

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 5/15/20

Trade Readjustment Allowances (TRA) - Payment and Eligibility

(New as of 5/15/20) Q: Can states continue to pay Reemployment Trade Adjustment Assistance (RTAA) customers whose hours are reduced because of COVID-19? In some states, state law provides that the employer defines “full time”; in these states does the state workforce agency continue to pay RTAA if the employer states the participant is working a full-time job but the RTAA recipient’s hours are temporarily reduced?

Response: RTAA payment is subject to the leave and pay policies of the employer. If the RTAA recipient is employed full time or employed part-time and participating in TAA approved training, states must still make RTAA payments. Time off provided by the employer for COVID-19 related issues would be treated no differently than a paid holiday. However, if the RTAA recipient’s hours have been reduced, payments must be adjusted based on the hours worked/paid. If the RTAA recipient becomes employed only part-time, they must also be enrolled in TAA approved training to remain eligible for RTAA.

(New as of 5/15/20) Q: Do states have flexibility in the provision and documentation of case management and follow-up services for TAA Program participants, and former participants that have exited the TAA Program?

Response: States are still required to continue providing employment and case management services and documenting the provision of these services. However, states have the flexibility to provide these services in a way that is consistent with efforts to slow the spread of COVID-19. Under TAA, like other programs, employment and case management services can be provided via phone or internet; for example, some states have used live broadcasting on social media platforms, videos, etc. States can also maintain electronic documentation, for TAA and all programs. States must continue to serve workers to the maximum extent possible, as petition certifications are ongoing.

(New as of 5/15/20) Q: When a training provider has indicated that it has plans to transition to distance learning within the 30-day “break” period, as classes/trainings move from in-person to online, are Additional and Completion Trade Readjustment Allowances (TRA) payable?

Response: Additional TRA may be payable under these circumstances if the individual meets the eligibility requirements. If the training provider indicates that it will be back up and running within the 30-day period then the unscheduled break becomes a scheduled break and Additional TRA may be payable. This meets the requirement at [20 CFR 617.15\(d\)\(1\)\(ii\)](#) that the break is provided for in the published schedule or the previously established schedule of training issued by the training provider or is indicated in the participant’s approved training plan. The other two components of [20 CFR 617.15\(d\)\(1\)\(i\) and \(iii\)](#), which require the participant to be participating in training immediately before the beginning of the break and resuming participation in the training immediately after the break, would also have to be met and monitored accordingly to ensure that Additional TRA is payable. The state needs to emphasize that the continuation of the training via the new delivery system (i.e., online learning) is optimal and permits the participant to achieve training completion as scheduled, in accordance with [TEGL No. 09-05](#) (Approval of Distance Learning Under the Trade Adjustment Assistance (TAA) Program).

Completion TRA is not payable because, as provided in [TEGL No. 05-15, Change 1 Attachment A](#), Section C.6., “No payment for breaks in training are allowed, and the participant can only be paid Completion TRA for each week of full-time training, and then only if all five of the Completion TRA eligibility criteria described in Section C.5 of these Operating Instructions are met.”

(New as of 5/15/20) Q: In addition to purchasing computers for TAA training participants to access required distance learning, can the TAA Program also pay for Internet access?

Response: If a school is transitioning to online instruction, a laptop and an internet connection would be required for all students and would, therefore, qualify as an allowable expense. When considering the implementation of internet service, the state will need to explore the service options available and select the one that meets the minimum bandwidth recommended by the school to access the training content.

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.

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.

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

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

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.

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.