Dislocated Worker Grant (DWG) program); or
4. Fiscal records showing payment for supportive services.

See the **Workforce Innovation and Opportunity Act (WIOA) ePolicy Chapter 3.3 General Requirements for Program Exit** for more information.

<https://apps.illinoisworknet.com/WIOAPolicy/Policy/Home>

## **Success Stories**

A success story shows how Local Workforce Innovation Area (LWIA) programs are making a difference in participant's lives. The success story should provide information about the participant and how the program helped him/her reach career, training and employment goals. Success stories are entered in Illinois workNet. Success stories can be submitted here: <https://www.illinoisworknet.com/success>



## Chapter 9: Potential Suspension Requests (PSR) (20 CFR 618.780 – Disqualifications)

There are requirements to qualify for and maintain Trade and Trade Readjustment Assistance (TRA) benefits. Non-compliance with any of the requirements may result in revocation or suspension of Unemployment Insurance (UI)/TRA benefits and/or Trade services. The career planner is required to record the non-compliance in the Illinois Workforce Development System (IWDS). Illinois Department of Employment Security (IDES) is responsible for making the determination of justifiable/unjustifiable cause and adjudication of the **PSR**.

The career planner will use the suspension process to notify the participant and IDES of potential ineligibility for UI/TRA benefits and/or Trade services. Prior to the career planner taking any action regarding the revocation of benefits, the participant must receive written notification through the **Trade Potential Suspension Letter Commerce/Trade Form #003c (Potential Suspension Letter)** and have the opportunity to appeal. The following outlines the conditions under which there may be a suspension or revocation of benefits and/or services.

A negative determination of a **PSR** adjudication does not make the participant ineligible for other Trade service such as **Training, Alternative/Reemployment Trade Adjustment Assistance (A/RTAA), Job Search, or Relocation**. The career planner must ensure the participant is aware of potential eligibility for these services.

### Suspension Conditions

The following conditions will dictate when suspension of benefits may be necessary:

- Participant was issued a **Waiver** from training and refused suitable employment.
- Participant enrolled in training but failed to start.
- Participant failed to maintain full-time or part-time (as appropriate) status in a training program. Participant failed to attend all scheduled training classes and other training activities scheduled by the training institution in any week of the training program.
- Participant did not meet one of the qualifying requirements for eligibility in a Trade/TRA Program.
- Participant is non-compliant with Trade requirements (including alleged fraud).
- Participant failed to meet required training benchmarks and completion TRA is in jeopardy.

### Participant was issued a Waiver from Training and Refused Suitable Employment

Except when enrolled or participating in Trade approved training, a participant cannot refuse an offer of suitable employment. Suitable employment is defined in 20 CFR 618.110 as "...work of a substantially equal or higher skill level than the worker's past adversely affected employment,

and wages for such work that are not less than 80 percent of the worker's average weekly wage. Part-time, temporary, short-term, or threatened employment is not suitable employment.” If it is determined that the participant refused suitable employment, a **PSR** must be entered.

**To enter the PSR, the career planner will do the following:**

- 1) Complete and send the **Potential Suspension Letter** to the participant. Send the letter to the participant. The date of the letter must match the start date of entry of the **Potential Suspension Request Status Record**.
- 2) Add **Case Management Services** in IWDS on the Trade application by completing the following:
  - a. Add a new episode to the **Trade Case Management Service**, which will also add a **Case Note**.
  - b. In the **Case Note** detail the date and the circumstance of the **Potential Suspension Request** and the date the **Potential Suspension Letter** was sent.
- 3) Enter a **Potential Suspension Request Status Record** in IWDS. The start date is the date of entry (also matching the date of the **Potential Suspension Letter**).
- 4) Select the reason **Refused Suitable Employment** from the drop-down box.
- 5) Enter a dated comment in the **Comment Box** explaining the reason for the **Potential Suspension Request**.
- 6) If Illinois is the agent state, the career planner must communicate the **Potential Suspension Request** status for the participant to the Liable State.

#### **IDES Adjudication of Potential Suspension Requests**

Following the career planner IWDS entries, the POTENTIAL TRA TRAINING/WAIVER FILE MAINTENANCE REPORT is transmitted to IDES overnight. IDES staff review the report and enter a ceased participation for the participant in IBIS and enter a 20 CFR 618.780(b)(2) status. IDES adjudication staff will hold a hearing on the issue.

IDES sends the determination with appeal rights to participant.

#### **Career planner’s Follow-Up to IDES Adjudication of the Potential Suspension Request**

The career planner will review the **IBIS Claimant Issue List Screen**, update the IWDS **Potential Suspension Request Status Record Comment Box**, add a **Case Note** with the outcome and close the record. The career planner must consider the impact of the adjudication outcome and process an IEP modification, if appropriate. The career planner must consider how the outcome of the adjudication affects the training, the participant’s ability to complete the training plan on time, or at all, and update the benchmarks as appropriate.

If the PSR is affirmed (participant refused suitable employment), the career planner will revoke the Waiver by doing the following:

- 1) Update the paper **IEP Modification Form**.
- 2) Complete all items on the **Waiver of Training Requirement Revocation Letter Commerce/Trade Form #003d (Revocation Letter)** except for the Date of Revocation. The date of revocation is the date of approval by state merit staff and should be added after approval. The **Revocation Letter** is then sent to the participant for signature.
- 3) On the state merit staff approved **Waiver** under the **Waiver Revocation Section** enter the date the **Waiver** was revoked, the reason, mark the appropriate box for notice provided to participant, and signature of career planner and date.
- 4) Add **Case Management Services** in IWDS on the Trade application by completing the following:
  - a. Add a new episode to the **Trade Case Management Service**, which will also add a **Case Note**.
  - b. In the **Case Note** detail the outcome of the IDES adjudication, other actions taken as a result of the outcome, and the date the **Revocation Letter** was sent to the participant.
- 5) Update the **Potential Suspension Status Record** with a dated comment in the **Comment Box** detailing the outcome of the IDES adjudication and enter a **Status End Date** (date of IDES determination).
- 6) Update the **IEP Status Record** in IWDS with a dated comment in the **Comment Box**.
- 7) Enter the **Waiver Revoked Status Record** in IWDS, enter the **Status Start Date** (must match the date of revocation on the **Revocation Letter**) and the **Status End Date** (same as **Status Start Date**), add a dated, detailed comment in the **Comment Box**, select the **Revocation Reason**, and **Save**. This will set the record to pending approval.
- 8) Upload the **Waiver, IEP Modification Form, Revocation Letter**, and supporting documentation to IWDS.
- 9) When the **Revocation Letter** is returned with participant's signature, upload the letter in IWDS and add a **Case Note** providing the date it was received.
- 10) Send an email request to state merit staff for approval by forwarding the last state merit staff approval email and use the following format:
  - a. **Email Subject Line:** IEP Modification Request for Waiver Revocation – "Participant First Name Initial and Last Name" – LWIA XX
  - b. **Body of Email:**  
Can we have an IEP modification approval for a Waiver Revocation for:  
**Participant Name:**  
**Revocation Date:**

### **Justification for waiver revocation:**

#### **State merit staff will do the following:**

- 1) Review the email, IWDS entries, and uploaded documents to ensure all entries are made as required and all documents are complete.
- 2) If issues are found, state merit staff will email the career planner and inform him/her of the issues that need addressed.
- 3) Once the issues have been addressed, the career planner will forward back the email from state merit staff and note that issues have been addressed.
- 4) State merit staff will review corrections.
- 5) Once all issues have been corrected, state merit staff will approve all service and status records and forward the email chain to the career planner to inform him/her approval.
- 6) If approval is not possible and the request is denied, state merit staff will direct the career planner on the next steps to take.

#### **If the PSR is denied (participant did not refuse suitable employment), the career planner will do the following:**

- 1) Add **Case Management Services** in IWDS on the Trade application by completing the following:
  - a. Add a new episode to the **Trade Case Management Service**, which will also add a **Case Note**.
  - b. In the **Case Note** detail the outcome of the IDES adjudication and other actions taken as a result of the outcome.
- 2) Update the **Potential Suspension Status Record** with a dated comment in the **Comment Box** detailing the outcome of the IDES adjudication and enter a **Status End Date** (date of IDES determination).

### **Enrolled in Training, Failed to Start (20 CFR 618.780(b)(2))**

A participant will be deemed to have failed to begin participation in an approved training program when the participant fails to attend one or more scheduled training classes and other training activities in the first week of the approved training program without justifiable cause. Justifiable cause exists if the participant acted diligently but was unable to complete in a timely manner the relevant task at issue because of exigent circumstances (**20 CFR 618.730 Good Cause**). If a participant meets the definition of enrolled in trade approved training and fails to start, UI/TRA benefits may be impacted. There are several reasons a participant may fail to start a training program as scheduled. Failure to start may be beyond the participant's control due to the training institution cancelling the program or classes, a change in the program start date or for personal reasons. The **Potential Suspension Request** will be adjudicated by IDES.

#### **The career planner will do the following:**

- 1) Complete and send the **Potential Suspension Letter** to the participant.
- 2) Add **Case Management Services** in IWDS on the Trade application by completing the following:
  - a. Add a new episode to the **Trade Case Management Service**, which will also add a **Case Note**.
  - b. In the **Case Note** detail the date and the circumstances of the **Potential Suspension Request** and the date the **Potential Suspension Letter** was sent.
- 3) Enter a **Potential Suspension Request Status Record** in IWDS. The start date is the date of entry (also matching the date of the **Potential Suspension Letter**).
- 4) Select **Enrolled in Training, Failed to Start** from the drop-down box.
- 5) Enter a dated comment in the **Comment Box** explaining the reason for the **Potential Suspension Request**.
- 6) If Illinois is the agent state, the career planner must communicate the **Potential Suspension Request** status for the participant to the Liable State.

#### **IDES Adjudication Process:**

- Following the career planner IWDS entries, the POTENTIAL TRA TRAINING/WAIVER FILE MAINTENANCE REPORT is transmitted to IDES overnight. IDES staff review the report and enter a ceased participation for the participant in IBIS and enter a 20 CFR 618.780(b)(2) status. IDES adjudication staff will hold a hearing on the issue.
- IDES will send the participant a Notice of Interview Letter.
- The interview with the participant is held to make a determination.
- IDES sends the determination with appeal rights to participant.
- Periodically, the career planner will review the IBIS CLAIMANT ISSUE LIST SCREEN. The “due date” will appear. The career planner should check IBIS after that date and update the IWDS **Potential Suspension Request** comments and add a **Case Note** with the outcome and close the record.

#### **Career planner’s Follow-Up to IDES Adjudication of the Potential Suspension Request**

The career planner will review the **IBIS Claimant Issue List Screen**, update the IWDS **Potential Suspension Request Status Record Comment Box**, add a **Case Note** with the outcome and close the record. The career planner must consider the impact of the adjudication outcome and process an IEP modification, if appropriate. The career planner must consider how the outcome of the adjudication affects the training, the participant’s ability to complete the training plan on time, or at all, and update the benchmarks as appropriate. The career planner may be required to complete new Trade forms and new IWDS Service and Status records if the participant’s training plan changes.

**If the PSR is affirmed (participant failed to start training) and the participant will not continue in training, the career planner will do the following:**

- 1) Update the **Potential Suspension Status Record** with a dated comment in the **Comment Box** detailing the outcome of the IDES adjudication and enter a **Status End Date** (date of IDES determination).
- 2) Add **Case Management Services** in IWDS on the Trade application by completing the following:
  - a. Add a new episode to the **Trade Case Management Service**, which will also add a **Case Note**.
  - b. In the **Case Note** detail the outcome of the IDES adjudication and other actions taken as a result of the outcome.
- 3) Update the **Potential Suspension Status Record** with a dated comment in the **Comment Box** detailing the outcome of the IDES adjudication and enter a **Status End Date** (date of IDES determination).
- 4) End the **Training Service Record(s)** as Unsuccessful Completion on the date it was originally scheduled to begin.
- 5) If applicable, end the **Travel and/or Subsistence Service Record(s)** as Unsuccessful Completion on the date it was originally scheduled to begin, if applicable.
- 6) If applicable, enter a **Distance Learning “No” Status Indicator**. The start date will be the date the distance learning was supposed to begin.
- 7) If applicable, enter a **Part Time “No” Status Indicator**. The start date will be the date the Part Time training was supposed to begin.
- 8) Update the **IEP Status Record** with a dated comment in the **Comment Box**.
- 9) Upload the **IEP Modification Form** and any other relevant documents in IWDS.
- 10) Send an email request to state merit staff for approval by forwarding the last state merit staff approval email and use the following format:
  - a. **Email Subject Line:** IEP Modification Request for approval for Ending Services (list services ending) – “Participant First Name Initial and Last Name” – LWIA XX
  - b. **Body of Email:**  
Can we have an IEP modification approval for ending services (list services ending) for:  
  
**Participant Name:**  
**Justification:**

**State merit staff will do the following:**

- 1) Review the email, IWDS entries, and uploaded documents to ensure all entries are made as required and all documents are complete.
- 2) If issues are found, state merit staff will email the career planner and inform him/her of the issues that need addressed.
- 3) Once the issues have been addressed, the career planner will forward back the email from state merit staff and note that issues have been addressed.
- 4) State merit staff will review corrections.
- 5) Once all issues have been corrected, state merit staff will approve all service and status records and forward the email chain to the career planner to inform him/her approval.
- 6) If approval is not possible and the request is denied, state merit staff will direct the career planner on the next steps to take.

**If the PSR is affirmed (participant failed to start training) and the participant will attend training, the career planner will do the following:**

- 1) Add **Case Management Services** in IWDS on the Trade application by completing the following:
  - a. Add a new episode to the **Trade Case Management Service**, which will also add a **Case Note**.
  - b. In the **Case Note** detail the outcome of the IDES adjudication and other actions taken as a result of the outcome.
- 2) Update the **Potential Suspension Status Record** with a dated comment in the **Comment Box** detailing the outcome of the IDES adjudication and enter a **Status End Date** (date of IDES determination).

See **Chapter 7: Trade Funded Training** for specific instructions on entry of the new training service records and any other entries required for the new training plan. Following state merit staff approval of the new **Training Service Record**, the career planner will end the originally approved **Training Service Record** and **Travel in Training or Subsistence in Training Service Record**, if applicable as Successful Completion.

**If the PSR is denied (participant started training as planned), the career planner will do the following:**

- 1) Add **Case Management Services** in IWDS on the Trade application by completing the following:
  - a. Add a new episode to the **Trade Case Management Service**, which will also add a **Case Note**.
  - b. In the **Case Note** detail the outcome of the IDES adjudication and other actions taken as a result of the outcome.

- 2) Update the **Potential Suspension Status Record** with a dated comment in the **Comment Box** detailing the outcome of the IDES adjudication and enter a **Status End Date** (date of IDES determination).

### **In Training, Ceased Participation (dropped below full-time, quit)**

A participant will be deemed to have ceased participation in an approved training program when the participant fails to attend all scheduled training classes and other training activities scheduled by the training provider in any week of the approved training program, drops below full-time or quits training with or without justifiable cause. Justifiable cause exists if the participant acted diligently but was unable to complete in a timely manner the relevant task at issue because of exigent circumstances (**20 CFR 618.730 Good Cause**). If the participant quits training and it is deemed justified by IDES, he/she may be able to resume the same training plan later. If at the end of the approved training plan, the participant wants to extend the training but for reasons beyond their control, the plan does not get extended timely, the **In Training, Ceased Participation (dropped below full-time, quit) PSR** must be entered. Do not close the **Training Service Record** at this time.

When the participant fails to submit Bi-Weekly Attendance Sheets, it may not be possible to determine if the participant has ceased participation and/or quit training. If this occurs, the career planner must follow the steps in **Chapter 8: Case Management During Training - Failed to provide verification of attendance or verification is incomplete** section.

When it is known that the participant has quit training, it is not necessary to enter a **PSR**. See **Chapter 8: Trade Case Management During Training - End of Training Modifications** for additional instructions.

### **In Training, Ceased Participation, Dropped Below Full-Time**

The participant may attend part-time training at any point in the training plan provided he/she can complete the training within the allowable training weeks and has other income support since TRA and HCTC, if available, benefits will cease. In this case, a **Part Time Indicator** is a required entry. Participants eligible under the Trade Adjustment Assistance Program Reversion 2021 (2021R) may participate in part-time training without TRA and HCTC, if available, eligibility being affected. In this case, a **Part Time Indicator** is a required entry. In the last semester of the approved training program, the non-2021R participant is allowed to attend part-time and still receive TRA and HCTC, if available, benefits with documentation from the training institution indicating the participant is in the last semester and will obtain the degree/certificate at the completion of the semester. In this case, the **Part Time Indicator** is not a required entry. Before allowing the participant to enroll in part-time training, the career planner must confirm that the training can be completed in the allowable training weeks. If it is determined that the participant cannot complete training within the allowable training weeks, contact state merit staff for instructions.

**The career planner will do the following:**



- 1) Complete and send the **Potential Suspension Letter** to the participant.
- 2) Add **Case Management Services** in IWDS on the Trade application by completing the following:
  - a. Add a new episode to the **Trade Case Management Service**, which will also add a **Case Note**.
  - b. In the **Case Note** detail the date and circumstances of the **Potential Suspension Request** and the date the **Potential Suspension Letter** was sent.
- 3) Enter a **Potential Suspension Request Status Record**. The start date is the date of entry.
- 4) Select **In training, ceased participation (dropped below full-time, quit)** from the drop-down box.
- 5) Enter a dated comment in the **Comment Box** explaining the reason for the **Potential Suspension Request**. The comment must also include the date of the last verified attendance for the participant.
- 6) If Illinois is the agent state, the career planner must communicate the **Potential Suspension Request** status for the participant to the Liable State.

#### **IDES Adjudication Process:**

- Following the career planner IWDS entries, the POTENTIAL TRA TRAINING/WAIVER FILE MAINTENANCE REPORT is transmitted to IDES overnight. IDES staff review the report and enter a ceased participation for the participant in IBIS and enter a 20 CFR 618.780(b)(2) status. IDES adjudication staff will hold a hearing on the issue.
- IDES will send the participant a Notice of Interview Letter.
- The interview with the participant is held to make a determination.
- IDES sends the determination with appeal rights to participant.
- Periodically, the career planner will review the IBIS CLAIMANT ISSUE LIST SCREEN. The “due date” will appear. The career planner should check IBIS after that date and update the IWDS **Potential Suspension Request** comments and add a **Case Note** with the outcome and close the record.

#### **Career planner’s Follow-Up to IDES Adjudication of the Potential Suspension Request**

The career planner will review the **IBIS Claimant Issue List Screen**, update the IWDS **Potential Suspension Request Status Record Comment Box**, add a **Case Note** with the outcome and close the record. The career planner must consider the impact of the adjudication outcome and process an IEP modification, if appropriate. The career planner must consider how the outcome of the adjudication affects the training, the participant’s ability to complete the training plan on time, or at all, and update the benchmarks as appropriate. The career planner may be required to complete new Trade forms and new IWDS Service and Status records if the participant’s training plan changes.

**If the PSR is affirmed (participant dropped below full-time), the career planner will do the following:**

- 1) Update the **Potential Suspension Status Record** with a dated comment detailing the outcome of the IDES adjudication in the **Comment Box** and enter a **Status End Date** (date of IDES determination).
- 2) Add **Case Management Services** in IWDS on the Trade application by completing the following:
  - a. Add a new episode to the **Trade Case Management Service**, which will also add a **Case Note**.
  - b. In the **Case Note** detail the outcome of the IDES adjudication and other actions taken as a result of the outcome.
- 3) Verify the participant is able to complete the training within the maximum allowable training weeks and has the financial means to support him/herself to complete the training.
  - a. If the participant cannot complete the training within the maximum allowable training weeks and/or does not have the financial means to support him/herself to complete the training, the training program must be modified to a related program that can be completed within the maximum allowable training weeks or ended.
    - i. Update the paper **IEP Modification Form**.
    - ii. End the **Training Service Record(s)** as unsuccessful completion on the date of last documented attendance.
    - iii. End the **Travel and/or Subsistence Service Record(s)** as successful completion on the date of last documented attendance, if applicable.
    - iv. Update the **IEP Status Record** with a dated comment in the **Comment Box**.
    - v. Upload the **IEP Modification Form** in IWDS.
    - vi. Send an email request to state merit staff for approval by forwarding the last state merit staff approval email and use the following format:
      1. **Email Subject Line:** IEP Modification Request for approval for ending training services – “Participant First Name Initial and Last Name” – LWIA XX
      2. **Body of Email:**  
Can we have an IEP modification approval for ending training services for:  
  
**Participant Name:**  
**Justification Statement:**

- b. If the participant can complete the training within the maximum allowable training weeks and has the financial means to support him/herself to complete the training, the career planner will do the following:
  - i. Update the paper **IEP Modification Form**.
  - ii. Update the planned end date of the **Training Service Record**, if applicable.
  - iii. Update the **Tracking Form**, as applicable.
  - iv. Under **Services/List Part Time/Distance Learning** as follows:
    1. Under **Services** in IWDS, the career planner will select **List Part Time/Distance Learning**.
    2. Select **Part Time** under **Status Type**, enter the date the part-time training begins under **Start Date**, and select **Yes** under **Status**.
  - v. Update the **IEP Status record** with a dated comment in the **Comment Box**.
  - vi. Upload the **IEP Modification Form**, the **Tracking Form**, and any other documents.
  - vii. Send an email request to state merit staff for approval by forwarding the last state merit staff approval email and use the following format:
    1. **Email Subject Line:** IEP Modification Request for approval for Part-time Training (include all statuses and services affected) – “Participant First Name Initial and Last Name” – LWIA XX.
    2. **Body of Email:**  
 Can we have an IEP modification approval for approval for Part-time training (include all statuses and services affected) for:  
**Participant Name:**  
**Training Institution:**  
**Training Program Name:**  
**Total Current Weeks of Training:**  
**New Total Weeks of Training:**  
**Current Planned End Date of Training:**  
**New Planned End Date of Training:**  
**Current Tuition, Books, Fees, Testing Cost:**  
**New Tuition, Books, Fees, Testing Cost:**  
**Current Transportation/Subsistence Cost:**  
**New Transportation/Subsistence Cost:**  
**Current Approved Total IEP Amount:**  
**New Total IEP Amount:**  
**Justification:**

**State merit staff will do the following:**

- 1) Review the email, IWDS entries, and uploaded documents to ensure all entries are made as required and all documents are complete.
- 2) If issues are found, state merit staff will email the career planner and inform him/her of the issues that need addressed.
- 3) Once the issues have been addressed, the career planner will forward back the email from state merit staff and note that issues have been addressed.
- 4) State merit staff will review corrections.
- 5) Once all issues have been corrected, state merit staff will approve all service and status records and forward the email chain to the career planner to inform him/her approval.
- 6) If approval is not possible and the request is denied, state merit staff will direct the career planner on the next steps to take.

**If the PSR is denied (participant did not fall below full-time), the career planner will do the following:**

- 1) Add **Case Management Services** in IWDS on the Trade application by completing the following:
  - a. Add a new episode to the **Trade Case Management Service**, which will also add a **Case Note**.
  - b. In the **Case Note** detail the outcome of the IDES adjudication and other actions taken as a result of the outcome.
- 2) Update the **Potential Suspension Status Record** with a dated comment detailing the outcome of the IDES adjudication in the **Comment Box** and enter a **Status End Date** (date of IDES determination).

#### **In Training, Ceased Participation, Quit**

When it is known that the participant has quit training, it is not necessary to enter a **PSR**. See **Chapter 8: Trade Case Management During Training -End of Training Modifications** for additional instructions. If at the end of the approved training plan, the participant wants to extend the training but for reasons beyond their control, the plan does not get extended timely, the **In Training, Ceased Participation (dropped below full-time, quit) PSR** must be entered. Do not close the **Training Service Record** at this time.

#### **Exception for certain workers who perform a period of duty in the Uniformed Services (20 CFR 618.615(d)(4))**

A member of one of the reserve components of the U.S. Armed Forces who serves a period of duty will have the period for training suspended upon being called up to duty provided requirements are met. Any such reserve component member may either:

- Resume training upon discharge from active service for the training period that remained at the time the reservist left the training program to report for active duty, or

- Be allowed to repeat portions of the training if doing so is necessary for completion of the approved training program, or
- Where appropriate, begin a new approved training program.

If the reservist repeats a training program or begins a new training program, the reservist will be entitled to a new 130-week period to complete the approved training.

The career planner must contact state merit staff for further instructions if a participant requires this exception.

**The career planner will do the following:**

- 1) Complete and send the **Potential Suspension Letter** to the participant.
- 2) Add **Case Management Services** in IWDS on the Trade application by completing the following:
  - a. Add a new episode to the **Trade Case Management Service**, which will also add a **Case Note**.
  - b. In the **Case Note** detail the date and the circumstances of the **Potential Suspension Request** and the date the **Potential Suspension Letter** was sent.
- 3) Enter a **Potential Suspension Request Status Record**. The start date is the date of entry.
- 4) Select **In training, ceased participation (dropped below full-time, quit)** from the drop-down box.
- 5) Enter a dated comment in the **Comment Box** explaining the reason for the **Potential Suspension Request**. The comment must also include the date of the last verified attendance for the participant.
- 6) If Illinois is the agent state, the career planner must communicate the **Potential Suspension Request** status for the participant to the Liable State.

**IDES Adjudication Process:**

- Following the career planner IWDS entries, the POTENTIAL TRA TRAINING/WAIVER FILE MAINTENANCE REPORT is transmitted to IDES overnight. IDES staff review the report and enter a ceased participation for the participant in IBIS and enter a 20 CFR 618.780(b)(2) status. IDES adjudication staff will hold a hearing on the issue.
- IDES will send the participant a Notice of Interview Letter.
- The interview with the participant is held to make a determination.
- IDES sends the determination with appeal rights to participant.
- Periodically, the career planner will review the IBIS CLAIMANT ISSUE LIST SCREEN. The “due date” will appear. The career planner should check IBIS after that date and update the IWDS **Potential Suspension Request** comments and add a **Case Note** with the outcome and close the record.

### **Career planner's Follow-Up to IDES Adjudication of the Potential Suspension Request**

The career planner will review the **IBIS Claimant Issue List Screen**, update the **IWDS Potential Suspension Request Status Record Comment Box**, add a **Case Note** with the outcome and close the record. The career planner must consider the impact of the adjudication outcome and process an IEP modification, if appropriate. The career planner must consider how the outcome of the adjudication affects the training, the participant's ability to complete the training plan on time, or at all, and update the benchmarks as appropriate. The career planner may be required to complete new Trade forms and new IWDS Service and Status records if the participant's training plan changes.

#### **If the PSR is affirmed (participant quit), the career planner will do the following:**

- 1) Update the paper **IEP Modification Form**.
- 2) Add **Case Management Services** in IWDS on the Trade application by completing the following:
  - a. Add a new episode to the **Trade Case Management Service**, which will also add a **Case Note**.
  - b. In the **Case Note** detail the outcome of the IDES adjudication and other actions taken as a result of the outcome.
- 3) Update the **Potential Suspension Status Record** with a dated comment detailing the outcome of the IDES adjudication in the **Comment Box** and enter a **Status End Date** (date of IDES determination).
- 3) End the **Training Service Record(s)** as unsuccessful completion on the date of last documented attendance.
- 4) End the **Travel and/or Subsistence Service Record(s)** as successful completion on the date of last documented attendance, if applicable.
- 5) Update the **IEP Status Record** with a dated comment in the **Comment Box**.
- 6) Upload the **IEP Modification Form** in IWDS.
- 7) Send an email request to state merit staff for approval by forwarding the last state merit staff approval email and use the following format:
  - a. **Email Subject Line:** IEP Modification Request for approval for ending training services – "Participant First Name Initial and Last Name" – LWIA XX
  - b. **Body of Email:**  
Can we have an IEP modification approval for ending training services for:  
**Participant Name:**  
**Justification Statement:**

**State merit staff will do the following:**

- 1) Review the email, IWDS entries, and uploaded documents to ensure all entries are made as required and all documents are complete.
- 2) If issues are found, state merit staff will email the career planner and inform him/her of the issues that need addressed.
- 3) Once the issues have been addressed, the career planner will forward back the email from state merit staff and note that issues have been addressed.
- 4) State merit staff will review corrections.
- 5) Once all issues have been corrected, state merit staff will approve all service and status records and forward the email chain to the career planner to inform him/her approval.
- 6) If approval is not possible and the request is denied, state merit staff will direct the career planner on the next steps to take.

**If the PSR is denied (participant did not quit), the career planner will do the following:**

- 1) Add **Case Management Services** in IWDS on the Trade application by completing the following:
  - a. Add a new episode to the **Trade Case Management Service**, which will also add a **Case Note**.
  - b. In the **Case Note** detail the outcome of the IDES adjudication and other actions taken as a result of the outcome.
- 2) Update the **Potential Suspension Status Record** with a dated comment detailing the outcome of the IDES adjudication in the **Comment Box** and enter a **Status End Date** (date of IDES determination).

**Participant Did Not Meet One of the Qualifying Requirements for Eligibility in a Trade/TRA Program**

If discovered during monitoring or otherwise that a participant did not meet one of the qualifying requirements for TRA/Trade, enter a **Potential Suspension Request (PSR)** for one of the following reasons:

- The participant was not part of the certified worker group
- The participant did not have a qualifying separation
- The participant missed the 26/26 or 8/16 (2021R) deadline
- The training program was not Trade approvable
- Failure to make contact for 30 Day **Waiver Review**. See **Chapter 6: Trade Waiver from Training Waiver Case Management Section** for more information.

**To enter the PSR, the career planner will do the following:**

- 1) Complete and send the **Potential Suspension Letter** to the participant. The date of the letter must match the start date of entry of the **Potential Suspension Request Status Record**.
- 2) Add **Case Management Services** in IWDS on the Trade application by completing the following:
  - a. Add a new episode to the **Trade Case Management Service**, which will also add a **Case Note**.
  - b. In the **Case Note** detail the date and the circumstance of the **Potential Suspension Request** and the date the **Potential Suspension Letter** was sent.
- 3) Enter a **Potential Suspension Request Status Record** in IWDS. The start date is the date of entry (also matching the date of the **Potential Suspension Letter**).
- 4) Select the reason **Failure to Meet Qualifying Requirements for TRA/TAA** from the drop-down box.
- 5) Enter a dated comment in the **Comment Box** explaining the reason for the **Potential Suspension Request**.
- 6) Following IDES Adjudication, contact state merit staff for further instructions.

### **Non-Compliant with Trade Requirements**

The career planner will select this **Potential Suspension Request** reason if none of the other reasons apply and when the participant is alleged to have committed fraud.

**To enter the PSR, the career planner will do the following:**

- 1) Complete and send the **Potential Suspension Letter** to the participant. The date of the letter must match the start date of entry of the **Potential Suspension Request Status Record**.
- 2) Add **Case Management Services** in IWDS on the Trade by completing the following:
  - a. Add a new episode to the **Trade Case Management Service**, which will also add a **Case Note**.
  - b. In the **Case Note** detail the date and the circumstance of the **Potential Suspension Request** and the date the **Potential Suspension Letter** was sent.
- 3) Enter a **Potential Suspension Request Status Record** in IWDS. The start date is the date of entry.
- 4) Select the reason **Non-Compliance with Trade Requirements** from the drop-down box.
- 5) Enter a dated comment in the **Comment Box** explaining the reason for the **Potential Suspension Request**.



- 6) Following IDES Adjudication, contact state merit staff for further instructions.
- 7) If Illinois is the agent state, the career planner must communicate the **Potential Suspension Request** status for the participant to the Liable State.

### **Benchmarks Not Met – No Completion TRA**

The career planner will select this **Potential Suspension Request** reason when the participant has failed two benchmarks and a modification to the training plan is not feasible. This potential suspension reason triggers a state merit staff approval automatically in IWDS.

Prior to paying Completion TRA, IDES will confirm with the career planner that the benchmarks are accurate and current. A Completion TRA Application must be submitted to IDES for a determination. **NOTE:** IDES will not adjudicate this issue until the participant has exhausted Additional TRA and a Completion TRA application has been submitted.

#### **The career planner will do the following:**

- 1) Complete and send the **Potential Suspension Letter** to the participant.
- 2) Add **Case Management Services** in IWDS on the Trade application by completing the following:
  - a. Add a new episode to the **Trade Case Management Service**, which will also add a **Case Note**.
  - b. In the **Case Note** detail the date and the circumstances of the **Potential Suspension Request** and the date the **Potential Suspension Letter** was sent.
- 3) Enter a **Potential Suspension Request Status Record**. The start date is the date of entry (also matching the date of the **Potential Suspension Letter**).
- 4) Select **Benchmarks Not Met-No Completion TRA** from the drop-down box.
- 5) Enter a dated comment in the **Comment Box** explaining the reason for the **Potential Suspension Request**.
- 6) Send an email request to state merit staff for approval by forwarding the last state merit staff approval email and use the following format:
  - a. **Email Subject Line:** IEP Modification Request for approval for ending training services – “Participant First Name Initial and Last Name” – LWIA XX
  - b. **Body of Email:**  
Can we have an IEP modification approval for ending training services for:  
**Participant Name:**  
**Justification Statement:**

**State merit staff will do the following:**

- 1) Review the email, IWDS entries, and uploaded documents to ensure all entries are made as required and all documents are complete.
- 2) If issues are found, state merit staff will email the career planner and inform him/her of the issues that need addressed.
- 3) Once the issues have been addressed, the career planner will forward back the email from state merit staff and note that issues have been addressed.
- 4) State merit staff will review corrections.
- 5) Once all issues have been corrected, state merit staff will approve all service and status records and forward the email chain to the career planner to inform him/her approval.
- 6) If approval is not possible and the request is denied, state merit staff will direct the career planner on the next steps to take.

**IDES Adjudication Process:**

- Following the career planner IWDS entries, the POTENTIAL TRA TRAINING/WAIVER FILE MAINTENANCE REPORT is transmitted to IDES overnight. IDES staff review the report and enter a ceased participation for the participant in IBIS and enter a 20 CFR 618.780(b)(2) status. IDES adjudication staff will hold a hearing on the issue.
- IDES will send the participant a Notice of Interview Letter.
- The interview with the participant is held to make a determination.
- IDES sends the determination with appeal rights to participant.
- Periodically, the career planner will review the IBIS CLAIMANT ISSUE LIST SCREEN. The “due date” will appear. The career planner should check IBIS after that date and update the IWDS **Potential Suspension Request** comments and add a **Case Note** with the outcome and close the record.

**Career planner’s Follow-Up to IDES Adjudication of the Potential Suspension Request**

The career planner will review the **IBIS Claimant Issue List Screen**, update the IWDS **Potential Suspension Request Status Record Comment Box**, add a **Case Note** with the outcome and close the record. The career planner must consider the impact of the adjudication outcome and process an IEP modification, if appropriate. The career planner must consider how the outcome of the adjudication affects the training, the participant’s ability to complete the training plan on time, or at all, and update the benchmarks as appropriate.

**If IDES affirms (participant did not meet benchmarks and is not eligible for Completion TRA), the career planner will do the following:**

- 1) Update the **Potential Suspension Status Record** with a dated comment detailing the outcome of the IDES adjudication in the **Comment Box** and enter a **Status End Date** (date of IDES determination).

- 2) Add **Case Management Services** in IWDS on the Trade application by completing the following:
  - a. Add a new episode to the **Trade Case Management Service**, which will also add a **Case Note**.
  - b. In the **Case Note** detail the IDES adjudication and other actions taken as a result of the outcome.
- 3) If the participant can demonstrate he/she has the financial means to support himself/herself to complete the training, the training can continue.
- 4) If the participant cannot demonstrate he/she has the financial means to support himself/herself to complete the training, the training must end upon the IDES determination. In IWDS, the career planner will do the following:
  - a. Update the paper **IEP Modification Form**.
  - b. End the **Training Service Record(s)** as unsuccessful completion on the date of last documented attendance.
  - c. End the **Travel and/or Subsistence Service Record(s)** as successful completion on the date of last documented attendance, if applicable.
  - d. Update the **IEP Status Record** with a dated comment in the **Comment Box**.
  - e. Upload the **IEP Modification Form** in IWDS.
  - f. Send an email request to state merit staff for approval by forwarding the last state merit staff approval email and use the following format:
    - i. **Email Subject Line:** IEP Modification Request for approval for ending training services – “Participant First Name Initial and Last Name” – LWIA XX
    - ii. **Body of Email:**  
Can we have an IEP modification approval for ending training services for:  
**Participant Name:**  
**Justification Statement:**

**State merit staff will do the following:**

- 1) Review the email, IWDS entries, and uploaded documents to ensure all entries are made as required and all documents are complete.
- 2) If issues are found, state merit staff will email the career planner and inform him/her of the issues that need addressed.
- 3) Once the issues have been addressed, the career planner will forward back the email from state merit staff and note that issues have been addressed.
- 4) State merit staff will review corrections.
- 5) Once all issues have been corrected, state merit staff will approve all service and status records and forward the email chain to the career planner to inform him/her approval.

- 6) If approval is not possible and the request is denied, state merit staff will direct the career planner on the next steps to take.

**If IDES denies (participant did meet benchmarks and can receive Completion TRA), the career planner will do the following:**

- 1) Add **Case Management Services** in IWDS on the Trade application by completing the following:
  - a. Add a new episode to the **Trade Case Management Service**, which will also add a **Case Note**.
  - b. In the **Case Note** detail the IDES adjudication and other actions taken as a result of the outcome.
- 2) Update the **Potential Suspension Status Record** with a dated comment detailing the outcome of the IDES adjudication in the **Comment Box** and enter a **Status End Date** (date of IDES determination).

### **Appeals (20 CFR 618.525 and 20 CFR 618.820(e))**

The state must notify participants in writing of any determination or redetermination of eligibility to Trade program benefits. Each determination or redetermination must inform the participant of the reason for the determination or redetermination and of the right to reconsideration or appeal in the same manner as determinations of entitlement to Unemployment Insurance are subject to redetermination or appeal under state law.

If a participant disagrees with a determination, he/she may complete and submit a request for reconsideration/appeal. A letter will suffice if the participant does not have an agency form. *The request must be filed with the Illinois Department of Employment Security (IDES) within thirty (30) calendar days after the date at the top of the document. If the last day for filing the request is a day that IDES is closed, the request may be filed on the next day that IDES is open. Please file the request by mail at: IDES P.O. Box 19509 Springfield, IL 62794 or fax to: 217-557-4913. Any request submitted by mail must bear a postmark date within the applicable time limit for filing. See the **Chapter 12: Trade Appeals** for more information.*

## **Chapter 10: Trade Job Search Allowance (20 CFR 618.400-435) and Relocation Allowance (20 CFR 618.440-460)**

### **Job Search Allowance**

Job Search Allowance assists eligible participants to secure suitable employment outside of the normal commuting area (within the continental United States). Reimbursement for Job Search is limited to 90% (100% for 2009 Program) of the pre-approved job search expenses (transportation, lodging, meals and incidentals) up to a maximum of \$1,250 (\$1,500 for 2009 Program) under a certification. Reimbursement up to the maximum allowable amount can be for a single job search or for multiple job search activities conducted throughout the participant's enrollment in the Trade program. If a participant is requesting Job Search Allowance only, Basic Skills Deficiency Assessment testing is not required.

**In Illinois, the commuting area is ten (10) miles or more one way from the participant's residence to the address of the interview or job search activity.** The distance must be documented by a Google Maps printout. If the distance to be traveled for any job search activity is less than 10 miles, the job search cannot be reimbursed with Trade Funds.

### **Job Search Activities (20 CFR 618.405)**

Participants may be eligible to receive a job search allowance payment for pre-approved activities outside the normal commuting area to cover costs including, but not limited to:

- Travel to and attendance at job fairs and interviews;
- Travel to and attendance at prevocational workshops;
- Making an in-person visit with a potential employer who may reasonably be expected to have openings for suitable employment;
- Completing a job application in person with a potential employer who may reasonably be expected to have openings for suitable employment;
- Going to a local one-stop, copy shop, post office, or similar entity to print, copy, mail, email, or fax a job application, cover letter, and/or a resume;
- Going to a local one-stop, public library, community center, or similar entity to use online job matching systems, to search for job matches, request referrals, submit applications/resumes, attend workshops, and/or apply for jobs; and
- Attending a professional association meeting for networking purposes.

### **Job Fair Activity**

Prior to approving a job search allowance to attend a job fair, the career planner must verify that the jobs offered meet the criteria of “suitable employment” or employment that pays a wage of at least the 75<sup>th</sup> percentile of national wages. Suitable employment is defined as work of a substantially equal or higher skill level than the participant’s Trade employment, and wages for such work that are not less than eighty percent of the participant’s average weekly wage. Part-time, temporary, short-term or threatened employment is not suitable employment. See the PowerPoint presentation **Potential Suspension Requests, Job Search Allowance, Relocation Allowance 1-6-2022** for instructions on how to find the 75<sup>th</sup> percentile of national wages. This presentation can be found at:

<https://www.illinoisworknet.com/WIOA/Resources/Pages/Archived-Training.aspx>

### **Pre-Vocational Workshops/Training**

Participants may benefit from pre-vocational workshops/training. These programs are designed to help participants prepare to enter a competitive work environment. The training is not career or position specific, but rather focuses on helping develop good work habits and gain the basic skills and abilities essential for employment in any field, such as following directions and being punctual. These job search activities must be structured workshops/training, not self-serve activities.

### **Eligibility for a Job Search Allowance (20 CFR 618.415)**

To be eligible for a job search allowance, a participant must:

- Complete and submit for approval an **Trade Job Search Allowance Commerce/Trade Form #012 (Job Search Allowance)** before the later of:
  - The 365th day after the date of the certification under which the participant is covered; or
  - The 365th day after the date of the participant's last total separation; or
  - The 182nd day after the date of concluding approved training;
- Be totally separated from the job covered under the certification when beginning the job search;
- Receive a determination from the career planner that he/she:
  - Cannot reasonably expect to secure suitable employment in the commuting area; and
  - Can reasonably expect to obtain, in the area of the job search, either:
    - Suitable employment; or
    - Employment that pays a wage of at least the 75<sup>th</sup> percentile of national wages, as determined by the National Occupational Employment Wage Estimates, and otherwise meets the definition of suitable employment. See the PowerPoint presentation **Potential Suspension Requests, Job Search Allowance, Relocation Allowance 1-6-2022** for instructions on

how to find the 75<sup>th</sup> percentile of national wages. This presentation can be found at:

<https://www.illinoisworknet.com/WIOA/Resources/Pages/Archived-Training.aspx>

- Receive a determination from the career planner that he/she cannot reasonably expect to secure suitable employment by alternatives to being physically present in the area of the job search, such as by searching and interviewing for employment by means of the internet and other technology;
- Has not previously received a relocation allowance under the same certification; and
- Complete a pre-approved job search within 30 calendar days after the participant leaves the commuting area to begin the job search. A participant has completed a job search when he/she either:
  - Obtains a bona fide offer of employment (meaning the offer of suitable employment is made in good faith by a prospective employer); or
  - Has, with LWIA verification, as provided in 20 CFR 618.420(a)(2), contacted each employer the participant planned to contact, or to whom the state or other one-stop partner referred the participant as part of the job search.

### **Applying for a Job Search Allowance (20 CFR 618.410)**

To apply for a job search allowance, the career planner and participant must complete, sign and date the **Job Search Allowance**, marking the appropriate job search activity for which reimbursement is being requested. This application must be submitted and receive state merit staff approval prior to the job search beginning, unless there are extenuating circumstances that prevented receipt of prior approval. Extenuating circumstances (Equitable Tolling) must be documented and a justification provided on the application.

**Equitable Tolling (20 CFR 618.888): (Applies to all Trade Laws)** A Trade Program deadline must be equitably tolled when:

- 1) an extraordinary circumstance prevented an individual's timely action; and
- 2) the individual otherwise acted with diligence.
- 3) When an individual fails to take timely action because the state failed to give notice required under this part, that failure is prima facie evidence of an extraordinary circumstance.
- 4) If the individual did not receive the required notice, but otherwise received actual notice with sufficient time to take timely action, the last of receipt of the required notice is not evidence of an extraordinary circumstance.
- 5) A Trade Program deadline equitably tolled under this section is tolled for the time period during which the extraordinary circumstance exists. Once that circumstance is resolved, the time period that was tolled begins to run again.

- 6) Equitable tolling may extend an otherwise expired Trade Program deadline by no more than 36 months.

Participants are required to complete and submit to the career planner the **Reconciliation of Trade Job Search Allowance/Trade Form #012a (Job Search Reconciliation Form)** and verification of activities forms once the job search activity is completed. For job interviews, **Trade Job Interview Confirmation Letter Commerce/Trade Form #012b (Interview Confirmation Letter)** is completed. For all other job search activities, **Trade Job Search Activity Verification Commerce/Trade Form #012e (Job Search Verification)** is completed. The participant should be advised to keep all receipts for travel, lodging, meals, and other expenses incurred during the job search. Reconciliation of cost and payment of the job search cannot occur until the career planner receives the appropriate verification of activities form along with documentation of costs incurred.

**To enter a Job Search Allowance, the career planner will do the following:**

- 1) Complete a **Job Search Application**.
- 2) As applicable, complete a **Trade Individual Employment Plan Commerce/Trade Form #014 (IEP)** or complete the **Trade Individual Employment Plan (IEP) Modification Form Commerce/Trade Form #014a (IEP Modification Form)**.
- 3) If this is the initial service for the participant:
  - a. Enter the **IEP Service Record**. Upon saving the **IEP Service Record**, IWDS will transfer the career planner to the **IEP Status Record** to complete entry.
  - b. Enter the **IEP Status Record** in IWDS with a dated comment in the **Comment Box**.
- 4) If this is an IEP modification for the participant:
  - a. Update the **IEP Status Record** in IWDS with a dated comment in the **Comment Box**.
  - b. Complete the **Individual Employment Plan Modification Form Commerce/Trade IEP Modification Form #014a (IEP Modification Form)**.
- 5) Add **Case Management Services** in IWDS on the Trade application by completing the following:
  - a. Add a new episode to the **Trade Case Management Service**, which will also add a **Case Note**.
  - b. Add a **Case Note** detailing the specific Job Search activity being requested for reimbursement and any other information related to the Job Search.
- 6) Enter a **Job Search Allowance Service Record** in IWDS.
- 7) Upload the **IEP or IEP Modification Form, Job Search Allowance**, and any other relevant documents to IWDS.



8) Send an email request to state merit staff for approval using the following format (if it is a modification, forward the last state merit staff approval):

a. **Email Subject Line:** New IEP or IEP Modification and Job Search Approval Request – “Participant First Name Initial and Participant Last Name” – LWIA XX

b. **Body of Email:**

Can we have a New IEP or IEP Modification and Job Search Approval for:

**Participant Name:**

**Job Search Begin Date:**

**Job Search End Date:**

**Justification Statement:**

**State merit staff will do the following:**

- 1) Review the email, IWDS entries, and uploaded documents to ensure all entries are made as required and all documents are complete.
- 2) If issues are found, state merit staff will email the career planner and inform him/her of the issues that need addressed.
- 3) Once the issues have been addressed, the career planner will forward back the email from state merit staff and note that issues have been addressed.
- 4) State merit staff will review corrections.
- 5) Once all issues have been corrected, state merit staff will approve all service and status records and forward the email chain to the career planner to inform him/her approval.
- 6) If approval is not possible and the request is denied, state merit staff will direct the career planner on the next steps to take.

If state merit staff approve the job search allowance, the career planner will notify the participant of the approval. Per 20 CFR 618.430(c), the career planner may advance the participant up to 60 percent of the estimated amount of the job search allowance, not to exceed \$750, within five days of commencement of the job search. During the reconciliation process, any advance provided must be deducted from the final payment.

**Findings Required for a Job Search Allowance (20 CFR 618.420)**

For liable/agent participants, liable state approval of the final payment is required. The liable state must determine the participant meets eligibility requirements for the job search allowance and verify the participant contacted the employers to whom they were referred, and find that the worker completed the job search within 30 calendar days after the participant leaves the commuting area to begin the job search.

Upon request, the agent state must assist the participant in conducting the job search and providing the liable state with any information required for the liable state’s determination of the claim and for paying the job search allowance. The agent state must cooperate fully with the liable state in carrying out its activities and functions with regard to such applications.

When requested by the liable state, the agent state must verify with the employer and report to the liable state whether the participant has obtained suitable employment, or a bona fide offer of suitable employment.

If Illinois is the liable state, it is acceptable for Illinois to serve as both liable and agent state to assist the participant with a job search allowance.

### **Amount of a Job Search Allowance (20 CFR 618.425)**

The job search allowance is 90% (100% for 2009 Program) of the total costs of a participant's travel, lodging and meals up to the maximum limit of \$1,250 (\$1,500 for 2009 Program):

- 1) Travel - The participant's allowable travel expenses may not exceed 90% (100% for 2009 Program) of the prevailing cost per mile by privately owned vehicle listed in the Federal Travel Regulations (FTR), found at <https://www.gsa.gov/>, for round trip travel from the participant's home to the job search area. A participant may elect to use a different mode of transportation than the one approved. However, the state must limit reimbursement to the participant to the amount approved.
- 2) Lodging and Meals – The participant's allowable lodging and meals costs cannot exceed the lesser of:
  - a. The actual cost for lodging and meals while engaged in the job search; or
  - b. 50% of the prevailing per diem allowance under the Federal Travel Regulations (FTR), found at <https://www.gsa.gov/>, for the participant's job search area.

The participant's total job search allowance under a certification may not exceed the maximum limit of \$1,250 (\$1,500 for 2009 Program), no matter how many job searches the participant undertakes. If the participant is entitled to be paid or reimbursed by another source for any of these travel, lodging, and meals expenses, the job search allowance must be reduced by the amount of the payment or reimbursement.

### **Reconciliation of a Job Search Allowance Payment/ Reimbursement (20 CFR 618.430)**

After the participant completes a job search, he/she must certify to the career planner the employer contacts made and must provide documentation of expenses in accordance with FTR and Uniform Guidance at 2 CFR Part 200. This includes submission of the **Job Search Verification** and/or **Interview Confirmation Letter** and receipts for all lodging, meals, purchased transportation, and other expenses. The career planner will review and verify the form and documentation submitted by the participant. If the documentation and form are verified, the career planner will complete the **Reconciliation** section of the **Job Search Application** and submit for merit staff approval. Once state merit staff approval is received, the job search allowance payment must be made promptly. If an advance the participant received

was more or less than the actual allowance, the state must make an appropriate adjustment and pay the balance entitled, or the participant must repay the excess received.

**To enter a Reconciliation of a Job Search Allowance, the career planner will do the following:**

- 1) Complete the **Job Search Reconciliation Form**.
- 2) Complete the **Trade Individual Employment Plan (IEP) Modification Form Commerce/Trade Form #014a (IEP Modification Form)**.
- 3) Add **Case Management Services** in IWDS on the Trade application by completing the following:
  - a. Add a new episode to the **Trade Case Management Service**, which will also add a **Case Note**.
  - b. Enter a **Case Note** detailing the dates of the job search, the specific job search activity, and the amount of the reconciled job search.
- 4) Update the **IEP Status Record** in IWDS with a dated comment in the **Comment Box**.
- 5) Enter a **Reconciliation of a Job Search Allowance Service Record** in IWDS.
- 6) Upload the **IEP Modification Form, Job Search Reconciliation Form** and other relevant documents to IWDS.
- 7) Send an email request to state merit staff for approval using the following format (if it is a modification, forward the last state merit staff approval):
  - a. **Email Subject Line:** IEP Modification and Reconciliation of a Job Search Approval Request – “Participant First Name Initial and Participant Last Name” – LWIA XX
  - b. **Body of Email:**  
Can we have an IEP Modification for Reconciliation of a Job Search Approval for:  
**Participant Name:**  
**Job Search Begin Date:**  
**Job Search End Date:**  
**Justification Statement:**

**State merit staff will do the following:**

- 1) Review the email, IWDS entries, and uploaded documents to ensure all entries are made as required and all documents are complete.
- 2) If issues are found, state merit staff will email the career planner and inform him/her of the issues that need addressed.
- 3) Once the issues have been addressed, the career planner will forward back the email from state merit staff and note that issues have been addressed.
- 4) State merit staff will review corrections.
- 5) Once all issues have been corrected, state merit staff will approve all service and status records and forward the email chain to the career planner to inform him/her approval.

- 6) If approval is not possible and the request is denied, state merit staff will direct the career planner on the next steps to take.

If the participant receives and accepts a job offer, the career planner will enter the job information in the **Employment History** section and add a **Return to Work Status Record** in IWDS.

### **Job Search Program Participation (20 CFR 618.435)**

A participant who participates in an approved Job Search Program (JSP), may receive reimbursement for necessary expenses of subsistence and transportation incurred for the worker's participation in the approved JSP, regardless of the worker's approval for, or receipt of, a job search allowance under 20 CFR 618.420 and 20 CFR 618.430. Contact state merit staff with questions about participation in this type of job search.

A state may approve a JSP if:

- 1) The JSP is provided through WIOA, the public employment service, or any other Federal– or state-funded program, and meets the definition provided in 20 CFR 618.110; or
- 2) The JSP is sponsored by the firm from which the participant has been separated.
- 3) Subsistence and transportation costs, whether inside or outside the participant's commuting area, must be approved for participants participating in JSPs in accordance with 20 CFR 618.640(a) and within available state funding levels.

## **Trade Relocation Allowance (20 CFR 618.440-460)**

A relocation allowance assists the participant and the participant's family to relocate within the United States upon obtaining suitable employment. A participant may receive the relocation allowance only once under a certification. The participant may be reimbursed up to and not more than 90% (100% for 2009 Program) of the reasonable and necessary expenses (including but not limited to subsistence and transportation expenses) incurred in transporting the participant and the participant's family and household goods; and a lump sum equivalent to three times the participant's average weekly wage, up to the maximum payment of \$1,250 or \$1,500 (2009 Program). If a participant is requesting Job Search Allowance only, Basic Skills Deficiency Assessment testing is not required.

**In Illinois, the commuting area is ten (10) miles or more one way from the participant's current residence to the address of the new residence.** This must be documented by a Google Maps printout. If the distance to be traveled for the relocation is less than 10 miles, the relocation may not be approved. The relocation must be **pre-approved** by state merit staff prior to the relocation.

In instances where a single employer employs both spouses and thus both becoming Trade certified, payment of relocation allowances is limited to only one of the individuals in a family unit to prevent duplication of payments for a single relocation. If both members apply, and both members qualify, the individual designated as head of household receives the payment.

## **Eligibility for a Relocation Allowance (20 CFR 618.445)**

To be eligible for a relocation allowance, the participant must:

- File an application (**Application for Trade Relocation Allowance Commerce/Trade Form #013 (Relocation Application)**) before the later of:
  - The 425th day after the date of the certification under which the participant is covered; or
  - The 425th day after the date of the participant's last total separation; or
  - The 182nd day after the date of concluding approved training;
- Be totally separated from the job covered under the certification when beginning the relocation;
- Not have already received a relocation allowance under the same certification;
- Relocate within the United States but outside the participant's commuting area;
- Receive a determination by the career planner that:
  - The participant has no reasonable expectation of securing suitable employment in the commuting area, and
  - Has obtained either suitable employment or employment that pays a wage of at least the 75<sup>th</sup> percentile of national wages, as determined by the National Occupational Employment Wage Estimates, and otherwise meets the suitable employment requirements, or
  - A bona fide offer of such employment, in the area of intended relocation.

- Begin the relocation as promptly as possible after the date of certification and state merit staff approval, but not later than:
  - 182 days after the participant filed the application for a relocation allowance; or
  - 182 days after the conclusion of an approved training program, if the participant entered a training program that received supplemental assistance approved under 20 CFR 618.640(c) (subsistence payments) and (d) (transportation payments), for training outside the participant's commuting area; and
- Complete the relocation within a reasonable time as determined in accordance with FTR with the state giving consideration to, among other factors, whether:
  - Suitable housing is available in the area of relocation;
  - The participant can dispose of the participant's residence;
  - The participant or a family member is ill; and
  - A member of the family is attending school, and when the family can best transfer the member to a school in the area of relocation.
- The state may not approve a relocation allowance and a job search allowance for a participant at the same time. However, if the participant has received a job search allowance, the participant may receive a relocation allowance at a later time or receive a relocation allowance as a result of a successful job search for which the participant received a job search allowance.

### **Findings Required for a Relocation Allowance (20 CFR 618.450)**

For liable/agent participants, liable state approval of the final payment is required. The liable state must determine the participant meets eligibility requirements for the relocation allowance, is not simultaneously receiving a job search allowance, the application for relocation was submitted within the time limits, the participant began and completed the relocation within the time limitations, and verify with the employer the participant received suitable employment or a bona fide offer of suitable employment in the area of relocation.

Upon request, the agent state must assist the participant in relocation to the state, completing an application for relocation with the liable state, paying the relocation allowance, and assisting the liable state by furnishing any information required for the liable state's determination on the claim. The agent state must cooperate fully with the liable state in carrying out its activities and functions with regard to the relocation applications. When requested by the liable state, the agent state must verify with the employer and report to the liable state whether the participant has obtained suitable employment, or a bona fide offer of suitable employment.

If Illinois is the liable state, it is acceptable for Illinois to serve as both liable and agent state to assist the participant with a relocation allowance.

### **Determining the Amount of a Relocation Allowance (20 CFR 618.455 & 20 CFR 618.460))**

If a participant makes a timely application, is covered under a certification, and is otherwise eligible, the state must pay the relocation allowance computed for the expenses listed below

no earlier than 10 days in advance of, and no later than at the time of the participant's departure to begin the relocation.

- 1) The state may reimburse the participant for up to 90% (100% for 2009 Program) of the prevailing cost per mile by privately owned vehicle under the FTR, found at <https://www.gsa.gov/>, for travel from the participant's old home to the participant's new home;
  - a. Separate travel of a family member or members who, for good cause and with the approval of the state, must travel separately to their new home, may also be reimbursed. Good cause includes, but is not limited to, reasons such as a family member's health, schooling, job, or economic circumstances.
- 2) The state may reimburse the participant for 90% (100% for 2009 Program) of lodging and meal expenses for the participant and his/her family while they are in transit, but such costs may not exceed the lesser of:
  - a. The actual lodging and meals cost to the participant and his/her family while they are traveling; or
  - b. 50% of the prevailing per diem allowance under the FTR, found at <https://www.gsa.gov/>, for the relocation area for those days while the participant and his/her family are traveling.
- 3) The state may reimburse the participant for 90% (100% for 2009 Program) of the allowable costs of moving the participant's and family's household goods and personal effects in accordance with the FTR (41 CFR chapter 302). The state must follow the specific requirements of the FTR, found at <https://www.gsa.gov/>. This includes:
  - a. Moving by the most economical commercial carrier the state can reasonably expect the participant to use.
  - b. Moving by rental/truck or trailer (for rental mileage and fuel).
  - c. Moving a house trailer or mobile home.
  - d. Temporary storage of household goods for up to 60 days.
- 4) As part of the relocation allowance, the participant will receive a lump sum equivalent to three times the participant's average weekly wage, not to exceed \$1,250 (\$1,500 for 2009 Program).
- 5) If the participant is eligible to receive or has received moving expenses from any other source for the same relocation, the state must deduct the amount received from the amount of the relocation allowance.
- 6) In no case may the state pay a travel allowance for the participant for a family member more than once for a single relocation.

Once state merit staff has approved, the amount on the approved **Relocation Application** must be advanced to the participant no earlier than 10 days in advance of, and no later than at the time of, the participant's scheduled departure to begin relocation. An advance payment must also be made for a family member approved for separate travel 10 days in advance of, or at the time of that family member's scheduled departure. During the reconciliation process, any advance provided must be deducted from the final payment.

### **Applying for a Relocation Allowance (20 CFR 618.440)**

To apply for a relocation allowance, the career planner and participant must complete, sign and date the **Relocation Application**. The participant is required to obtain two detailed estimates from legitimate moving company/carriers for household goods and personal affects prior to the completion of the application. The application must be submitted and receive state merit staff approval prior to the relocation beginning, unless there are extenuating circumstances that prevented receipt of prior approval. Extenuating circumstances (Equitable Tolling) must be documented and a justification provided on the application.

The career planner must verify if the previous or new employer is willing to contribute to the relocation. If the employer does provide money towards the cost of the relocation, that amount must be deducted from the total calculation and must be documented in writing what the employer is contributing.

**To enter a Relocation Allowance, the career planner will do the following:**

- 1) Complete an **Application for Trade Relocation Allowance Commerce/Trade Form #013 (Relocation Application)**.
- 2) As applicable, complete a **Trade Individual Employment Plan Commerce/Trade Form #014 (IEP)** or complete the **Trade Individual Employment Plan (IEP) Modification Form Commerce/Trade Form #014a (IEP Modification Form)**.
- 3) If this is the initial service for the participant:
  - a. Enter the **IEP Service Record**. Upon saving the **IEP Service Record**, IWDS will transfer the career planner to the **IEP Status Record** to complete entry.
  - b. Enter the **IEP Status Record** in IWDS with a dated comment in the **Comment Box**.
- 4) If this is an IEP modification for the participant:
  - a. Update the **IEP Status Record** in IWDS with a dated comment in the **Comment Box**.
  - b. Complete the **Individual Employment Plan Modification Form Commerce/Trade IEP Modification Form #014a (IEP Modification Form)**.
- 5) Add **Case Management Services** in IWDS on the Trade application by completing the following:
  - a. Add a new episode to the **Trade Case Management Service**, which will also add a **Case Note**.
  - b. Add a **Case Note** detailing the information for the relocation allowance.
- 6) Enter a **Relocation Allowance Service Record** in IWDS.
- 7) Send an email request to state merit staff for approval using the following format (if it is a modification, forward the last state merit staff approval):



- a. **Email Subject Line:** New IEP or IEP Modification and Job Search Approval Request – “Participant First Name Initial and Participant Last Name” – LWIA XX
- b. **Body of Email:**  
Can we have a New IEP or IEP Modification and Job Search Approval for:  
**Participant Name:**  
**Job Search Begin Date:**  
**Job Search End Date:**  
**Justification Statement:**

**State merit staff will do the following:**

- 1) Review the email, IWDS entries, and uploaded documents to ensure all entries are made as required and all documents are complete.
- 2) If issues are found, state merit staff will email the career planner and inform him/her of the issues that need addressed.
- 3) Once the issues have been addressed, the career planner will forward back the email from state merit staff and note that issues have been addressed.
- 4) State merit staff will review corrections.
- 5) Once all issues have been corrected, state merit staff will approve all service and status records and forward the email chain to the career planner to inform him/her approval.
- 6) If approval is not possible and the request is denied, state merit staff will direct the career planner on the next steps to take.

Once state merit staff has approved, the amount on the approved **Relocation Application** must be advanced to the participant no earlier than 10 days in advance of, and no later than at the time of, the participant’s scheduled departure to begin relocation. An advance payment must also be made for a family member approved for separate travel 10 days in advance of, or at the time of that family member’s scheduled departure. During the reconciliation process, any advance provided must be deducted from the final payment.

**Reconciliation of a Relocation Allowance Payment/  
Reimbursement (20 CFR 618.460)**

A participant completes a relocation when the participant and family, if any, along with household goods and personal effects are delivered to the new residence in the area of relocation or to temporary storage. If the participant moves no household goods and personal effects, then a participant completes relocation when the participant and family, if any, arrive in the area of relocation and establish a residence in the new area. When a family member is approved for separate travel, the later arrival of such family member does not alter the date on which the state must consider the relocation completed. Upon completion of the relocation, the participant must promptly submit detailed receipts and documentation of expenses incurred in accordance with FTR and Uniform Guidance at 2 CFR Part 200. The career planner

will review the documentation submitted by the participant. If the documentation is verified, the career planner will complete the **Reconciliation of Trade Relocation Allowance/Trade Form #013a (Relocation Reconciliation Form)** and **Trade New Employment Confirmation Letter/Trade Form #013b (New Employment Confirmation)** or equivalent documentation of new employment and submit for state merit staff approval. If an advance the participant received was more or less than the actual allowance, the career planner must make an appropriate adjustment and pay the balance entitled, or the participant must repay the excess received.

**To enter a Reconciliation of a Relocation Allowance, the career planner will do the following:**

- 1) Complete the **Relocation Reconciliation Form**.
- 2) Complete the **IEP Modification Form**.
- 3) Add **Case Management Services** in IWDS on the Trade application by completing the following:
  - a. Add a new episode to the **Trade Case Management Service**, which will also add a **Case Note**.
  - b. Enter a **Case Note** detailing the dates of the relocation and the amount of the reconciled relocation allowance.
- 4) Update the **IEP Status Record** in IWDS with a dated comment in the **Comment Box**.
- 5) Enter a **Reconciliation of a Relocation Allowance Service Record** in IWDS.
- 6) Upload the **IEP Modification Form, Relocation Reconciliation Form, New Employment Confirmation** and other relevant documents to IWDS.
- 7) Send an email request to state merit staff for approval using the following format (if it is a modification, forward the last state merit staff approval):
  - a. **Email Subject Line:** IEP Modification and Reconciliation of a Relocation Search Approval Request – “Participant First Name Initial and Participant Last Name” – LWIA XX
  - b. **Body of Email:**  
Can we have an IEP Modification for Reconciliation of a Relocation Approval for:  
**Participant Name:**  
**Job Search Begin Date:**  
**Job Search End Date:**  
**Justification Statement:**

**State merit staff will do the following:**

- 1) Review the email, IWDS entries, and uploaded documents to ensure all entries are made as required and all documents are complete.
- 2) If issues are found, state merit staff will email the career planner and inform him/her of the issues that need addressed.

- 3) Once the issues have been addressed, the career planner will forward back the email from state merit staff and note that issues have been addressed.
- 4) State merit staff will review corrections.
- 5) Once all issues have been corrected, state merit staff will approve all service and status records and forward the email chain to the career planner to inform him/her approval.
- 6) If approval is not possible and the request is denied, state merit staff will direct the career planner on the next steps to take.

After state merit staff approve of the **Relocation Reconciliation**, the final adjusted payment or repayment by the participant is made.

### Document Signatures

Documents must be signed by all parties as evidence of acknowledgement of receipt and agreement. Required signatures may be issued and maintained electronically. Retain documents in the participant file.

### Closing the IEP

Once all Trade services have been provided to the participant, and there are no anticipated future services, the IEP must be closed. This is an IEP Modification. If a final cost reconciliation is necessary and it has not already been completed, it can be included in this modification. An **IEP** is an active service so the end date of the **IEP Status and Service Records** must be the date of the last service provided to the participant. The career planner will complete the following:

- 1) Update the paper **IEP Modification Form**.
- 2) Add **Case Management Services** in IWDS on the Trade application by completing the following:
  - a. Add a new episode to the **Trade Case Management Service**, which will also add a **Case Note**.
  - b. In the **Case Note** state the modification is for closure of the IEP.
- 3) Close any open service and status records.
- 4) Ensure that **IEP Amount Approved** in the **IEP Status Record**, the **IEP Modification Form**, and the **View TAA Cost Reporting Items** all match. If they do not match, a **Final Cost Reconciliation** is necessary. See the section above for those instructions.
- 5) Update the **IEP Status** with a dated comment in the **Comment Box**, enter a **Status End Date** equal to the date of request, and update the **IEP Amount Approved**, if appropriate in IWDS. The end date of the **IEP Status Record** automatically transfers to the **IEP Service Record**.
- 6) Upload the **IEP Modification Form** and any relevant documents in IWDS.
- 7) Send an email request to state merit staff for approval by forwarding the last state merit staff approval email and use the following format:
  - a. **Email Subject Line:** IEP modification approval request for IEP Closure – “Participant First Name Initial and Last Name” – LWIA XX

**b. Body of Email:**

Can we have an IEP modification approval for IEP Closure for:

**Participant Name:**

**Final IEP Amount:**

**Justification:**

**State merit staff will do the following:**

- 1) Review the email, IWDS entries, and uploaded documents to ensure all entries are made as required and all documents are complete.
- 2) If issues are found, state merit staff will email the career planner and inform him/her of the issues that need addressed.
- 3) Once the issues have been addressed, the career planner will forward back the email from state merit staff and note that issues have been addressed.
- 4) State merit staff will review corrections.
- 5) Once all issues have been corrected, state merit staff will approve all service and status records and forward the email chain to the career planner to inform them of the approval.
- 6) If approval is not possible and the request is denied, state merit staff will direct the career planner on the next steps to take.

**Appeals (20 CFR 618.525 and 20 CFR 618.820(e))**

The state must notify participants in writing of any determination or redetermination of eligibility to Trade program benefits. Each determination or redetermination must inform the participant of the reason for the determination or redetermination and of the right to reconsideration or appeal in the same manner as determinations of entitlement to Unemployment Insurance are subject to redetermination or appeal under state law.

If a participant disagrees with a determination, he/she may complete and submit a request for reconsideration/appeal. A letter will suffice if the participant does not have an agency form. *The request must be filed with the Illinois Department of Employment Security (IDES) within thirty (30) calendar days after the date at the top of the document. If the last day for filing the request is a day that IDES is closed, the request may be filed on the next day that IDES is open. Please file the request by mail at: IDES P.O. Box 19509 Springfield, IL 62794 or fax to: 217-557-4913. Any request submitted by mail must bear a postmark date within the applicable time limit for filing. See the **Chapter 12: Trade Appeals** for more information.*

**Closing the IEP**

Once all Trade services have been provided to the participant, and there are no anticipated future services, the IEP must be closed. This is an IEP Modification. If a final cost reconciliation is necessary and it has not already been completed, it can be included in this modification. An **IEP** is an active service so the end date of the **IEP Status and Service Records** must be the date

of the last service provided to the participant. The date of state merit staff approval of the IEP modification cannot exceed the end date of the IEP records. The career planner will complete the following:

- 8) Update the paper **IEP Modification Form**.
- 9) Add **Case Management Services** in IWDS on Trade application by completing the following:
  - a. Add a new episode to the **Trade Case Management Service**, which will also add a **Case Note**.
  - b. In the **Case Note** state the modification is for closure of the IEP.
- 10) Close any open service and status records.
- 11) Update the **IEP Service Record** by marking the **TAA Services Completed Box**.
- 12) Ensure that **IEP Amount Approved** in the **IEP Status Record**, the **IEP Modification Form**, and the **View TAA Cost Reporting Items** all match. If they do not match, a **Final Cost Reconciliation** is necessary. See the section above for those instructions.
- 13) Update the **IEP Status** with a dated comment in the **Comment Box**, enter a **Status End Date** equal to the date of request, and update the **IEP Amount Approved**, if appropriate in IWDS. The end date of the **IEP Status Record** automatically transfers to the **IEP Service Record**.
- 14) Upload the **IEP Modification Form** and any relevant documents in IWDS.
- 15) Send an email request to state merit staff for approval by forwarding the last state merit staff approval email and use the following format:
  - a. **Email Subject Line:** IEP modification approval request for IEP Closure – “Participant First Name Initial and Last Name” – LWIA XX
  - b. **Body of Email:**  
Can we have an IEP modification approval for IEP Closure for:

**Participant Name:**  
**Final IEP Amount:**  
**Justification:**

**State merit staff will do the following:**

- 7) Review the email, IWDS entries, and uploaded documents to ensure all entries are made as required and all documents are complete.
- 8) If issues are found, state merit staff will email the career planner and inform him/her of the issues that need addressed.
- 9) Once the issues have been addressed, the career planner will forward back the email from state merit staff and note that issues have been addressed.
- 10) State merit staff will review corrections.
- 11) Once all issues have been corrected, state merit staff will approve all service and status records and forward the email chain to the career planner to inform them of the approval.

- 12) If approval is not possible and the request is denied, state merit staff will direct the career planner on the next steps to take.

## **General Requirements for Program Exit**

A program exit must occur when a participant has not received any active services funded by the program or a partner program for 90 consecutive calendar days, has no gap in service and is not scheduled for future services.

The term active program service does not include:

1. Determination of eligibility to participate in the program;
2. Self-directed job search that does not result in a referral to a job;
3. Services and activities specifically provided as follow-up services such as regular contact with the participant or employer only to obtain information regarding his or her employment status, educational progress, need for additional services, or income support payments (except for trade readjustment allowances and other needs-related payments funded through the Trade program, Dislocated Worker program, or Dislocated Worker Grant (DWG) program); or
4. Fiscal records showing payment for supportive services.

See the **Workforce Innovation and Opportunity Act (WIOA) ePolicy Chapter 3.3 General Requirements for Program Exit** for more information.

<https://apps.illinoisworknet.com/WIOAPolicy/Policy/Home>

## **Success Stories**

A success story shows how Local Workforce Innovation Area (LWIA) programs are making a difference in participant's lives. The success story should provide information about the participant and how the program helped him/her reach career, training and employment goals. Success stories are entered in Illinois workNet. Success stories can be submitted here:

<https://www.illinoisworknet.com/success>

## **Chapter 11: Alternative/Reemployment Trade Adjustment Assistance (A/RTAA) (20 CFR 618.500 & TEGL 24-20)**

Alternative and Reemployment Trade Adjustment Assistance (A/RTAA) provides 50 percent of the difference between the wages received by the participant at the time of separation from adversely affected employment and the wages received by the participant from reemployment for workers aged 50 and older who meet the eligibility criteria. Although the benefits are the same in both programs, participants certified under the Trade Adjustment Assistance Program Reversion 2021 (2021R) receive these benefits under the Alternative Trade Adjustment Assistance. Except where noted below, references to 20 CFR 618.500-618.530 apply to both ATAA and RTAA. Illinois Department of Employment Security (IDES) administers the A/RTAA program.

The A/RTAA employment must be employment that is covered employment under state law but may not include activity that is unlawful under Federal, state, or local law.

Potential A/RTAA participants are to be provided employment and case management services. As explained below, RTAA participants may access Trade funded training before, during or after RTAA. See **Chapter 7: Trade Funded Training** for information and instructions on training entries. Additionally, RTAA participants, if eligible, may receive a job search allowance, relocation allowance, and Health Care Tax Credit (HCTC), if available. Receipt of ATAA prohibits access to Trade Readjustment Allowance (TRA), training benefits and job search allowance. ATAA participants are eligible to apply for relocation allowance and HCTC, if available.

IDES is the agency responsible for the review, approval and payments of A/RTAA. Illinois Department of Commerce and Economic Opportunity (DCEO) is the agency responsible for reporting participant services to the United States Department of Labor so entry of participant services in the Illinois Workforce Development System (IWDS) is required. The career planner is responsible for monthly contact, IWDS entries and the timely transmittal of A/RTAA related documents to designated staff at IDES.

### **Determinations, Redeterminations and Appeals (20 CFR 618.525)**

States must apply the requirements of 20 CFR 618.820 (determinations of eligibility; notices to individuals) and 20 CFR 618.828 (appeals and hearings), respectively, to all determinations, redeterminations, and appeals of A/RTAA. Before issuing a determination or redetermination, the state must verify and document the participant's age, reemployment, and wages in determining whether he/she has met eligibility requirements of 20 CFR 618.505(a). A determination of eligibility issued to the participant must include a notice that the benefit amount will be regularly recomputed and will change if the eligible participant's reemployment wages change. A participant denied individual eligibility based on nonqualifying reemployment may file a new application for a subsequent reemployment. A state may approve an A/RTAA



payment retroactively if a participant becomes reemployed before DOL issues a certification. provided that the participant otherwise meets the A/RTAA eligibility requirements. The recordkeeping and disclosure of information requirements in 20 CFR 618.852 apply to the state's administration of A/RTAA.

### **RTAA Eligibility**

RTAA is available to a participant who:

- Is at least 50 years of age;
- Meets the eligibility deadline as set forth in 20 CFR 618.520(a);
- Earns less than, or is projected to earn less than, the annualized wages at separation;
- Earns not more than, or is projected to earn not more than, \$50,000 in reemployment wages each year during the eligibility period;
- The specific period of eligibility may be adjusted by any TRA payments received;
- Is employed on a full-time basis as defined by the law of the state in which the participant is employed and is not enrolled in any training program; or is employed at least 20 hours per week and is enrolled in a Trade approved training program. Participants may combine employment hours from more than one employer to meet the full-time requirement;
- Is not employed at the firm from which the participant was separated. If the certification is for a worker group in an appropriate subdivision of a firm, a participant is not eligible for RTAA upon a return to employment within that subdivision but may be eligible for RTAA upon a return to employment at another subdivision of the firm;
- Meets the deadline for reemployment as set forth in 20 CFR 618.510.
- Meets all other criteria set forth in 20 CFR 618.505.

### **ATAA Eligibility**

To be eligible for ATAA, the certification must include a statement that workers are eligible to apply for ATAA, and an adversely affected worker must meet the following conditions:

- Is at least 50 years of age;
- Obtains reemployment by the last day of the 26<sup>th</sup> week after the participant's qualifying separation;
- Earns less than, or is projected to earn less than, the annualized wages at separation;
- Earns not more than, or is projected to earn not more than, \$50,000 in reemployment wages each year during the eligibility period;
- Is employed on a full-time basis as defined by the law of the state in which the participant is employed. Participants may combine employment hours from more than one employer to meet the full-time requirement.
- Is not employed at the firm from which the participant was separated. If the certification is for a worker group in an appropriate subdivision of a firm, a participant is not eligible for A/RTAA upon a return to employment within that subdivision but may be eligible for A/RTAA upon a return to employment at another subdivision of the firm;

- Meets the deadline for reemployment set forth in TEGL 24-20, Attachment A, Section H.
- Meets all other criteria set forth in 20 CFR 618.505, as appropriate.
- Unlike RTAA, ATAA represents a choice between training and the wage insurance benefit. ATAA participants cannot combine training and ATAA benefits.

### **Eligibility period for payment and application deadline**

#### **RTAA (20 CFR 618.510)**

For participants who have not received TRA, he/she may receive the following benefits not to exceed 104 weeks beginning on the earlier of:

- The date on which the participant exhausts all rights to Unemployment Insurance (UI) based on the separation from adversely affected employment; or
- The date on which the participant first begins qualifying reemployment.
- For participants with more than one qualifying separation from adversely affected employment, it is the last qualifying separation that is used.

For participants who have received TRA, the he/she may also receive RTAA benefits for a period of 104 weeks beginning on the date on which the participant first begins qualifying reemployment, reduced by the total number of weeks for which the participant received TRA.

#### **(20 CFR 618.510(b))**

To make the RTAA determination, the IDES must know the applicable dates for the participant:

- The date of reemployment; and
- Either the date the participant exhausted all rights to UI; or
- The dates the participant began and ended receipt of TRA before the date of reemployment.
- These dates must occur within the 104-week eligibility period.

Participants may obtain employment before turning 50 years old and receive RTAA benefits after turning 50 years old, if the employment is determined to be RTAA-qualifying reemployment and the RTAA eligibility period established after obtaining such employment has not expired when the participant turned 50 years old.

There are exceptions to the RTAA application filing deadline and eligibility periods detailed in 20 CFR 618.510 (e). If the certification meets those conditions, the filing deadline and eligibility period for RTAA will be extended by the state for the period necessary to make RTAA reasonably available to participants.

#### **ATAA (TEGL 24-20)**

Receipt of ATAA represents a choice between training, TRA and job search allowance. The participant may receive the following benefits not to exceed 104 weeks beginning on the earlier of:

- The date on which the participant exhausts all rights to UI based on the separation from adversely affected employment; or
- The date on which the participant first begins qualifying reemployment.
- For participants with more than one qualifying separation from adversely affected employment, it is the last qualifying separation that is used.

To make the ATAA determination, the IDES must know the applicable dates for the participant:

- The date of reemployment – the participant must have been employed within 26 weeks of the last qualifying separation date;
- Whether the participant has received TRA payments;
- If the certification provided eligibility to apply for ATAA;
- The application for ATAA is filed within two years of the first day of qualifying reemployment.

Participants may obtain employment before turning 50 years old and receive ATAA benefits after turning 50 years old, if the employment is determined to be ATAA-qualifying reemployment and the ATAA eligibility period established after obtaining such employment has not expired when the participant turned 50 years old.

There are exceptions to the ATAA application filing deadline and eligibility periods detailed in 20 CFR 618.510 (e). If the certification meets those conditions, the filing deadline and eligibility period for ATAA will be extended by the state for the period necessary to make ATAA reasonably available to participants.

## **Benefits**

### **A/RTAA (20 CFR 618.520 & TEGL 24-20)**

A participant enrolled in the RTAA program is eligible for the following benefits:

- **RTAA Payments**
  - A RTAA-eligible participant may receive a maximum of \$10,000 over a period of not more than 104 weeks (2 years). If the participant received TRA, each week of TRA received reduces the total weeks of RTAA available by 1 week and reduces the total RTAA payment amount available in proportion to the reduction in the number of total weeks.
  - RTAA supplements a participant's wages for up to 104 weeks (2 years) (reduced by the number of weeks of TRA received) or \$10,000 (reduced in proportion to the reduction in the number of total weeks of TRA received), whichever occurs first, by an amount equal to the annualized wage differential computed as set forth in the bullet point below, for a participant employed full-time. For participants employed less than full-time but employed at least 20 hours per week and enrolled in TAA approved training, the annualized wages computed is multiplied by the ratio of the participant's number of weekly hours of reemployment to the participant's number

- of weekly hours of employment at the time of separation, but in no case more than 50 percent.
  - The amount of the supplement is equal to 50 percent of the participant's annualized separation wages minus the amount of the annualized reemployment wages. See 20 CFR 618.520 (a)(2) and (3) and (4) for calculation details.
- **ATAA Payments**
  - A maximum of \$10,000 over a period of not more than 104 weeks.
  - ATAA supplements a participant's wages for up to 104 week or \$10,000 whichever comes first, by an amount equal to the annualized wage differential computed as set forth in the bullet point below.
  - The amount of the supplement is equal to 50 percent of the participant's annualized separation wages minus the amount of the annualized reemployment wages. See 20 CFR 618.520 (a)(2).
- **Training and related services** – RTAA participants are eligible to receive training and employment and case management services. ATAA participants are not eligible to receive training.
- **Job search and relocation allowances** – RTAA participants are eligible to receive job search and relocation allowances. ATAA participants are not eligible for job search allowances, however, they are eligible for relocation allowances.
- **Health Care Tax Credit (HCTC)** – A/RTAA participants are eligible to apply for or claim HCTC, if available.
- **TRA** – Once a participant has received a payment under RTAA, the participant is no longer eligible for TRA under the same certification. Receipt of TRA prior to RTAA reduces the RTAA benefits as described above. ATAA participants are not eligible for TRA. Participants are not eligible for ATAA following receipt of TRA.

## **Applying for A/RTAA Approval**

### **Career Planner Responsibility**

If the participant has obtained new employment, the career planner must assess for A/RTAA eligibility. The career planner will facilitate the completion of the **Illinois Department of Employment Security A/RTAA Application – Approval/Denial Commerce/Trade Form #011 (A/RTAA Application)**. The participant will need to supply the following documentation:

- a driver's license or photo ID
- birth certificate
- verification of new employment or pay stub
- former employer last full-time pay stub

Documentation and the **A/RTAA Application** are submitted to IDES for review.

Participants must submit subsequent pay stubs monthly directly to the career planner. The documents should be forwarded to IDES for payment processing. If pay stubs submitted do not equal full-time hours worked per week, IDES will request employer written verification that the participant worked all available hours is required.

Case management during A/RTAA includes monthly contact for the duration of the A/RTAA services, verifying the participant remains employed at the A/RTAA job, determine if the participant has obtained new employment, or any other changes to the participant's status. Monthly contact must be documented in **Case Notes**. For participants who no longer want to receive A/RTAA benefits or they exceed the \$50,000 annualized wage limit, IDES will not close the participant out until the A/RTAA eligibility period has been reached. However, DCEO requires the career planner to close the **A/RTAA Service Record** through an **IEP Modification**. If the participant becomes eligible at a later date, a new **A/RTAA Application** will need to be completed and the career planner will process an **IEP Modification** to obtain state merit staff approval for the new A/RTAA services.

Following testing, assessment (A/RTAA participants are exempt from Basic Skills Deficient Assessment Testing) and the provision of employment and case management services, to submit for approval, **the career planner will do the following:**

- 1) If this is the initial service for the participant:
  - a. Complete a **Trade Individual Employment Plan Commerce/Trade Form #014 (IEP)**.
  - b. Enter the **IEP Service Record**. Upon saving the **IEP Service Record**, IWDS will transfer the career planner to the **IEP Status Record** to complete entry.
  - c. Enter the **IEP Status Record** in IWDS with a dated comment in the **Comment Box**.
- 2) If this is an IEP modification for the participant:
  - a. Update the appropriate sections of the **IEP**.
  - b. Update the paper **Individual Employment Plan (IEP) Modification Form Commerce/Trade IEP Modification Form #014a (IEP Modification Form)**.
  - c. Update the **IEP Status Record** in IWDS with a dated comment in the **Comment Box**.
- 3) Complete an **A/RTAA Application** for each job that qualifies for **A/RTAA** and gather all required documentation. The career planner must ensure the date of participant signature is within 30 days of the date of the **A/RTAA Application**.
- 4) Submit the **A/RTAA Application** and documentation by email via the Illinois Secure File Transfer System to the Trade Unit at IDES. The **A/RTAA Application** must be transmitted to IDES within 30 days of the participant signature.

- 5) Add **Case Management Services** in IWDS on the Trade application by completing the following:
  - a. Add a new episode to the **Trade Case Management Service**, which will also add a **Case Note**.
  - b. Add a **Case Note** providing information on the new employment, including start date and the date the **A/RTAAA Application** was sent to IDES.
- 6) Enter the new employment record on the **Employment History Screen** in IWDS. Create one job record for each A/RTAA related job. The begin date is the date of reemployment. Mark the **TAA Return to Work Indicator as Yes and the RTAA Employment Indicator as Yes**.
- 7) Add a **Returned to Work Status Record**. The start date of the status record is the first date of employment that is listed on the **Employment History**.

### **IDES Responsibility**

IDES is responsible for the approval and payment of A/RTAA benefits. See 20 CFR 618.505.

### **IDES state merit staff will do the following:**

- 1) Review the **A/RTAA Application** and supporting documentation.
- 2) If incomplete or information is missing, IDES will contact the career planner for additional information.
- 3) The career planner will submit to IDES any corrected or missing information and documentation via the state security email system.
- 4) IDES will review documentation.
- 5) Once all issues have been corrected, IDES will approve the application with a signature and date within 5 working days. IDES will notify the career planner with an email.
- 6) If approval is not possible and the request is denied, IDES state merit staff will direct the career planner on the next steps to take.

### **Once IDES approves the A/RTAA Application, the career planner will do the following:**

- 1) Notify the participant of the approval of the **A/RTAA Application**.
- 2) Complete the **IEP Modification Form**.
- 3) Add **Case Management Services** in IWDS on the Trade application by completing the following:
  - a. Add a new episode to the **Trade Case Management Service**, which will also add **Case Note**.
  - b. Add a **Case Note** providing information on the new employment, including start date and the date the **A/RTAAA Application** was sent to IDES.
- 4) Update the **IEP Status Record** in IWDS with a dated comment in the **Comment Box**.

- 5) Update the **TAA Training Criteria screen** by marking the last question “**Is participating in RTAA?**” as Yes. If the **RTAA** participant attended training or will also be attending training, all questions on this screen would be marked as “Yes” at this point.
- 6) Enter an **A/RTAA Service Record**. The start date of the service record must match the date of the IDES approval signature on the **A/RTAA Application**. The planned end date of the service record must match the eligibility period end date on the **A/RTAA Application**.
- 7) Upload the entire IDES approved **A/RTAA Application, IEP Modification Form** and any other relevant documents to IWDS.
- 8) Send an email request to state merit staff for approval using the following format (if, it is a revision, forward the last state merit staff approval):

**Email Subject Line:** New IEP (if appropriate) and A/RTAA Approval Request – “Customer First Name Initial and Participant Last Name” – LWIA XX

**Body of Email:** Can we have a New IEP (or IEP Modification) and A/RTAA Approval for:

**Participant Name:**

**IDES A/RTAA Application Approval Date:**

**Justification:**

**State merit staff will do the following:**

1. Review the email, IWDS entries, and uploaded documents to ensure all entries are made as required and all documents are complete.
2. If issues are found, state merit staff will email the career planner and inform him/her of the issues that need addressed.
3. Once the issues have been addressed, the career planner will forward back the email from state merit staff and note that issues have been addressed.
4. State merit staff will review corrections.
5. Once all issues have been corrected, state merit staff will approve all service and status records and forward the email chain to the career planner to inform him/her approval.
6. If approval is not possible and the request is denied, state merit staff will direct the career planner on the next steps to take.

### **Continuing Eligibility**

#### **A/RTAA (20 CFR 618.515 (a) & TEGL 24-20)**

Changing jobs does not disqualify an otherwise eligible participant from receiving subsequent A/RTAA payments for the remainder of the 104-week eligibility period provided the new employment meets the eligibility requirements.

During periods of unemployment, the participant is not eligible for A/RTAA payments. Upon reemployment, the participant must inform the career planner and complete an **A/RTAA Application**. Assuming the new employment is eligible, the A/RTAA payments will resume for

the remaining portion of the 104-week period. The two year eligibility period continues to run from the date of first qualifying reemployment.

If during a year during the 2-year eligibility period, a participant's cumulative wages exceed, or are projected to exceed \$50,000, the participant is no longer eligible to receive additional A/RTAA payments within that year. The participant will be eligible for A/RTAA benefits in the next year and A/RTAA payments will resume until wages exceed or are projected to exceed \$50,000 until the \$10,000 benefit limit is reached.

For participants employed part-time (at least 20 hours per week) receiving RTAA and enrolled in Trade approved training, the state must verify participation in training on a monthly basis. Careful review of the **Bi-Weekly Verification of Trade Training Attendance Commerce/Trade form #006a (Bi-Weekly Attendance)** and monthly contact with the participant is required and will alert the career planner to any training issues. See **Chapter 8: Trade Case Management During Training** for more information on training attendance.

### **Case Management**

The regulations at 20 CFR 618.310(c) requires states to make available employment and case management services to participants who apply for or are seeking receipt of Trade program benefits and services. These services may include placement and referrals to supportive services and follow-up services available through partner programs.

Case management is required to assist the participant in navigating his/her way through the requirements for receiving A/RTAA benefits. The career planner must work with the participant throughout the A/RTAA eligibility period to ensure all requirements continue to be met so the participant can maintain eligibility for receipt of A/RTAA payments.

The career planner is responsible for monthly contact, IWDS entries and the timely transmittal of A/RTAA related documents to designated staff at IDES.

### **Case Notes**

The career planner and the participant are required to maintain meaningful two-way communication at a minimum of every 30 days regardless of the services the participant is receiving. This contact is required to be recorded timely in Illinois Workforce Development System (IWDS) **Case Notes**. The **Case Note** must detail the communication and record the receipt and submission of required A/RTAA paystubs and documents.

### **Recording Workforce Innovation Opportunity Act (WIOA) Career Planning and Trade Case Management**

- 1) Add **Case Management Services** in IWDS on the Trade application by completing the following:



- a. Add a new **Trade Case Management Service** or add a new episode to an already existing **Trade Case Management Service**, which will also add a **Case Note**.
- b. In the **Case Note** detail the communication and record the receipt and submission of required A/RTAA paystubs and documents.

### **IEP Modifications for A/RTAA**

IEP modifications are required when anything in the A/RTAA plan changes. If a participant's employment status changes, he/she obtains different employment, wages exceed the allowable limit, full-time status changes, or any other change that affects the A/RTAA plan, an **IEP Modification** must be processed.

#### **The career planner will do the following:**

For all changes to **A/RTAA**, the career planner will do the following:

- 1) Complete the **IEP Modification Form**.
- 2) Add **Case Management Services** in IWDS on the Trade application by completing the following:
  - a. Add a new episode a new episode to the **Trade Case Management Service**, which will also add a **Case Note**.
  - b. Add a **Case Note** providing information on the new employment, including start date and the date the **A/RTAAA Application** was sent to IDES.
- 2) Update the **IEP Status Record** in IWDS with a dated comment in the **Comment Box**.

If the participant is no longer working at the **A/RTAA** employment:

- 1) End the **A/RTAA** employment in the **Employment History**.
- 2) End the **A/RTAA Service Record**, with the date that IDES provides as the date of the last payment from IDES.
- 3) DCEO state merit staff approval is required for ending the **A/RTAA Service Record**.

If the participant obtains new employment, the career planner will do the following:

- 1) Complete a new **A/RTAA Application** and submit to IDES for review.
- 2) Enter the new employment in the **Employment History**.
- 3) If the **A/RTAA Service Record** was closed, follow the instructions in the **Applying for A/RTAA Approval Section** above, as applicable. A new **Returned to Work Status Record** is not required.
- 4) DCEO state merit staff approval is required for the new **A/RTAA Service Record**.

If the participant's eligibility for **A/RTAA** due to exceeding the maximum allowable wages or the becomes less than full-time, the career planner will do the following:

- 1) End the **A/RTAA Service Record** with the date that IDES provides as the last date of eligibility.
- 2) DCEO state merit staff approval is required for ending the **A/RTAA Service Record**.

For all **IEP Modifications** for **A/RTAA** in addition to the steps above, the career planner will do the following:

- 1) Upload the entire IDES approved **A/RTAA Application**, if applicable, **IEP Modification Form** and any other relevant documents to IWDS.
- 2) Send an email request to state merit staff for approval using the following format (if, it is a revision, forward the last state merit staff approval):  
**Email Subject Line:** IEP Modification to A/RTAA services – “Customer First Name Initial and Participant Last Name” – LWIA XX  
**Body of Email:** Can we have an IEP Modification to A/RTAA services for:

**Participant Name:**

**IDES A/RTAA Begin Date:**

**IDES A/RTAA End Date:**

**Justification:**

**State merit staff will do the following:**

1. Review the email, IWDS entries, and uploaded documents to ensure all entries are made as required and all documents are complete.
2. If issues are found, state merit staff will email the career planner and inform him/her of the issues that need addressed.
3. Once the issues have been addressed, the career planner will forward back the email from state merit staff and note that issues have been addressed.
4. State merit staff will review corrections.
5. Once all issues have been corrected, state merit staff will approve all service and status records and forward the email chain to the career planner to inform him/her approval.
6. If approval is not possible and the request is denied, state merit staff will direct the career planner on the next steps to take.

### **A/RTAA payments (20 CFR 618.515(b-d))**

A/RTAA payments must be made on a regular basis, either weekly, biweekly, or monthly for the 104-week period beginning no earlier than the first day of A/RTAA eligible reemployment. A participant may receive retroactive payments in a lump sum for payments for which the

participant was eligible but for which the participant had not yet applied. IDES makes payments on a monthly basis.

Monthly, IDES reviews the eligibility requirements for each A/RTAA participant and determines whether changes have occurred in the participant's wages. IDES must recompute the amount of A/RTAA payments if during the review, it is determined that the participant's reemployment wages have changed. If the wages have changed, IDES must recompute the appropriate amount of the A/RTAA payments.

- If the wages exceed or are projected to exceed \$50,000 in a year during the eligibility period, IDES must immediately issue a determination that the participant is ineligible for further A/RTAA payments, notify the participant of this determination and cease the payments.
- If the wages have changed but do not exceed \$50,000 in a year during the eligibility period, IDES must recompute the A/RTAA payment amount (this must occur every time a change in the wages occurs).

### **Reductions of A/RTAA payments and priority of payments (20 CFR 618.530)**

State laws regarding deductions of ordered child support payments from UI, TRA, and A/RTAA must comply with the Social Security Act (SSA). SSA sec. 303(e)(1) defines child support obligations as only including obligations which are being enforced pursuant to a plan described in sec. 454 of SSA which has been approved by the Secretary of Health and Human Services under part D of title IV of SSA. SSA does not otherwise permit deductions for alimony or for child support. A/RTAA does not fit into priority of payments under UI because A/RTAA is related to employment, not unemployment. UI and A/RTAA are two separate programs that operate independently of one another.

### **Liable/Agent State Participants**

A participant who has established an Unemployment Insurance (UI) claim in one state but seeks Trade services in another state is considered a Liable/Agent participant.

There will be instances where the agent state and liable state have different definitions of full-time employment. Section 246 of the Trade Act specifies the determination of full-time is made based on the law of the state where the participant works. In these cases, the liable state will use the agent state's definition of full-time employment in making the eligibility determination for the A/RTAA program. See **Chapter 4: Trade Liable and Agent State Responsibilities** for further information.

### **Ending the A/RTAA Service Record**

When a participant has become non-compliant, has requested ending services, has reached the end of the eligibility period, or exhausted available benefits, an **IEP Modification** must be processed to end the A/RTAA service.

**The career planner will do the following:**

- 1) Obtain an email confirmation from IDDES detailing two items: the date of last payment and the date eligibility expired (they may be different dates). The end date of the **A/RTAA Service Record** must be the date that IDDES provides as the last date of eligibility.
- 2) Ensure a **Returned to Work Status** was entered. If not, enter it.
- 3) If the participant is no longer working at the **A/RTAA** employment, end it as appropriate.
- 4) Complete the **IEP Modification Form**.
- 5) Add **Case Management Services** in IWDS on the Trade application by completing the following:
  - a. Add a new episode to the **Trade Case Management Service**, which will also add **Case Note**.
  - b. In the **Case Note** providing information on the new employment, including start date and the date the **A/RTAAA Application** was sent to IDDES.
- 6) Update the **IEP Status Record** in IWDS with a dated comment in the **Comment Box**.
- 7) End the **A/RTAA Service Record**, with the date that IDDES provides as the last date of eligibility.
- 8) Upload the **IEP Modification Form** and any other relevant documents to IWDS.
- 9) Send an email request to state merit staff for approval using the following format (if, it is a revision, forward the last state merit staff approval):

**Email Subject Line:** IEP Modification to end A/RTAA services – “Customer First Name Initial and Participant Last Name” – LWIA XX

**Body of Email:** Can we have an IEP Modification to end A/RTAA services for:

**Participant Name:**

**IDES A/RTAA End Date:**

**Justification:**

**State merit staff will do the following:**

1. Review the email, IWDS entries, and uploaded documents to ensure all entries are made as required and all documents are complete.
2. If issues are found, state merit staff will email the career planner and inform him/her of the issues that need addressed.
3. Once the issues have been addressed, the career planner will forward back the email from state merit staff and note that issues have been addressed.
4. State merit staff will review corrections.
5. Once all issues have been corrected, state merit staff will approve all service and status records and forward the email chain to the career planner to inform him/her approval.

6. If approval is not possible and the request is denied, state merit staff will direct the career planner on the next steps to take.

### **Closing the IEP**

Once all Trade services have been provided to the participant, and there are no anticipated future services, the IEP must be closed. This is an IEP Modification. If a final cost reconciliation is necessary and it has not already been completed, it can be included in this modification. An **IEP** is an active service so the end date of the **IEP Status and Service Records** must be the date of the last service provided to the participant. The career planner will complete the following:

- 1) Update the paper **IEP Modification Form**.
- 2) Add **Case Management Services** in IWDS on the Trade application by completing the following:
  - a. Add a new episode to the **Trade Case Management Service**, which will also add a **Case Note**.
  - b. In the **Case Note** state the modification is for closure of the IEP.
- 3) Close any open service and status records.
- 4) Ensure that **IEP Amount Approved** in the **IEP Status Record**, the **IEP Modification Form**, and the **View TAA Cost Reporting Items** all match. If they do not match, a **Final Cost Reconciliation** is necessary.
- 5) Update the **IEP Status** with a dated comment in the **Comment Box**, enter a **Status End Date** equal to the date of request, and update the **IEP Amount Approved**, if appropriate in IWDS. The end date of the **IEP Status Record** automatically transfers to the **IEP Service Record**.
- 6) Upload the **IEP Modification Form** and any relevant documents in IWDS.
- 7) Send an email request to state merit staff for approval by forwarding the last state merit staff approval email and use the following format:
  - a. **Email Subject Line:** IEP modification approval request for IEP Closure – “Participant First Name Initial and Last Name” – LWIA XX
  - b. **Body of Email:**  
Can we have an IEP modification approval for IEP Closure for:

**Participant Name:**

**Final IEP Amount:**

**Justification:**

**State merit staff will do the following:**

- 1) Review the email, IWDS entries, and uploaded documents to ensure all entries are made as required and all documents are complete.
- 2) If issues are found, state merit staff will email the career planner and inform him/her of the issues that need addressed.

- 3) Once the issues have been addressed, the career planner will forward back the email from state merit staff and note that issues have been addressed.
- 4) State merit staff will review corrections.
- 5) Once all issues have been corrected, state merit staff will approve all service and status records and forward the email chain to the career planner to inform them of the approval.
- 6) If approval is not possible and the request is denied, state merit staff will direct the career planner on the next steps to take.

### **Appeals (20 CFR 618.525 and 20 CFR 618.820(e))**

The state must notify participants in writing of any determination or redetermination of eligibility to Trade program benefits. Each determination or redetermination must inform the participant of the reason for the determination or redetermination and of the right to reconsideration or appeal in the same manner as determinations of entitlement to Unemployment Insurance are subject to redetermination or appeal under state law.

If a participant disagrees with a determination, he/she may complete and submit a request for reconsideration/appeal. A letter will suffice if the participant does not have an agency form. *The request must be filed with the Illinois Department of Employment Security (IDES) within thirty (30) calendar days after the date at the top of the document. If the last day for filing the request is a day that IDES is closed, the request may be filed on the next day that IDES is open. Please file the request by mail at: IDES P.O. Box 19509 Springfield, IL 62794 or fax to: 217-557-4913. Any request submitted by mail must bear a postmark date within the applicable time limit for filing. See the **Chapter 12: Trade Appeals** for more information.*

### **Closing the IEP**

Once all Trade services have been provided to the participant, and there are no anticipated future services, the IEP must be closed. This is an IEP Modification. If a final cost reconciliation is necessary and it has not already been completed, it can be included in this modification. An **IEP** is an active service so the end date of the **IEP Status and Service Records** must be the date of the last service provided to the participant. The date of state merit staff approval of the IEP modification cannot exceed the end date of the IEP records. The career planner will complete the following:

- 8) Update the paper **IEP Modification Form**.
- 9) Add **Case Management Services** in IWDS on Trade application by completing the following:
  - a. Add a new episode to the **Trade Case Management Service**, which will also add a **Case Note**.
  - b. In the **Case Note** state the modification is for closure of the IEP.
- 10) Close any open service and status records.
- 11) Update the **IEP Service Record** by marking the **TAA Services Completed Box**.

- 12) Ensure that **IEP Amount Approved** in the **IEP Status Record**, the **IEP Modification Form**, and the **View TAA Cost Reporting Items** all match. If they do not match, a **Final Cost Reconciliation** is necessary. See the section above for those instructions.
- 13) Update the **IEP Status** with a dated comment in the **Comment Box**, enter a **Status End Date** equal to the date of request, and update the **IEP Amount Approved**, if appropriate in IWDS. The end date of the **IEP Status Record** automatically transfers to the **IEP Service Record**.
- 14) Upload the **IEP Modification Form** and any relevant documents in IWDS.
- 15) Send an email request to state merit staff for approval by forwarding the last state merit staff approval email and use the following format:
  - a. **Email Subject Line:** IEP modification approval request for IEP Closure – “Participant First Name Initial and Last Name” – LWIA XX
  - b. **Body of Email:**  
Can we have an IEP modification approval for IEP Closure for:

**Participant Name:**

**Final IEP Amount:**

**Justification:**

**State merit staff will do the following:**

- 7) Review the email, IWDS entries, and uploaded documents to ensure all entries are made as required and all documents are complete.
- 8) If issues are found, state merit staff will email the career planner and inform him/her of the issues that need addressed.
- 9) Once the issues have been addressed, the career planner will forward back the email from state merit staff and note that issues have been addressed.
- 10) State merit staff will review corrections.
- 11) Once all issues have been corrected, state merit staff will approve all service and status records and forward the email chain to the career planner to inform them of the approval.
- 12) If approval is not possible and the request is denied, state merit staff will direct the career planner on the next steps to take.

## **General Requirements for Program Exit**

A program exit must occur when a participant has not received any active services funded by the program or a partner program for 90 consecutive calendar days, has no gap in service and is not scheduled for future services.

The term active program service does not include:

1. Determination of eligibility to participate in the program.
2. Self-directed job search that does not result in a referral to a job.
3. Services and activities specifically provided as follow-up services such as regular contact with the participant or employer only to obtain information regarding his or her employment status, educational progress, need for additional services, or income support payments (except for trade readjustment allowances and other needs-related payments funded through the Trade program, Dislocated Worker program, or Dislocated Worker Grant (DWG) program); or
4. Fiscal records showing payment for supportive services.

See the **Workforce Innovation and Opportunity Act (WIOA) ePolicy Chapter 3.3 General Requirements for Program Exit** for more information.

<https://apps.illinoisworknet.com/WIOAPolicy/Policy/Home>

## **Success Stories**

A success story shows how Local Workforce Innovation Area (LWIA) programs are making a difference in participant's lives. The success story should provide information about the participant and how the program helped him/her reach a career, training and employment goals. Success stories are entered in Illinois workNet. Success stories can be submitted here:

<https://www.illinoisworknet.com/success>



## **Chapter 12: Trade Appeals (20 CFR 618.525, 618.820(e), 618.828 and 618.840)**

The Local Workforce Innovation Area (LWIA) must notify participants in writing of any determination or redetermination of eligibility to Trade program benefits. Each determination or redetermination must inform the participant of the reason for the determination or redetermination and of the right to reconsideration or appeal in the same manner as determinations of entitlement to Unemployment Insurance are subject to redetermination or appeal under state law.

The following appeal rights are included on the official Trade forms and must be included on any denial of service correspondence. If a participant disagrees with a determination, he/she may complete and submit a request for reconsideration/appeal. A letter will suffice if the participant does not have an agency form. *The request must be filed with the Illinois Department of Employment Security (IDES) within thirty (30) calendar days after the date at the top of the document. If the last day for filing the request is a day that IDES is closed, the request may be filed on the next day that IDES is open. Please file the request by mail at: IDES P.O. Box 19509 Springfield, IL 62794 or fax to: 217-557-4913. Any request submitted by mail must bear a postmark date within the applicable time limit for filing.*

Administrative Law Judges (ALJs) conduct all appeals under the auspices of the Unemployment Insurance agency, which in Illinois is the Department of Employment Security (IDES). The provision of the applicable state law concerning the right to request, or authority to undertake, reconsideration of a determination pertaining to a claim for UI under the applicable state law shall apply to determinations pertaining to all forms of Trade contained in 20 CFR 618.

### **Appeals and Hearings (20 CFR 618.828)**

Except as provided in the next paragraph, a determination or redetermination under this part (other than a determination on the eligibility of a group of workers, which is subject to review by the USCIT) is subject to review in the same manner and to the same extent as determinations and redeterminations under the applicable state law, and only in that manner and to that extent. Proceedings for review of a determination or redetermination may be consolidated or joined with proceedings for review of other determinations or redeterminations under the applicable state law where convenient or necessary. The right of appeal and opportunity for fair hearing for these proceedings must be consistent with sec. 303(a)(1) and (3) of SSA (42 U.S.C. 503(a)(1) and (3)).

Complaints alleging that a determination or redetermination violates applicable Federal nondiscrimination laws administered by the U.S. Department of Labor must be handled in accordance with the procedures of 29 CFR parts 31, 32, 35, 36, and 38, as applicable, and as provided in 20 CFR 618.894 (nondiscrimination and equal opportunity requirements).

Appeals under the first paragraph above must be decided with a degree of promptness meeting the Department's "Standard for Appeals Promptness—Unemployment Compensation" (20 CFR part 650). Any provisions of the applicable state law for advancement or priority of UI cases on judicial calendars, or other provisions intended to provide for prompt payment of UI when due, must apply equally to proceedings involving eligibility for Trade program benefits and services under this part.

In the case of a redetermination or decision reversing a training denial, the redetermination or decision must be given effect retroactively to the date of issuance of the determination that was subsequently reversed. However, no costs of training may be paid unless such costs actually were incurred for training in which the individual participated. In addition, if a Trade Readjustment Allowance (TRA) application was filed and denied as a result of the training denial, TRA may only be paid with respect to any week during which the individual was actually participating in the training.

**As part of the appeals process, the career planner will do the following:**

- See the applicable **Chapters** for the denial process for specific services.
- Provide any necessary documentation and information to the participant and the ALJ.
- Participate during the appeals hearing.
- Maintain all documentation including ALJ decisions in the participant's file.
- Record information in **Case Notes** in IWDS.
- Make any necessary changes to Trade services based upon appeal decision, if necessary. See individual **Chapters** for more information.

**The IDES Appeals Unit will do the following:**

- Through the Appeals process, make a determination within 45 days of receipt of the appeal.
- Submit the decision to the LWIA within 60 calendar days of the decision date on the appeal as to the outcome.
  - Affirmed - the ALJ upheld the adjudication determination
  - Dismissed - the appellant did not appear for the hearing—Appellant can request a rehearing or appeal to the Board of review.
  - Affirmed/dismissed - The ALJ upheld one determination and dismissed a second issue/determination.
  - AFF – abbreviation for Affirmed
  - Set aside - ALJ reversed the adjudication determination
  - Remand - Case returned to IDES adjudicators for additional investigation of issue and determination.

**The IDES Special Programs Unit will do the following:**

If the ALJ reverses an adjudicator's decision and the decision is that the participant is eligible for benefits, IDES must pay benefits or, if initial determination had resulted in overpayment, IDES would clear the overpayment and refund any recoupment, if applicable.

In instances where, a party disagrees with an ALJ's decision (benefits denied), he/she has the right to appeal to the Board of Review within 30 days of ALJ's decision.

### **Notices to the United States Department of Labor (DOL) (20 CFR 618.840)**

In Illinois, IDES must forward to DOL copies of determinations or redeterminations as set forth below:

- 1) A state must, **upon request**, forward to the Department, not later than 10 days from the date of the request, a copy of any administrative ruling on an individual's eligibility to TAA benefits under this part.
- 2) A state must forward to DOL a copy of any determination or redetermination on an individual's eligibility to Trade benefits under this part appealed to the state's highest UI administrative appeals authority.
- 3) A state must forward to DOL a copy of notice of the institution of a state or Federal court proceeding and any state or Federal court ruling on an individual's eligibility to Trade Program benefits under this part, within 10 days of the notice or ruling.

## Chapter 13: Reporting Trade Costs

### Instructions on Recording Costs in the Grantee Reporting System (GRS)

This chapter outlines all the reporting requirements to ensure the costs associated with the Trade program are properly documented in the appropriate fiscal reporting system.

### Resources

Specific guidance regarding fiscal requirements for Federal grant recipients can be found at 2CFR200.

Consult the GRS user manual for detailed instructions for each screen in GRS and for other important information regarding GRS and password resets. Contact Josh Koons at [joshua.koons2@illinois.gov](mailto:joshua.koons2@illinois.gov) for GRS assistance or to request a manual.

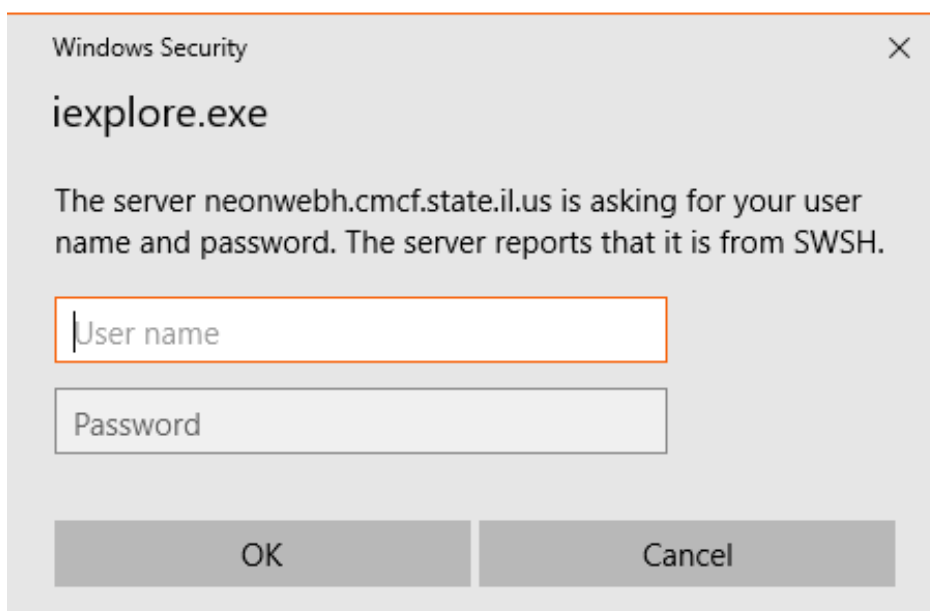
### The Cost Reporting Website Address (as of 11/1/2020)

<https://neonwebh.cmcf.state.il.us/dceo/costrpt> This provides access to GRS for cost reporting, cost certification, cash requests, and general grant transaction information.

### Logging on to GRS

When you enter the website address to log in, the dialog box below will appear asking for your USER NAME and PASSWORD. Enter your RACF ID (MHDXXXX) as the User name and your password and click OK. At this point, you have properly accessed GRS and should see the Expenditure Reporting Cash Request Menu on the screen.

### LOG IN DIALOG BOX



Windows Security

iexplore.exe

The server neonwebh.cmcf.state.il.us is asking for your user name and password. The server reports that it is from SWSH.

User name

Password

OK Cancel

## EXPENDITURE REPORTING CASH REQUEST MENU

ENTER	DCEO	DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY	10/29/20
CLEAR	HD07DPC0	EXPENDITURE REPORTING CASH REQUEST MENU	07:45:03
PF01	PLEASE ENTER THE GRANT NUMBER TO BE PROCESSED <input type="text"/> <input type="text"/> LOAN DESIGNATOR <input type="text"/>		
PF02			
PF03			
PF04			
PF05			
PF06			
PF07			
PF08	F1 -	COST REPORTING .....	(#351)
PF09	F2 -	COST SUMMARY .....	(#352)
PF10	F3 -	CASH REQUESTS .....	(#353)
PF11	F4 -	CASH REQUEST TRACKING .....	(#354)
PF12	F5 -	DIRECT DEPOSIT INQUIRY .....	(#293)
PF13	F6 -	SUB GRANTEE COST LEDGER SUMMARY .....	(#362)
PF14	F7 -	SUB GRANTEE BUDGET/COSTS LEDGER DETAIL .....	(#364)
PF15	F8 -	MISC RECEIPTS DISBURSEMENT SUMMARY .....	(#371)
PF16	F9 -	SBDC PROGRAM INCOME .....	(#375)
PF17	F10 -	WIA PERCENTAGE OBLIGATION UPDATE .....	(#377)
PF18	F13 -	PETITION REPORTING .....	(#391)
PF19	F23 -	MASTER SYSTEM MENU	
PF20			
PF21			
PF22			
PF23			

### Recording Costs

After typing the grant number in the two fields (do not use a hyphen in the number), you may begin processing transactions for your grant. This menu is the only place where you enter the grant number for screens #351 (Cost Reporting - F1), #352 (Cost Summary – F2), and #353 (Cash Requests – F3). The purpose of this is to restrict transactions to a single grant at a time to prevent inadvertent entry of other data. It also eliminates the need to retype standard information on each screen that you use. When a transaction is completed, advance to the next function or return to the menu as indicated in the navigation area listed at the bottom of each screen. You must click on the corresponding PF button on the left side of the screen to perform the action required. The keyboard function keys do not work in this system.

**NOTE: Do not enter information in the Loan Designator field.**

## **F1 COST REPORTING (GRS SCREEN #351)**

This screen is used to report costs by each authorized cost category for the grant. Costs attributable to the current month and the previous month may be reported, provided they are within the beginning and ending dates of the grant period. One cost category is displayed at a time and only those cost categories authorized in the grant budget appear.

Select an expenditure code line. To reach a specific expenditure code line, enter the number directly into the field and then click the <ENTER> button, or scroll forward through the authorized expenditure code lines by clicking on the <PF8> button on the left side toolbar. Costs to be reported should be entered on the previous month or current month field under new costs to report. The entry to these lines should correspond with the dates the costs were actually incurred or accrued. New costs can be entered multiple times prior to certifying on the expenditure summary screen (#352). **Please make sure that you are on the correct expenditure code before entering costs.**

**Note: Costs cannot exceed flexibility in the approved budget lines.**

To reduce costs or to adjust an incorrect entry, the user may enter an amount followed by a “-“ (minus).

When entering costs, clicking on the <PF8> button, it will advance to the next expenditure code line.

After all costs have been entered, clicking on the <PF1> button transfers the display to the expenditure summary screen (#352) for verification of entry and certification of costs.

## EXPENDITURE REPORTING GRS SCREEN #351

ENTER	DCEO 30328346	GRANTEE REPORTING SYSTEM	10/29/20
CLEAR	HD07DPCA	EXPENDITURE REPORTING (#351)	07:52:26
PF01	MSG 016-YOUR REQUEST HAS BEEN SUCCESSFULLY DISPLAYED		
PF02	GRANT # 18	RANTEE LAK	
PF03	EXP CODE 1010	DESCRIPTION PAYMENT PROCESSING	
PF04	EXP CODE FOR SPECIFIC INQUIRY		
PF05	PREVIOUS PERIODS CUMMULATIVE TO DATE TOTAL		22,784.10
PF06		AUGUST 2020	NEW COSTS
PF07		TOTAL TO DATE	TO REPORT
PF08	PREVIOUS MONTH	698.36	
PF09		SEPTEMBER 2020	NEW COSTS
PF10		TOTAL TO DATE	TO REPORT
PF11	CURRENT MONTH	2,106.35	
PF12			
PF13	SUMMARY	BUDGET	PEND DECREASE
PF14	CAT 1010	26,298.00	25,588.81
PF15			709.19
PF16	ENTER INQUIRY		
PF17	F7 PREVIOUS		
PF18	F8 NEXT		
PF19	F9 HELP		

## F2 EXPENDITURE SUMMARY (GRS SCREEN #352)

This screen is where you verify entry of expenditures and to certify the expenditures entered. At closeout of the grant, you would finalize all costs and lock down expenditure reporting by clicking the PF6 button to approve all the expenditures reported.

All costs that were recently entered into the expenditure reporting screen (#351) will appear in the uncertified costs column. These should be verified against the supporting documentation to ensure data entry accuracy.

Costs may be certified by clicking on the <PF2> button.

After costs have been certified, they will immediately appear in the certified costs column in total with all previously entered costs.

Clicking on the <PF5> button transfers the display to the cash request screen (#353) for entering and certifying current cash requests.

Clicking on the <PF11> button transfers the display to the expenditure reporting cash request menu

## EXPENDITURE SUMMARY GRS SCREEN #352

ENTER
CLEAR
PF01
PF02
PF03
PF04
PF05
PF06
PF07
PF08
PF09
PF10
PF11
PF12
PF13
PF14
PF15
PF16
PF17
PF18
PF19
PF20
PF21
PF22
PF23
PF24

```

DCEO                                GRANTEE REPORTING SYSTEM                10/29/20
HD07DPCB                            EXPENDITURE SUMMARY (#352)            08:38:04

MSG 016-YOUR REQUEST HAS BEEN SUCCESSFULLY DISPLAYED

GRANT #                               GRANTEE                               GRANT OPEN

I CERTIFY ALL TASKS HAVE BEEN COMPLETED TO PREPARE THE CLOSE OUT AND ALL
COSTS ARE CERTIFIED                   _ F6 APPROVE  F10 UN-APPROVE

EXPEND CODE    GRANT    BUDGET    CERTIFIED    COSTS    UN-CERTIFIED    BALANCE
1010           26,298.00    25,588.81    _____    709.19
2000           120,718.88    _____    _____    120,718.88
2020           _____    77,680.88    _____    77,680.88-
2030           _____    _____    _____    _____
2040           _____    _____    _____    _____
2050           _____    4,170.23    _____    4,170.23-
2060           _____    _____    _____    _____
2070           _____    _____    _____    _____

I HEREBY CERTIFY THAT THE TOTAL DOLLAR AMOUNT OF THIS TRANSACTION REFLECTS
ACTUAL COSTS INCURRED, AND THAT ALL EXPENDITURES FROM THESE GRANT FUNDS ARE
ONLY FOR APPROVED PROJECT ACTIVITIES.  PRESS F2 TO CERTIFY COSTS REPORTED.

F2 CERTIFY COST REPORTED  F7 START OVER  F8 FORWARD
F4 RETURN TO EXPEND RPT SCR  F5 TRANSFER TO CASH POST SCR  F11 MENU
  
```

## F3 CASH REQUESTS (GRS SCREEN #353)

This screen is utilized to request cash.

**NOTE:** You do not enter the grant number in the boxes at the top of this screen unless you want to enter a cash request for a different grant number than what is showing in the upper left of this screen.

Enter the amount of cash to be requested on the “your cash request” line. Be sure to include the decimal and the cents in the entry. If not, the system will automatically place the decimal two places to the left of the last number in your entry.

Enter the amount of any cash on hand on the “current cash on hand” line.

Certify the current cash request by clicking on the <PF2> button. At the time this cash request is certified, it will immediately appear on the “pending request” line.



**Note: A grant may only have one cash request in process at a time.**

A request amount appearing on the “pending request” line may be VOIDED until it is processed by the Department of Commerce and Economic Opportunity (DCEO). Clicking the <PF6> button will VOID a request.

Clicking the <PF11> button returns the user to the expenditure reporting cash request menu.

### CASH REQUEST GRS SCREEN #353

ENTER	DCEO	GRANTEE REPORTING SYSTEM	10/29/20
CLEAR	HD07DPCC	CASH REQUEST (#353)	08:48:48
PF01	MSG 016-YOUR REQUEST HAS BEEN SUCCESSFULLY DISPLAYED		
PF02	PLEASE ENTER NEW GRANT NUMBER TO BE PROCESSED <input type="text"/> <input type="text"/> LOAN DESIGNATOR <input type="text"/>		
PF03	GRANT # GRANTEE		
PF04	LOAN DESIGNATOR BORROWER		
PF05	CUMULATIVE OBLIGATION 147,016.88		
PF06	RESERVE		
PF07	PREVIOUS CASH REQUESTED 82,672.65		
PF08	OBLIGATION BALANCE 64,344.23		
PF09	CERTIFIED COSTS TO DATE 107,439.92		
PF10	CASH REQUEST LIMIT 144,194.14		
PF11	CASH AVAILABLE TO REQUEST 61,521.49		
PF12	PENDING REQUEST		
PF13	# DATE AMT		
PF14	PLEASE ENTER THE FOLLOWING		
PF15	YOUR CASH REQUEST <input type="text"/>		
PF16	CURRENT CASH ON HAND <input type="text"/>		
PF17	I CERTIFY THAT ANY CASH ON HAND IS NECESSARY TO MEET IMMEDIATE		
PF18	CASH NEEDS. PRESS F2 TO CERTIFY/PROCESS CASH REQUEST.		
PF19	F2 CERTIFY/PROCESS CASH REQUEST F6 VOID PENDING REQUEST		
PF20			
PF21			
PF22			
PF23			
PF24			

## F4 CASH REQUEST TRACKING (GRS SCREEN #354)

This screen provides the status of all cash requests made for a grant.

Type the grant number and click on the <Enter> button to inquire.

Clicking the <PF8> button will scroll through additional lines if there are too many to display on a single screen.

Clicking the <PF1> button will provide additional information about payment requests and vouchers. This detail will provide a warrant number or electronic fund transfer (EFT) number, if the payment has been issued by the Office of the Comptroller.

Clicking the <PF10> button returns the user to the expenditure reporting cash request menu.

### CASH REQUEST TRACKING GRS SCREEN #354

ENTER
CLEAR
PF01
PF02
PF03
PF04
PF05
PF06
PF07
PF08
PF09
PF10
PF11
PF12
PF13
PF14
PF15

```
DCEO          GRANTEE REPORTING SYSTEM          10/29/20
HD07DPCD      CASH REQUEST TRACKING (#354)      08:56:33
MSG 014-THERE ARE NO MORE ENTRIES TO BE VIEWED FOR THIS REQUEST
TRNFR [ ] SUPPLY VCH#,SFY PRESS ENT TO SEE 292 INFO IF ASTRSK EXIST [ ] [ ]
GRANT # [ ] GRANTEE [ ] DESIG [ ]
GRANT AMOUNT 147,016.88
RQST REQUEST REQUEST DCEO VOUCHER VOUCHER
NBR DATE STATUS AMOUNT APRVD DATE NUMBER DATE SFY
0010 10-20-20 VOIDED 23,759.26-
0009 10-20-20 VOIDED 23,759.26
0008 09-18-20 VOUCHERED 2,940.72 09-21-20 G0001067 09-22-20 21
0007 08-20-20 VOUCHERED 9,386.04 08-24-20 G0000519 08-25-20 21
0006 07-20-20 VOUCHERED 23,233.88 07-23-20 G0000028 07-24-20 21
0005 06-18-20 VOUCHERED 7,153.02 06-22-20 G0006395 06-23-20 20
0004 04-20-20 VOUCHERED 2,527.32 04-23-20 G0005227 04-24-20 20
0003 03-19-20 VOUCHERED 20,139.69 03-23-20 G0004601 03-24-20 20
0002 03-04-20 VOUCHERED 17,291.98 03-05-20 G0004180 03-06-20 20
0001 02-20-20 DENIED 17,291.98 02-24-20
REQ TOT 82,672.65
*** DISALLOWED COSTS ARE NOT INCLUDED IN THE REQ TOTAL ABOVE
ENTER INQUIRY F1 SEE VCHR PAYMENT DETAIL F7 PREV F8 FWD F10 MENU F11 XFR
```

## F5 DIRECT DEPOSIT INQUIRY (GRS SCREEN #293)

This screen provides detailed data regarding deposits. It can display information such as dates; warrant numbers, EFT trace numbers, and individual grant numbers depending on the type of inquiry.

Type the grant number and click on the <Enter> button to inquire.

Clicking the <PF8> button will scroll through additional lines if there are too many to display on a single screen.

Other inquiries may be displayed depending on the information input for inquiry on this screen. Additional information can include dates, warrant numbers, FEIN's, and EFT or warrant types.

Because of security issues, bank account number inquiries are not displayed or available for selection.

Clicking the <PF6> button returns the user to the expenditure reporting cash request menu.

### DIRECT DEPOSIT INQUIRY GRS SCREEN #293

ENTER	DCEO	ELECTRONIC DEPOSIT OF CASH SYSTEM	10/29/20
CLEAR	HD07EP03	DIRECT DEPOSIT INQUIRY (#293)	08:59:06
PF01	MSG 016-YOUR REQUEST HAS BEEN SUCCESSFULLY DISPLAYED		
PF02	TRANSFER TO SCREEN		
PF03			
PF04			
PF05	GRANT NO	BANK ACCOUNT NO	FEIN
PF06	WARRANT	DATES: FROM	THRU
PF07			ETD
PF08	GRANTEE NAME LAKE COUNTY		
PF09			
PF10	VOUCHER	DATE	ELDEP
PF11	DATE	ISSUED	BANK ACCOUNT NO
PF12			WARRANT
PF13	07/24/20	07/27/20	AT0000000 0002632 18-681001
PF14			TOTAL DEPOSIT
PF15			563,886.79
PF16	06/23/20	06/24/20	AT0000000 0004186 18-681001
PF17			TOTAL DEPOSIT
PF18			329,100.25
PF19	05/22/20	05/26/20	AT0000000 0007439 18-681001
PF20			TOTAL DEPOSIT
PF21			23,566.48
PF22	03/24/20	03/25/20	AT0000000 0017666 18-681001
PF23			TOTAL DEPOSIT
PF24			5,435.67
	02/25/20	02/26/20	AT0000000 0005116 18-681001
			TOTAL DEPOSIT
			57,114.58
	12/24/19	12/26/19	AT0000000 0004162 18-681001
			TOTAL DEPOSIT
			34,397.86

## F6 SUB GRANTEE COST LEDGER SUMMARY (GRS SCREEN #362)

This screen provides the same basic information as the cost summary screen (#352), but the costs are shown in total whether they have been certified or not. This screen also allows for date parameters to be entered for customized inquiry.

Type the grant number and click on the <Enter> button to inquire.

Clicking the <PF8> button will scroll through additional lines if there are too many to display on a single screen.

Other inquiries may be displayed depending on the information input for inquiry on this screen. Additional information can include a date range of costs reported, and for certain programs, a limiting indicator to view only cash or in-kind match budget and costs reported. Clicking the <PF6> button returns the user to the expenditure reporting cash request menu.

### SUB GRANTEE COST LEDGER SUMMARY GRS SCREEN #362

ENTER	DCEO	GRANTEE REPORTING SYSTEM		10/29/20
CLEAR	HD07GPA2	SUB GRANTEE COST LEDGER SUMMARY (#362)		09:01:02
PF01	MSG 014-THERE ARE NO MORE ENTRIES TO BE VIEWED FOR THIS REQUEST			
PF02	TRANSFER TO SCREEN		PRINTER	
PF03	FFY	PROGRAM		
PF04	GRANT	-	GRANTEE	
PF05	COSTS REPORTED FROM		THRU	VIEW MATCH) CASH INKIND BOTH
PF06	EXP			
PF07	CODE DESCRIPTION	BUDGET	COSTS	BALANCE
PF08	1010 PAYMENT PROCESSING	26,298.00	25,588.81	709.19
PF09	ADMIN SUBTOTAL	26,298.00	25,588.81	709.19
PF10	2000 TRAINING	120,718.88	.00	120,718.88
PF11	2020 OCCUPATIONAL & CLASSROOM T	.00	77,680.88	(77,680.88)
PF12	2050 TRANSPORTATION ASSISTANCE	.00	4,170.23	(4,170.23)
PF13	TRAINING SUBTOTAL	120,718.88	81,851.11	38,867.77
PF14	GRAND TOTAL	147,016.88	107,439.92	39,576.96
PF15				
	ENTER INQUIRY F2 NEXT GRANT F7 PREVIOUS F8 NEXT F11 TRANSFER F5 PRINT F6 MENU			

## F7 SUB GRANTEE BUDGET/COSTS LEDGER DETAIL (GRS SCREEN #364)

This screen provides the complete detail of all transactions on an individual grant. This screen utilizes various parameters to customize the inquiry to either budget or costs and then has the ability to handle date ranges and limits to an individual cost category. All transactions, including any adjustments, are extracted for display according to the input parameters.

Type the grant number, select BUDGET or COSTS, then click on the <Enter> button to inquire. Clicking the <PF8> button will scroll through additional lines if there are too many to display on a single screen.

Other inquiries may be displayed depending on the information input for inquiry on this screen. The BUDGET view can be limited by marking either the establishment or modification indicator, and by entering a date range. The COSTS view can be limited by entering a reporting period, or by entering a range of dates that the information was actually input into the GRS. Both views can be restricted to a specific expenditure code, or match lines.

Clicking the <PF6> button returns the user to the expenditure reporting cash request menu.

### SUB GRANTEE BUDGET/COSTS LEDGER DETAIL GRS SCREEN #364

ENTER	DCEO	GRANTEE REPORTING SYSTEM		10/29/20		
CLEAR	HD07GPA4	SUB GRANTEE BUDGET/COSTS LEDGER DETAIL (#364)		09:03:54		
PF01	MSG 016-YOUR REQUEST HAS BEEN SUCCESSFULLY DISPLAYED					
PF02	TRANSFER TO SCREEN		LOG/SEQ			
PF03	GRANT					
PF04	VIEW BUDGET) ALL		ESTABLISHMENT	MOD	PERIOD	
PF05	VIEW COSTS) ALL		PERIOD	ENTERED ON		
PF06	-NEW-		RESTRICT TO EXP CODE	MATCH) CASH	INKIND	
PF07	SEL CODE MO YR DESCRIPTION		REPORT PERIOD	DATE ENTERED	COSTS	
PF08		1010	PAYMENT PROCESSING	01/30/2020	02/20/2020	
PF09		1010	PAYMENT PROCESSING	02/28/2020	03/18/2020	
PF10		1010	PAYMENT PROCESSING	03/30/2020	04/20/2020	
PF11		1010	PAYMENT PROCESSING	04/30/2020	05/20/2020	
PF12		1010	PAYMENT PROCESSING	05/30/2020	06/18/2020	
PF13		1010	PAYMENT PROCESSING	06/30/2020	07/20/2020	
PF14		1010	PAYMENT PROCESSING	07/30/2020	08/19/2020	
PF15		1010	PAYMENT PROCESSING	08/30/2020	09/18/2020	
PF16		1010	PAYMENT PROCESSING	09/30/2020	10/20/2020	
PF17		1010	PAYMENT PROCESSING	09/30/2020	10/20/2020	
PF18		1010	PAYMENT PROCESSING	09/30/2020	10/20/2020	
PF19		1010	PAYMENT PROCESSING	09/30/2020	10/20/2020	
PF20		1010	PAYMENT PROCESSING	09/30/2020	10/20/2020	
			TOTAL 1010		25,588.81	
	ENTER INQUIRY F2 UPDATE F6 MENU F7 PREVIOUS F8 NEXT F11 TRANSFER					

## F8 MISC RECEIPTS/DISBURSEMENT SUMMARY (GRS SCREEN #371)

Certain programs utilize this generalized screen to input program income and program interest amounts as earned during the grant period.

Type the grant number and click on the <Enter> button to inquire. Enter any program income and program interest amounts on the appropriate lines. Both the receipt and expenditure of these revenues must be recorded prior to proper closeout of the grant.

The month and year of the individual entries can be input with a short description.

Clicking the <PF10> button returns the user to the expenditure reporting cash request menu.

### MISC/RECEIPTS DISBURSEMENT SUMMARY GRS SCREEN #371

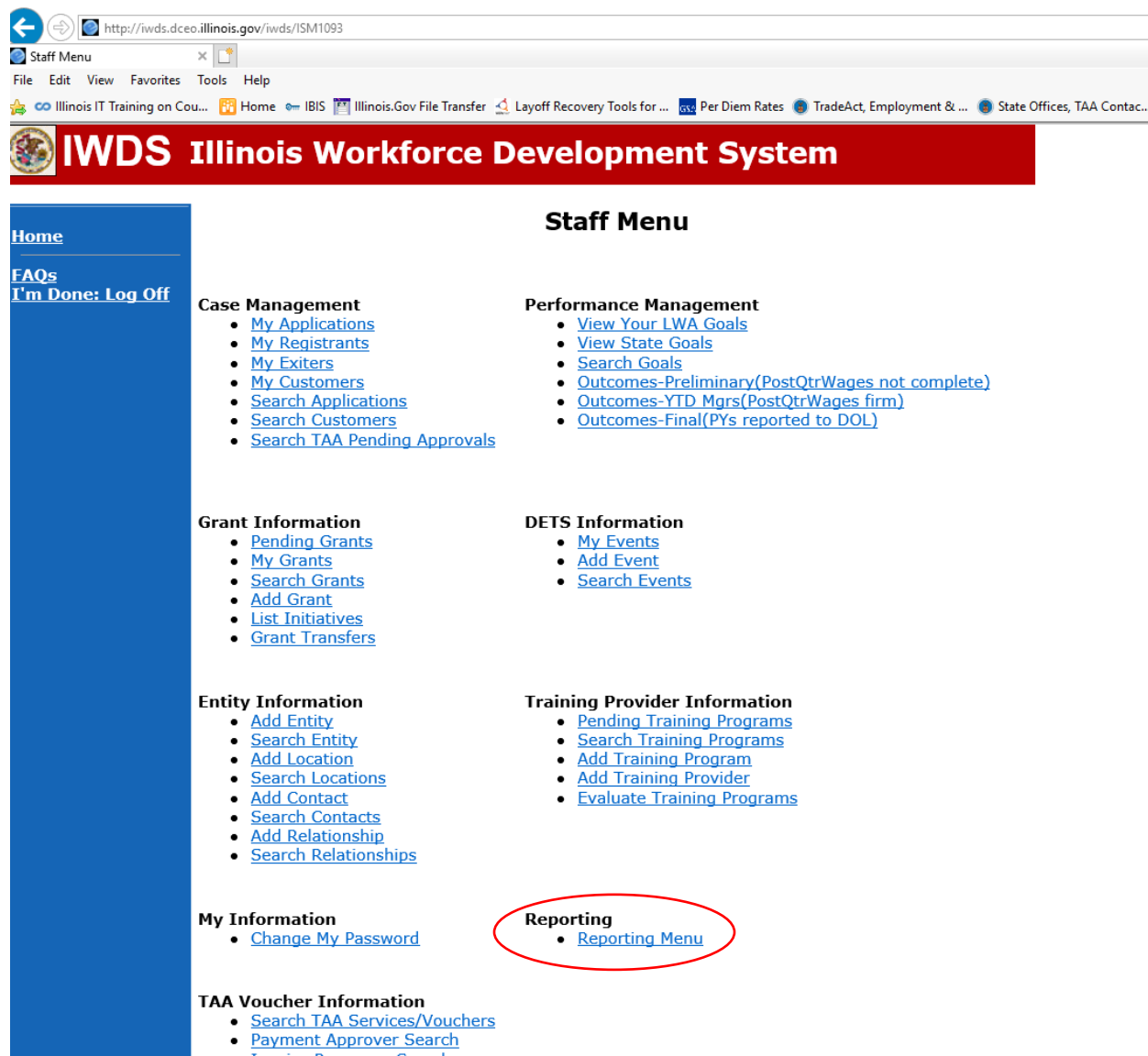
ENTER	DCEO	ACCOUNTING MANAGEMENT INFORMATION SYSTEM		10/29/20
CLEAR	HD07DPBB	MISC/RECEIPTS DISBURSEMENT SUMMARY (#371)		09:11:46
PF01	TRANSFER TO SCREEN: <input type="text"/>			
PF02	GRANT NO.:	<input type="text"/>	-	SUB GRANT ID <input type="text"/>
PF03	GRANTEE NAME: <input type="text"/>			
PF04	CUMULATIVE BAL:	RECEIPTS	DISBURSEMENTS	BALANCE
PF05	PGM INCOME	<input type="text"/>	<input type="text"/>	<input type="text"/>
PF06	PGM INTEREST	<input type="text"/>	<input type="text"/>	<input type="text"/>
PF07	STAND IN	<input type="text"/>	<input type="text"/>	<input type="text"/>
PF08	CURRENT TRANSACTION:			
PF09	PGM INCOME	<input type="text"/>	<input type="text"/>	
PF10	PGM INTEREST	<input type="text"/>	<input type="text"/>	
PF11	STAND IN	<input type="text"/>	<input type="text"/>	
PF12	MONTH	<input type="text"/>	YEAR	<input type="text"/>
PF13	DESC <input type="text"/>			
PF14	<input type="text"/>			
PF15	ENTER	INQUIRY	F2 CHANGE	F9 HELP
PF16				F10 MENU
PF17				F11 TRANSFER

## TAPR QUARTERLY REPORTING

USDOL requires states submit the Trade Act Participant Report (TAPR), which tracks program performance and participant outcomes for the Trade Adjustment Assistance (Trade) program. These reports are required to be submitted each quarter.

The reporting by the LWIA is done via the Illinois Workforce Development System (IWDS). This is accessed through the Reporting Menu on the Main Menu screen.

### IWDS Main Menu Screen



The screenshot shows the IWDS (Illinois Workforce Development System) main menu. The browser address bar displays <http://iwds.dceo.illinois.gov/iwds/ISM1093>. The page features a red header with the IWDS logo and the text "IWDS Illinois Workforce Development System". A blue sidebar on the left contains links for "Home", "FAQs", and "I'm Done: Log Off". The main content area is titled "Staff Menu" and lists several categories of links:

- Case Management**
  - [My Applications](#)
  - [My Registrants](#)
  - [My Exiters](#)
  - [My Customers](#)
  - [Search Applications](#)
  - [Search Customers](#)
  - [Search TAA Pending Approvals](#)
- Grant Information**
  - [Pending Grants](#)
  - [My Grants](#)
  - [Search Grants](#)
  - [Add Grant](#)
  - [List Initiatives](#)
  - [Grant Transfers](#)
- Entity Information**
  - [Add Entity](#)
  - [Search Entity](#)
  - [Add Location](#)
  - [Search Locations](#)
  - [Add Contact](#)
  - [Search Contacts](#)
  - [Add Relationship](#)
  - [Search Relationships](#)
- My Information**
  - [Change My Password](#)
- TAA Voucher Information**
  - [Search TAA Services/Vouchers](#)
  - [Payment Approver Search](#)
  - [Training Provider Search](#)
- Performance Management**
  - [View Your LWA Goals](#)
  - [View State Goals](#)
  - [Search Goals](#)
  - [Outcomes-Preliminary\(PostQtrWages not complete\)](#)
  - [Outcomes-YTD\\_Mgrs\(PostQtrWages firm\)](#)
  - [Outcomes-Final\(PYs reported to DOL\)](#)
- DETS Information**
  - [My Events](#)
  - [Add Event](#)
  - [Search Events](#)
- Training Provider Information**
  - [Pending Training Programs](#)
  - [Search Training Programs](#)
  - [Add Training Program](#)
  - [Add Training Provider](#)
  - [Evaluate Training Programs](#)
- Reporting**
  - [Reporting Menu](#)

The "Reporting" category and its "Reporting Menu" link are circled in red.

Click on the Reporting Menu. Scroll until you see the TAA Training Costs Menu. Click on TAA Cost Export.

### IWDS Reporting Menu Screen

http://iwds.dceo.illinois.gov/iwds/CIS2028?command=SELECT|Reporting&ISM\_JSP\_TS\_RQST=20201030144324740&footerIdUser=2426593&footerScreenViewId=0

ting Menu

lit View Favorites Tools Help

linois IT Training on Cou... Home IBIS Illinois.Gov File Transfer Layoff Recovery Tools for ... Per Diem Rates TradeAct, Employment & ... State O

- [Rollup Event by Name](#)
- [Rollup Event Summary](#)
- [Rollup Event Target Pop Summary - WIOA](#)
- [Rollup Event Target Pop Summary - TAA](#)
- [Rollup Event Performance Outcomes](#)
- [Rollup Event Participants with No Dets](#)

**Grants**

- [WIOA Plan vs Actual Summary](#)
- [Plan vs Actual Summary - 1N](#)
- [CIS Budget](#)
- [Plan vs Actual Summary - 1G](#)
- [Incumbent Worker Employer Report](#)
- [CSSI - Training Grant Registrant Summary](#)
- [Grant Transfer Exception Report](#)
- [1S Carry-Over Participant Detail Report](#)
- [Grant Transfer History](#)
- [TAA Carry-Over Participant Detail Report](#)
- [1E Carry-Over Participant Detail Report](#)
- [1E Carry-Over Statewide Detail Report](#)
- [ARRA Youth 1YS/1GS Participants Report](#)
- [NEG Disaster Customers Report](#)

**Data Extracts**

- [Customer Info Extract](#)
- [Customer Employer Extract](#)
- [Customer Service Extract](#)
- [Customer Address Extract](#)
- [Customer Contact Info by Career Planner](#)

**Participant Periods**

- [Participant Periods Batch Exception](#)

**TAA Monitoring**

- [TAA Waiver Review](#)
- [TAA Application Only](#)
- [TAA Monitoring](#)
- [Open TAA Status Records](#)
- [30 Day Review Entry Lag](#)
- [TAA Waiver Status Record Count by Reason](#)
- [30 Day Waiver Review](#)
- [Quarterly TAA Participant Summary](#)
- [TAA Plan vs Actual Summary](#)
- [TAA DETS Trade Event Information](#)
- [TAA Co-Enrolled](#)
- [TAA Customers for Cost Export](#)
- [TAA Imported Costs Summary](#)
- [60 Day Review Entry Lag](#)
- [60 Day Training Review](#)

**Data Lag**

- [Application Data Lag Summary](#)
- [Enrollment Data Lag Summary](#)
- [Services Data Lag Summary](#)
- [Termination Data Lag Summary](#)
- [Application Data Lag Detail](#)
- [Enrollment Data Lag Detail](#)
- [Service Data Lag Detail](#)
- [Termination Data Lag Detail](#)

**TAA**

- [TAA Status Update](#)
- [Trade Agent/Liable](#)
- [TAA Approval Status Summary](#)
- [TAA Approval Status Detail](#)

**TAA Training Costs**

- [TAA Cost Export](#)
- [TAA Cost Import](#)
- [TAA Imported Costs Summary](#)
- [TAA Imported Costs Detail](#)



## IWDS TAA Cost Export Report - Reporting Criteria Screen

**IWDS Illinois Workforce Development System**

**Reporting Criteria**  
TAA Cost Export

**LWIA:** [Dropdown]

**Illinois workNet(TM) Center:** [Dropdown]

**Year:** 2021 [Dropdown]

**Quarter:** 1 [Dropdown]

**Report Format:** PDF [Dropdown]

**Description:** \*\*\* LEAVE THE CENTER DROPDOWN BLANK UNLESS YOU ARE LWIA 91 (STATE MERIT STAFF), THE DROPDOWN WAS ADDED FOR LWIA 91 USE ONLY \*\*\*. Purpose: To list TAA customers by Swipecard ID, Name, SSN (last 4 digits), Cost Type and Cost Quarter, and to provide for entry of TAA Costs for the Calendar Quarter. Please remember to override the default report format from PDF to Excel Extended to make the report usable for entering reporting quarter participant TAA costs by type. After you have entered the participant costs (without commas), remember to save the spreadsheet as a .csv file before exiting Excel. The .csv file format is required when importing this TAA quarter cost file.

[View Report](#) [Cancel](#)

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At the Reporting Criteria Screen, select your LWIA, the Year and quarter for the timeframe of the report that is being prepared to submit. The reporting timeframes are:

20XX Quarter 1	January 1, 20XX – March 31, 20XX	Report due in IWDS by April 25
20XX Quarter 2	April 1, 20XX – June 30, 20XX	Report due in IWDS by July 25
20XX Quarter 3	July 1, 20XX – September 30, 20XX	Report due in IWDS by October 25
20XX Quarter 4	October 1, 20XX – December 31, 20XX	Report due in IWDS by January 25

For the report format, select Excel Extended. When the system prompts you to, Open or Save the file. The Excel file will open with the following column headings:

Swipecard ID	Customer ID	SSN	Last Name	First Name	Year	Qtr	Cost Type	LWIA	Cost Amount Quarter
--------------	-------------	-----	-----------	------------	------	-----	-----------	------	---------------------

Under the headings will be a list of customers in IWDS for your LWIA with their information filled in for Swipecard ID, Customer ID, SSN, Last Name, and First Name. The system will enter the LWIA, Year and Quarter you selected on the reporting criteria screen. The Cost Type will be Training, Job Search, or Relocation depending on the type of costs you are reporting. The

system will enter this information on the report when it is generated. The LWIA will enter the Cost Amount Quarter information to make the report complete before it is uploaded to IWDS.

To obtain the Cost Amount Quarter data, you must first review the costs reported for the quarter in GRS for the LWIA's active Trade grant(s) on the Sub Grantee Cost Ledger Summary Screen (#362).

### SUB GRANTEE COST LEDGER SUMMARY GRS SCREEN #362

ENTER

CLEAR

PF01

PF02

PF03

PF04

PF05

PF06

PF07

PF08

PF09

PF10

PF11

PF12

PF13

PF14

PF15

DCEO GRANTEE REPORTING SYSTEM 10/29/20

HD07GPA2 SUB GRANTEE COST LEDGER SUMMARY (#362) 09:01:02

MSG 014-THERE ARE NO MORE ENTRIES TO BE VIEWED FOR THIS REQUEST

TRANSFER TO SCREEN  PRINTER

FFY  PROGRAM

GRANT  -  GRANTEE LAKE COUNTY

COSTS REPORTED FROM  THRU  VIEW MATCH) CASH  INKIND  BOTH

EXP CODE	DESCRIPTION	BUDGET	COSTS	BALANCE
1010	PAYMENT PROCESSING	26,298.00	25,588.81	709.19
	ADMIN SUBTOTAL	26,298.00	25,588.81	709.19
2000	TRAINING	120,718.88	.00	120,718.88
2020	OCCUPATIONAL & CLASSROOM T	.00	77,680.88	(77,680.88)
2050	TRANSPORTATION ASSISTANCE	.00	4,170.23	(4,170.23)
	TRAINING SUBTOTAL	120,718.88	81,851.11	38,867.77
	GRAND TOTAL	147,016.88	107,439.92	39,576.96

ENTER INQUIRY F2 NEXT GRANT F7 PREVIOUS F8 NEXT F11 TRANSFER F5 PRINT F6 MENU

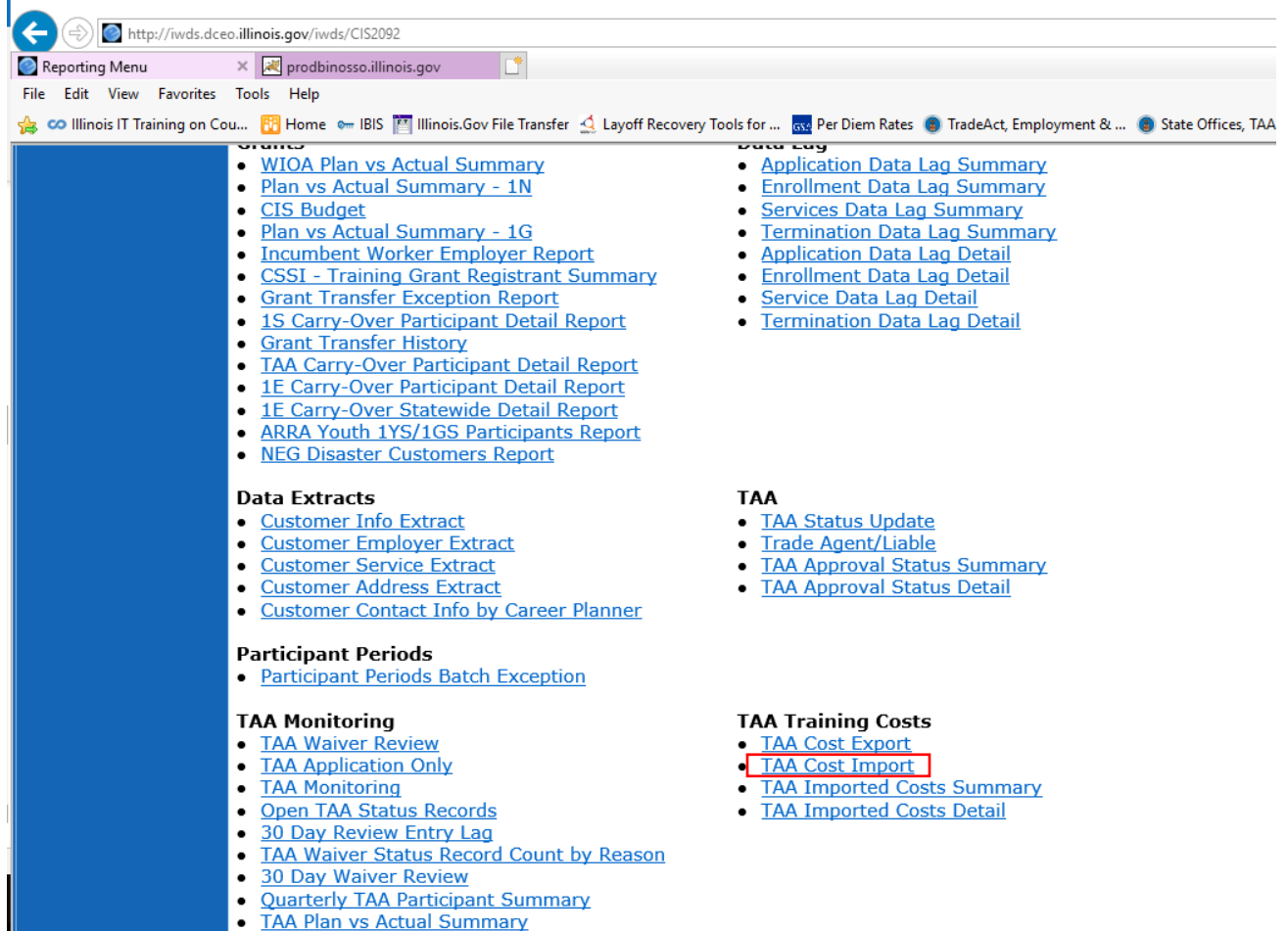
To obtain the correct information on the GRS screen, enter the grant number in the fields provided Grant Number and enter the quarter (month and year) in the fields provided. Then click the <Enter> button on the left. This will narrow the costs down for the quarter being reported.

Review the training subtotal showing on the GRS screen and determine the costs by customer that are included in the training subtotal amount. Once you determine the costs by customer, enter the costs for each customer in the Cost Amount Quarter column for those customers who had costs during the quarter. If a customer did not have any costs reported in GRS for the quarter, leave the column blank.

The training subtotal on the sub grantee cost ledger summary screen #362 **MUST** match the total of all costs reported for the customers on the TAA cost export document from IWDS. If these two amounts do not match exactly, then the LWIA must reconcile the numbers until they match exactly prior to uploading to IWDS.

If the totals match, then it is time to upload the file to IWDS to report the costs. First save the file as a ".csv" file type on your computer.

## IWDS Reporting Menu Screen



Select TAA Cost Import on the Reporting Menu in IWDS.

## Import TAA Training Costs Screen

https://iwds.dceo.illinois.gov/iwds/CIS2154?command=SHOW|286~RpCriteria~RpTAACostImport&iSM\_JSP\_TS\_RQST=20201030152429872&footerIdUser=2426593&footerScre

Import TAA Training Costs

File Edit View Favorites Tools Help

Illinois IT Training on Cou... Home IBIS Illinois.Gov File Transfer Layoff Recovery Tools for ... Per Diem Rates TradeAct, Employment & ... State Offices,

**IWDS** Illinois Workforce Development System **Local Customization**

**Import TAA Training Costs**

Staff Menu

FAQs

I'm Done: Log Off

CSV Path:  Browse...

Next >

Cancel

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Click <Browse> and locate the “.csv” file you saved and double click on the file. This should populate the CSV Path box in IWDS. Then click the <Next> button and follow the prompts on the screen.

This should complete the process of reporting the TAPR costs in IWDS.

## STANDARDIZED GRANTEE REPORTING

Grantees are required to submit reports to the DCEO as outlined in the grant agreement’s deliverable schedule. The grantee’s submittal of required reports allows the DCEO to monitor the grantee’s progress toward grant defined goals and their due diligence in grant fiscal management and recordkeeping.

Standardized grantee reporting (including Periodic Performance Report (PPR) and supporting documentation as well as Periodic Financial Report (PFR) and Trial Balance documentation) must be submitted on quarterly basis to the Trade Program Grant Manager. Reporting is also required at time of close out. If grantee has not submitted a report by the due date as defined in the deliverable schedule and has not provided proper justification, the noncompliance process will start. The noncompliance process will also start if there are any issues with the report and the grantee is not working to resolve. Additional information on the noncompliance process is located at <https://www2.illinois.gov/DCEO/ServicesGuide/GranteeResources/Noncompliance/Pages/default.aspx>.

## **BELATED REFUNDS**

In rare cases, you may receive refunds from a Trade service provider or Trade participant as reimbursement of costs paid during prior Trade grant term(s) (meaning year(s) prior to *existing* Trade grant term). These refunds are categorized as “belated refunds” and must be returned to DCEO. As soon as you are in receipt of the refund, please contact the Trade Program Grant Manager. Instructions will be provided to you for submission of the belated refund to DCEO and documentation in IWDS. No GRS entry should be made (in the existing Trade grant) for the belated refund.

## **Chapter 14: Trade Reporting Fraud and Overpayments (20 CFR 618.832)**

The Code of Federal Regulations requires states to have a procedure in place for the detection and prevention of fraudulent overpayments. The Local Workforce Innovation Area (LWIA) must follow established reporting procedures under **Workforce Innovation and Opportunity Act (WIOA) ePolicy Chapter 8.3.7.2 Incident Reporting** on Illinois workNet.

<https://apps.illinoisworknet.com/WIOAPolicy/Policy/Home>

The Trade Adjustment Assistance (Trade) regulations at 20 CFR 618.832 provide guidance for overpayments and penalties for fraud and apply to all Trade Program years except Trade Adjustment Assistance Program Reversion 2021 (2021R). The guidance for recovery of overpayments for 2021R are found in TEGl 24-20, Attachment A.

### **Person (20 CFR 618.832(g))**

A person includes, in addition to a participant or other individual, any employer or other entity or organization as well as the officers and officials thereof, including any training provider as well as the officers and officials thereof, who may bear individual responsibility for the overpayment.

### **Determinations and repayment (20 CFR 618.832(a))**

If the state, LWIA, U.S. Department of Labor (DOL), or a court determines that any person has received any payment under this part to which the person was not entitled, such person is required to repay such amount to the state or DOL, as appropriate.

The state or DOL must waive such repayment if it is determined that the payment was made without fault on the part of such person and requiring such repayment would cause a financial hardship for the person (or the person's household, if applicable). For 2021R participants, the state may waive repayment where requiring repayment "would be contrary to equity and good conscience".

The state must provide a reasonable opportunity for a participant to demonstrate that he/she was without fault and is unable to repay his/her Trade program overpayments and, therefore, are eligible for waiver of overpayments.

### **Definitions of Financial Hardship and Fault (20 CFR 618.832(a)(3) & (4))**

A financial hardship exists if the recovery of the overpayment would result in the person's (or person's household's) loss of or inability to pay for ordinary and necessary living expenses after taking into account the income and other resources reasonably available to the person and the person's household. For 2021R participants, the criterion is the state may waive repayment if requiring repayment is contrary to equity and good conscience.

Fault exists if any of the following criteria are met:

- 1) Whether a material statement or representation was made by the person or individual in connection with the application for Trade that resulted in the overpayment, and whether the person knew or should have known that the statement or representation was inaccurate;
- 2) Whether the person failed or caused another to fail to disclose a material fact in connection with an application for Trade that resulted in the overpayment, and whether the person knew or should have known that the fact was material;
- 3) Whether the person knew or should have known that the person or individual was not entitled to the Trade payment;
- 4) Whether, for any other reason, the overpayment resulted directly or indirectly, and partially or totally, from any act or omission of the person or of which the person or individual had knowledge, and that was erroneous or inaccurate or otherwise wrong; or
- 5) Whether there has been a determination of fraud by false representation or nondisclosure of material fact detailed below.

#### **False Representation or Nondisclosure of Material Fact (20 CFR 618.832(b))**

In addition to any other penalty provided by law, a person will be permanently ineligible for any further Trade payments if a state, DOL, or a court of competent jurisdiction determines that:

- 1) Such person:
  - a. Knowingly made, or caused another to make, a false statement or representation of a material fact; or
  - b. Knowingly failed, or caused another to fail, to disclose a material fact; and
- 2) As a result of such false statement or representation, or of such nondisclosure, such person has received any payment to which the person was not entitled.

#### **Notice of Determination, Fair Hearing, and Finality (20 CFR 618.832(c))**

Except for overpayments determined by a court of competent jurisdiction, no repayment may be required, and no deduction may be made, under this section until a determination as described above by the state or DOL, as appropriate, has been made, notice of the determination and an opportunity for a fair hearing thereon has been given to the person concerned, and the determination has become final.

#### **Training, Job Search and Relocation Allowances, and Alternative Trade Adjustment Assistance/Reemployment Trade Adjustment Assistance (A/RTAA) (20 CFR 618.832(d))**

If a participant fails, with good cause, to complete training, a job search, or a relocation, any payment or portion of a payment made under this part to such person or individual properly and necessarily expended in attempting to complete such training, job search, or relocation is not an overpayment.

If a participant fails, without good cause, to complete training, a job search, or a relocation, then the portion of a payment for the noncompleted component of a benefit is an overpayment. Costs for the completed portions of the training program, job search, or relocation are not an overpayment.

Good cause exists if the participant acted diligently yet was unable to complete training, a job search, or relocation because of exigent circumstances. The state must determine good cause on a participant-by-participant basis.

An overpayment established must be recovered or waived as provided in this section.

For A/RTAA, an individual meets the “earns not more than \$50,000 each year in wages from reemployment” requirement in sec. 246 of the Act for a given month if the monthly determination of annualized wages is accurate and complete at the time it is made. Payments derived from the annualized wage projection based on complete and accurate information at the time are valid payments that the individual was entitled to and are not overpayments.

### **Overpayment Recovery of TAA Program Funds by Offset (20 CFR 618.832(e))**

Unless an overpayment is otherwise recovered or is waived, the state must recover the overpayment by deduction from any sums payable to such person under 20 CFR 618; any Federal UI law administered by the state; or any other Federal law administered by the state that provides for the payment of unemployment assistance or an allowance with respect to unemployment.

The Department must recover the overpayment from UI payable to such person under the applicable state law and in Illinois the amount recouped may not be more than 25 percent of a person’s weekly benefit amount for each week he/she is eligible for benefits.

### **Fraud Detection and Prevention (20 CFR 618.832(f))**

State procedures for the detection and prevention of fraudulent overpayments of Trade benefits must be, at a minimum, the same as the procedures adopted by the state with respect to state unemployment compensation, and consistent with DOL’s “Standard for Fraud and Overpayment Detection,” Employment Security Manual, part V, sections 7510 through 7515. The Illinois Department of Employment Security (IDES) has established procedures under Unemployment Insurance Procedures for Detection and Prevention of Fraudulent Overpayments. See the IDES Procedures Manual Sections 5801 Benefit Payment Control Investigations Procedures and 5830 Investigating and Resolving Fictitious Employer Schemes.



### **Criminal Penalties (20 CFR 618.832(h))**

Penalties for knowingly making a false statement, not disclosing a material fact, or causing others to do so are imprisonment for not more than 1 year, a fine under title 18 of the United States Code, or both. Suspected violations must be reported to the U.S. Department of Labor Office of the Inspector General.

### **LWIA Fact-Finding**

- 1) The LWIA must first gather all facts and evidence that lead up to the allegation of fraud. Part of that investigation is contacting the participant and seeing if there is a misunderstanding or missing information that would clear the allegation. This investigation may also include the LWIA contacting the training provider, an employer, or other affected parties. The details of the fact-finding must be submitted in writing to the Department of Commerce and Economic Opportunity (DCEO) following the procedures set forth in **Workforce Innovation and Opportunity Act (WIOA) ePolicy at 8.3.7.2** on Illinois workNet. <https://apps.illinoisworknet.com/WIOAPolicy/Policy/Home> Notification should also be provided to the DCEO Trade Unit.
- 2) The career planner will enter a detailed **Case Note** in the Illinois Workforce Development System (IWDS) regarding the allegation and any supporting documentation.
- 3) The career planner will enter a **Potential Suspension Request (PSR) Status** in IWDS. See **Chapter 9: Potential Suspension Requests (PSR)** for further information. This will immediately suspend Trade Readjustment Assistance (TRA) payments while the allegation is under investigation.

### **Department of Commerce and Economic Opportunity (DCEO)/ DOL Fact-Finding**

- 1) The DOL/Office of Inspector General (OIG), upon receipt of an allegation, will make a determination as to whether an investigation will occur at the federal or state level. Notice of this determination will be provided in writing to DCEO.
- 2) If the OIG elects to investigate the allegation(s), DCEO will postpone resolution until the investigation is complete.
- 3) Should DOL/OIG elect for the investigation to occur at the state level, DCEO will initiate a special monitoring review or an investigation by the appropriate state entities. Under some circumstances, DCEO shall have the responsible LWIA conduct the investigation.
- 4) If the allegation is against a participant receiving WIOA or Trade services, the LWIA may suspend such service(s) while the allegation is under investigation.
- 5) Regardless of which entity (DOL or DCEO) will complete the investigation, the OET Fiscal unit shall monitor the status of all fraud and abuse investigations.

## **Resolution**

- 1) Once the fact-finding is complete, a final determination will be issued by the conducting entity.
- 2) The final determination details the findings discovered during the monitoring review or investigatory process, including any regulatory citations, and where appropriate, any decision to allow or disallow costs, and actions that must be taken to recover disallowed costs.
- 3) All final determinations will be issued within 15 working days from completion of the fact-finding process.
- 4) If fraud is determined, the person is disqualified from receiving benefits under the Act for his/her lifetime.
- 5) The DCEO fiscal unit will follow up on all incident reports to ensure appropriate corrective action is taken.
- 6) The DCEO fiscal unit will inform the DCEO Trade unit of the outcome and what activities need to take place regarding that participant.
- 7) The DCEO Trade unit will inform the LWIA and IDES of the outcome.
- 8) The LWIA will inform the participant if services can continue or if all services will be ended.
- 9) The LWIA will document the outcome in IWDS **Case Notes**.
- 10) IDES will inform the participant of any Unemployment Insurance (UI) or Trade Readjustment Assistance (TRA) overpayment.

## **Chapter 15: Trade Oversight and Compliance (20 CFR 618.860(d)) and Monitoring (20 CFR 618.864(g)(4))**

### **Audit and Oversight Requirements (20 CFR 618.860(d)(1))**

All states, local governments, nonprofit organizations, and for-profit entities that are recipients or subrecipients of Trade Program funds must follow the audit requirements under 2 CFR 200.500 through 200.521 and 2 CFR 2900.20.

### **Oversight and Monitoring (20 CFR 618.860(d)(2))**

Each recipient and subrecipient of funds must conduct regular oversight and monitoring of its program and those of any subrecipients and contractors as required under section 239(i) of the Trade Act, as well as under 2 CFR part 200, including 2 CFR 200.328, 200.30, and 200.331, and U.S. Department of Labor (DOL) exceptions at 2 CFR 2900, in order to:

- 1) Determine that expenditures have been made against the proper cost categories and within the cost limitations specified in the Trade Act, the regulations, and the administrative guidance;
- 2) Determine whether there is compliance with other provisions of the Trade Act, the regulations, and administrative guidance;
- 3) Assure compliance with 2 CFR 200 and DOL's exceptions at 2 CFR 2900; and
- 4) Determine compliance with the nondiscrimination, disability, and equal opportunity requirements of section 188 of WIOA, including the Assistive Technology Act of 1998 (29 U.S.C. 3003).

### **Resolution of Sub-Recipient Level Findings**

The Governor is responsible for resolving findings that arise from the monitoring reviews, investigations, other Federal monitoring reviews, and audits (including under 2 CFR part 200) of subrecipients awarded funds through the Act.

A state must use the written monitoring and audit resolution, debt collection and appeals procedures that it uses for other Federal grant programs. If a state does not have such written procedures, it must prescribe standards and procedures to govern this grant program. For subrecipients awarded funds through a recipient of grant funds, the direct recipient of the grant funds must have written monitoring and resolution procedures in place that are consistent with 2 CFR part 200.

### **Resolution of State Findings**

DOL is responsible for resolving findings that arise from Federal audits, monitoring reviews, investigations, incident reports, and audits under 2 CFR part 200 for direct recipients of Federal awards under the Act. DOL will use an audit resolution process consistent with 2 CFR part 2900, subpart F. A final determination issued by a Grant Officer may be appealed to the DOL Office of Administrative Law Judges under the procedures in 2 CFR 2900.22.

## Federal Level Oversight

Region V DOL staff will monitor the Trade Program in Illinois every two to three years. DOL staff will review a sample of participant files from Local Workforce Innovation Areas (LWIAs) across the state, review Department of Commerce and Economic Opportunity (DCEO) Trade related policy and procedures, review payments of service benefits for training, job search, relocation, travel and subsistence, and issuance of Trade grant funds to local areas. The review will also include Illinois Department of Employment Security (IDES) payment of benefits to Trade participants including Unemployment Insurance (UI), Trade Readjustment Allowance (TRA) and Alternative/Reemployment Trade Adjustment Assistance (A/RTAA), and compliance with program rules.

## State Level Oversight and Monitoring (20 CFR 618.864(g)(4))

States must adopt a formal monitoring program designed to review and audit participant files to ensure the effective and efficient operation of the Trade Program. The monitoring program must be designed to identify and share best practices, identify and correct deficiencies, and identify and address staff training needs. A minimum quarterly random sample of 20 files must be reviewed as part of the monitoring program and must include files from at least 2 certifications. The four quarterly samples within a calendar year must also cover at least four different areas of the state. If circumstances preclude a state from meeting these requirements, the state must contact the appropriate DOL Employment and Training Administration (ETA) regional office to design a monitoring program that better suits the Trade Program in that state and make sure it is sufficient to ensure the accuracy and verifiability of such data.

The requirements above are met through the three components of the State of Illinois Trade Program monitoring process:

- The first component is the annual **DCEO programmatic and fiscal monitoring** of the LWIAs. A sample of active and/or exited Trade participant files, payments, and Illinois Workforce Development System (IWDS) entries is selected for the review. The monitoring is completed by DCEO's Fiscal/Programmatic Monitoring/Data Validation Unit. LWIAs will respond to official issues identified during the monitoring and comply with prescribed corrective action.
- The second component is the **quarterly programmatic and fiscal monitoring of IDES benefit payments of UI, TRA and RTAA**. DCEO staff will provide IDES with a list of the names of the Trade participant files monitored during the quarter. IDES will monitor these participants and a sample of participants receiving a RTAA wage subsidy that may not be in the sample provided by DCEO.
- The third component is the **DCEO Trade Technical Assistance Review** of a sample of active Trade customer files. The monitoring will be completed by staff from the Trade Unit. Staff will select a sample from the active participant files from LWIAs across the state and a range of Trade services provided. LWIAs will respond to issues identified

and will provide any corrective action discovered during the technical assistance review. DCEO Trade Unit staff will provide career planners with technical assistance and training to clarify DCEO procedures and/or Trade rules as necessary to ensure compliance.

### **Local Level Oversight**

LWIAs are required to monitor Trade participant files annually to ensure eligibility and compliance with Trade rules and regulations. Monitoring activities may include a review of participant eligibility documentation, forms, evidence of ongoing eligibility for services, including attendance forms, IWDS entries, and payments, including those made to training institutions and participants are in compliance with Trade rules and regulations. The LWIA can request training or guidance from DCEO or IDES Special Programs Unit staff on an as-needed basis. The LWIA may use the DCEO monitoring tool or a locally developed form. The completed monitoring tool must be available upon request for DCEO review.

The LWIA must ensure that staff administering the Trade Program attend training as necessary and are instructed on where to find State and Federal guidance on the program.