ETA Coronavirus (COVID-19) FAQs

The Employment and Training Administration (ETA) has developed a Frequently Answered Questions (FAQs) to address questions related to Coronavirus (COVID-19) to help state and local workforce leaders, and other stakeholders and partners to assist the public workforce system during this crisis.

Trade Act, or Trade Adjustment Assistance (TAA), Programs

Updated as of 4/30/20

Trade Readjustment Allowances (TRA) - Payment and Eligibility

(New as of 4/29/20) Q: If a participant states that he or she is not attending school due to COVID-19, and has already used his or her permitted three weeks of approved illness under state UI law, should the state continue paying Trade Readjustment Assistance (TRA) until the participant return to school?

Response: The COVID-19 impact created an “unscheduled” break in training. Thus, Basic TRA may be payable if the adversely affected worker previously met the enrollment deadlines and other eligibility requirements. As this is an event that is “beyond the control of the individual,” there is a justifiable cause for the cessation of training or failure to begin. This is discussed in TEGL 05-15, Change 1, Attachment A, Section C 2.2. Please note, while Basic TRA may be payable to the worker, Additional or Completion TRA would not be, as they require participation in training. Requirements for Additional or Completion TRA can be found in TEGL 05-15, Change 1, Attachment A.

(New as of 4/29/20) Q: If a state has waived work search requirements for UI, can the state apply this to Trade Readjustment Assistance (TRA)?

Response: Yes. If the state has waived the work search requirements consistent with DOL guidance, it must extend such waiver to the work search requirements that apply to the Extended Benefits (EB) program. This will then apply to TRA, which requires that the individual meet the EB work test. Extending the EB work search flexibilities maintains consistency with state law because the EB provisions are part of state law. Accordingly, the extension is unrelated to the state triggering “on” for EB.
(New as of 4/29/20) Q: During COVID-19, is it possible to waive the requirement that the training vendor attests that an individual is participating in training, in order to pay TRA? Is it possible to waive the requirement that the training vendor provides documentation that an individual is making satisfactory progress and is on track to complete the TAA training on time?

Response: These determinations are based on state policy; a state has the flexibility to determine how to satisfy the requirements itemized in 20 CFR 617.19. The regulation at 20 CFR 617.19 does not dictate to states how it will determine if an individual is “actually” participating in TAA training; it only requires that the state make a determination that the individual was participating in TAA training to pay TRA. During COVID-19, it might be more practical to waive this state requirement—if training vendors are non-responsive to the state’s request for information on an individual’s participation in training—and use a participant’s self-attestation that they are participating in training.

States also have the flexibility to determine how to satisfy the requirements itemized in TEGL 05-15, Change 1, Attachment A, Section C.5.1. The guidance states that the state may request that the training vendor provide documentation that the individual is making satisfactory progress while in TAA training and that the case manager may attest that the worker is making satisfactory progress after speaking to the participant and the training vendor. Satisfactory progress throughout training is necessary for eligibility for Completion TRA, in the form of training benchmarks. Basic and Additional TRA do not require satisfactory progress – just “participation in TAA Training.”

While it is good practice to contact the training provider and the participant, it is not a requirement in TAARA 2015. There is a requirement to document that the individual is making satisfactory progress while in TAA training. There is no requirement that stipulates that the training vendor must be contacted to determine if the participant is making satisfactory progress while in training. Therefore, during COVID-19, it might be practical to waive the state requirement in instances where the training vendors are non-responsive to the state’s request for information on the participant’s satisfactory progress while in TAA training.

Q. Are signatures from the training institution or instructor required to sign off on a participant’s progress in training for purposes of Completion Trade Readjustment Assistance (TRA) eligibility?

Response: To determine that the worker has “substantially met the performance benchmarks established in the approved training plan,” TEGL No. 05-15, Change 1, Attachment A, Section C.5.1 (Training Benchmarks to meet Completion TRA Eligibility Requirements) explains that states must evaluate satisfactory progress against the two benchmarks at intervals of no more than 60 days, beginning with the start of the training plan. For this review, states may request the training vendor to provide documentation of the worker’s satisfactory progress. The case manager may attest to the worker’s progress after consultation with the vendor and the worker. The state may request that the worker provide documentation of the worker’s satisfactory progress toward meeting the training benchmarks from the vendor, such as through instructor attestations.
To address the question, the mechanism for such collection is flexible and not limited to hard copy signature only. A case manager may document telephone conversations, save emails into the case file, or use other similar collection mechanisms. If state policy requires that a signature be obtained, it would be helpful to determine if an electronic signature will meet state policy or if state policy could be met in some other way.

Q. What if an individual is on a waiver from training and stops looking for work because of COVID-19? The individual has not stated that he or she is sick, but the individual does not want to look for work at this time. Does the State Workforce Agency continue to pay benefits?

Response: All Trade Readjustment Allowances (TRA) require the individual to meet the Extended Benefits (EB) work test unless the individual is participating in TAA training. The EB work test provisions within State law govern whether this individual may be eligible. Please refer to 20 CFR 615.8(d), (e), (f), (g).

Q. If the payment of benefits is allowed while an individual is not in school, will the individual be required to satisfy the Extended Benefit (EB) Work Test for each week he or she is not in school?

Response: Without participation in TAA training, only basic TRA payments are allowed. If there is a cessation in TAA training, the EB work test does not apply, but nothing prevents the individual from continuing to seek employment. Additional and Completion TRA are not payable without participation in TAA training. Accordingly, conducting the EB work test is not required but nothing prevents the individual from continuing to seek employment.

Q. How long should State Workforce Agencies continue to pay Additional TRA Benefits?

Response: Benefits are payable if the individual is eligible. Additional TRA is payable for a maximum of 65 weeks after exhaustion of Basic TRA while the individual is in approved TAA training. Additional TRA is payable during the consecutive calendar weeks that occur in the 78-week period that begins immediately following the last week of entitlement to Basic TRA, the first week of approved TAA training if the training begins after the last week of entitlement to Basic TRA, or the first week in which TAA training is approved, if such training already has commenced (although Additional TRA or training costs may not be paid for any week before the week in which the TAA training was approved). See TEGL No. 5-15, Change 1, Attachment A, Section C.6. (Maximum Number of Weeks of TRA and Duration) for more information.

Q. Can TRA be paid to individuals whose full-time training is reduced to part-time due to COVID-19?

Response: Under Sec. 236(g)(2) of the Trade Act of 1974, as amended, individuals cannot receive TRA for part-time training.
Training

(New as of 4/29/20) Q: If a participant pauses training due to COVID-19, should his or her training plan be modified to lengthen the time needed to complete the participant’s individual training program?

Response: TEGL 05-15, Change 1, Attachment A, Section D.4 (Length of Training) provides a maximum amount of 130 weeks of TAA training for 2015 Program participants and any training can be modified for the trade-affected worker to accommodate the worker’s completion of TAA training. (This also applies to 2002 and 2011 Program participants in accordance with the Operating Instructions for these respective programs. 2009 Program participants have a maximum length of training of 156 weeks, in accordance with the 2009 Program Operating Instructions, and that training can also be modified.) The participant’s training plan should be modified/amended to reflect a change in the potential completion date of the TAA training, specifically during the COVID-19 crisis. Accordingly, the TAA training weeks of actual training may not exceed 130 weeks even though the duration of such training from beginning to completion may be longer than 130 weeks (count weeks the worker is actually in training; could be non-consecutive).

Q. If a school shuts down and an individual cannot participate in online classes, does the state move the individual to a Work Search Status until the individual returns to school?

Response: The State Workforce Agency should request an explanation as to why the individual cannot participate in online classes. If it is due to a lack of supplies (such as a computer), then that could be covered by TAA training funds. If the school is not offering online classes, and is therefore on a break, then the Extended Benefits work test does not apply in this case.

Q. If a TAA participant finds a job during this period, can the individual later return to the training program and resume training, or should the individual apply for a new training program?

Response: The individual may return or resume his or her approved TAA training plan. Amending or modifying that training plan is best addressed on a case by case basis. No individual shall be entitled to more than one training plan under a single certification, in accordance with 20 CFR 617.22(f)(2).

Q. Due to COVID-19, if an individual requires a computer to continue his or her classes, even if the computer is not documented as required for all students, will the cost of the computer be covered?

Response: If a training institution requires that students take courses online due to COVID-19 and the individual does not have the equipment needed to continue his or her classes, then a computer is a requirement, and that cost should be covered accordingly. As ever, steps should be taken to set parameters around the reasonable cost of purchasing the computer.
General Grants Management

(New as of 4/29/20) Q: Could TAA funds that are set to expire on September 30 be used to support efforts to serve dislocated workers immediately?

Response: TAA funds that are set to expire on September 30, 2020, may be used to serve trade-affected workers only. Section 236(a)(2)(A) of the Trade Act, as amended, limits funding to carry out its Sections 235, 236, 237, and 238. All these sections refer to workers certified under a petition for trade adjustment assistance and cannot be used to serve regular dislocated workers under WIOA.

(New as of 4/29/20) Q: Can TAA funds be used for layoff aversion services, even if the company is not moving out of state? Can the TAA funds be used for WIOA Dislocated Worker programming? Can TAA funds be used for Rapid Response activities?

Response: TAA funds may only be used for layoff aversion services if the workers involved are covered under a certified petition, or for purposes of assistance in filing a petition for TAA. Adversely affected incumbent workers (AAIW), who are members of a certified worker group threatened with separation, are eligible for training and employment and case management services while still employed. Section 236(a)(2)(A) of the Trade Act, as amended, limits funding to carry out its Sections 235, 236, 237, and 238. All these sections refer to workers certified under a petition for trade adjustment assistance, and cannot be used to serve regular dislocated workers under WIOA. If Rapid Response activities serve workers who are covered by a TAA certification, then Trade funds can be used for such Rapid Response services.