**WorkforceGPS**

**Transcript of Webinar**

**TAA Revision 2021 Benefits and Services**

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*Transcript by*

*Noble Transcription Services*

*Menifee, CA*

GRACE MCCALL: And welcome to Trade Adjustment Assistance for workers Reversion 2021. So without further ado, I'll turn things over to our moderator for today, Tim Theberge. Take it away, Tim.

TIM THEBERGE: Thank you very much. So good afternoon or good morning, depending on where you are joining us from today.

My name is Tim Theberge. I'm the lead program analyst with the Office of Trade Adjustment Assistance here to again moderate a session. This one is specifically on the benefits and services under the Reversion 2021 program of the TAA program.

Presenting with me today will only be Jesse. Frankie's got other work related to reversion and budgets and other stuff like that that requires her utmost attention to that. So today will just be Jesse and myself.

With that, the first thing we're going to talk about today is employment and case management, a.k.a., employment services.

But as a reminder, please put all of your questions into the chat, and we will try to get to those as the session moves along. If we can't get to your question today, we will utilize that for additional training materials, FAQs, things along those lines that we will likely also be developing for this.

So if you're reading along where we are, everything today will be discussed from the TEGL, which is TEGL 24-20. Employment and case management and employment services is covered in Section G of that TEGL.

As a reminder, the general operating instructions for Reversion 2021 are that the regulations at 20 CFR 618 apply unless the statutory changes in reversion specifically change them. And what we've done in the guidance is provide you a table, subpart by subpart of 618 that shows you what does and does not apply.

One of the most significant changes is in the area of employment and case management services, where you see a change from make – "shall make available" to, quote, "make every reasonable effort to secure." And so, this is a different standard.

Rather than the shall make available, we enter a reverted version of the program where there's going to need to be extra reliance upon partner programs because there will be limited employment and case management funding available.

Under Reversion 2021 states will need to rely on those partners more than they have been, at least from a funding perspective, again, due to that limited funding that will be available. There are other changes for which there are no changes under reversion, and we'll cover those shortly.

Importantly, Reversion 2021 still require states to perform an initial assessment. Those can be provided with TAA funds. It's required under Section 239(g) of the act, and that is unchanged from the current statute. Additional information on allowable costs that provides you all of that stuff will be forthcoming as we move into reversion.

I do want to make clear that there is still employment and case management funding available to serve those workers that are covered by petitions filed on or before June 30. So that part does not go away.

When we talk about the partner programs, who are we talking about? We're talking about Wagner-Peyser, WIOA dislocated worker, rapid response, and National Dislocated Worker Grants or DWGs.

And, again, what the trade program would be looking for are those services that will no longer be able to fund for these new workers, which are the comprehensive and specialized assessments, IEPs, and, notably, support services and post-employment follow-up services, which we cannot change now and which we cannot charge to now.

Co-enrollment is still required under Reversion 2021. There is no change to that at all.

WIA, long before WIOA and before that JTPA, and if you're from the really long-ago days, the EDWAA all suggested, all preferred integration among programs. Our final rule, when we published it, specifically 618.325 requires co-enrollment in the WIOA dislocated worker program. Again, there is no change to that under Reversion 2021.

All trade-affected workers, all adversely affected workers for purposes of reversion, are by definition dislocated workers under WIOA. The target this year that we're looking at for co-enrollment is 75 percent. The most recent data available puts that figure at around 40 percent. So obviously, we have a long ways to go.

There is wide variance within states on that. Within several states, we're finding that there are local areas that have co-enrollment rates above 90 percent. There are others that have co-enrollment rates below 10 percent and others that have a 50/50 mix.

There is a question that says, "How does that impact the TADI [ph] providing employment and case management services?"

So again, there is no change to the parts of 618 where we indicated there was no change. One of those areas where there is no change is that states are still expected to provide those case management services when an individual is in training. And, again, I'm going to reiterate this several times through this presentation and make sure I say it again before we end is that there is no change to the requirement that states provide employment and case management services to individuals covered on petitions filed on or before June 30, 2021, and you will still have access to your 2019, 2020, and 2021 funding available to do so.

So there is still money available to provide those employment and case management services for those people that are already in the program as of today, including those that will be covered under petitions filed on or before June 30, 2021. So there are no change to those provisions at this time. And even after we go into reversion, you will still need to be required, A, to co-enroll and, B, to provide those services to individuals that are in training. Again, this is why you'll need to rely on those partner programs in order to get that done.

There are other key things we want to make clear. We – this is not new. This was in the 2015 statute. We made sure to include this in our regulations, but we want to say this every time we get an opportunity to do so.

Rapid response and appropriate case – sorry – appropriate career services under WIOA are required for every group of workers for whom a petition is filed. That is at the time of the petition, and that is regardless of the size of the layoff, whether or not a warn notice was ever filed. So that's not optional.

What we get now is actually really good numbers for rapid response. The data that you report to us suggests that the overwhelming majority of people are getting rapid response services.

On the appropriate career services under WIOA, we think that there's likely room for improvement, and the co-enrollment numbers suggest that to be the case. So again, there is no change to that requirement under Reversion 2021.

Again, these are the four major partner programs that can provide the employment and case management services and support services that you'll need to access to serve those workers under Reversion 2021.

All right. I'll take a quick look. See if we have any questions in the chat. All right. Seeing none, I'm going to move over to Jesse. Jesse, you're up.

JESSE JOHNSON: All right. Thank you, Tim, and thank you, everybody, for joining us today. Right now, I want to talk about job search allowances and relocation allowances. And the good news is there's no changes to these allowances in Reversion 2021. So wipe to sweat off your brim. And we go to the next slide.

Job search allowances are still limited to 90 percent of allowable cost up to $1250. This can include multiple job search activities. Relocation allowances still cover 90 percent of all allowable costs of relocation in addition to a lump sum payment of also $1250.

Now, we'll move on to training. There was only one change to training under Reversion 2021, and that involves work-based training. A single training program can continue to include multiple types of training from multiple training providers. Training plans can still be amended. All training-related costs are still allowable, and trade funding can still be used to create supplemental customized group training opportunities such as remedial education classes and contextualized learning. We'll go to the next slide, please.

Reversion 2021 reestablishes work-based training as a preferred method of training under the TAA program. This means the states will need to determine that there are no work-based training opportunities available to a worker before approving other types of training. This does not mean that the state has to create or establish a work-based training opportunity for every worker, only that preference be given to those opportunities.

There is no change to OJT under Reversion 2021 and no change to apprenticeships under Reversion 2021.

And do we have any questions about training or job search or relocation allowances at all? If not, I will swing it back over to Tim. Oh, looks like we do have a question there, Tim.

MR. THEBERGE: Yeah. OK. So the one on relocation, I'll answer the first one on case management. Sure.

It says, "To be sure, those enrolled prior to 7/1/2021, case management services will continue to be paid with current funding; right?"

So I want to make this absolutely clear. This has to do with the date on the petition and when the petition is filed, not when the individual is enrolled, nor when the petition is eventually certified.

So you will likely have petitions that are filed on or around June 30th that aren't going to be certified until sometime into July or August. The individuals covered under those petitions will still be all subject to the 2015 provisions and the full set of regulations at 20 CFR 618, including the state's ability to provide those employment and case management services utilizing TAA funding.

So again, this is specifically for – the split here is the date upon which the petition is filed, not when an individual is separated and not when they are enrolled in the program. So that's the remaining case management question we have.

We have one question on our relocation. Wo we have one where, "If somebody could explain what that is."

So the answer is yes. Trade will pay to relocate you and 90 percent of all allowable costs associated with moving 18,000 pounds of your nearest and dearest household goods to a new location within the United States that is outside of your current commuting area in order to have new employment.

So individuals can do that straight away. They can do that after training. There's – it can happen at different times throughout your participation in the TAA program. But, yes. There is a relocation benefit that provides not only the 90 percent of allowable costs affiliated with your actual relocation with the worker and their family but also that provides a up-to lump-sum payment of $1250 to help with other costs related to that relocation.

There's another question of, "What is work based training?"

Work-based training or work-based learning, as it's also known, includes on-the-job training or OJT. It includes customized training, and it includes apprenticeships. Those are the three basic forms of work-based training, a.k.a. work -based learning, that are available under the TAA program.

There's another question on part-time training. So yes. Part-time training is allowable under the TAA program. It's allowable now. It will also be allowable under Reversion 2021. The big change – and this is important – is that part-time, normally, right now, under the 2015 program and under the full 618 regulations, an individual that's enrolled in part-time training and participating in part-time training is not eligible for TRA.

Under reversion they will be otherwise eligible for TRA. This is a significant change, and the reason why that's different than the last time we reverted is because the last time we reverted 20 CFR 617, the old regulations were still in place. Those are no longer in place. We are now looking at 618, but we're looking at 618 through the lens of reversion. So there's no prohibition on part-time training in reversion, and there's no prohibition on the payment of TRA in reversion.

Therefore, part-time training is allowable, and TRA is otherwise payable. Now, whether that individual ever actually gets a TRA payment will depend if they're also employed during the time they're on part-time training and such like that. So I think that covers that part.

We have a couple on having to ensure that work-based learning was explored first. Yeah. That's just a case note that you'll need to make to the file that says, looked at available or opportunities for OJT, apprenticeship, customized. There wasn't anything for this particular worker. So we moved on to looking at other types of occupational training. So that's all.

There's no separate or longer discussion that needs to occur around that. You don't have to wait several weeks to see if something shows up. It's a look at that time to see if there is something available or not. And so, I think that should cover with regard to that particular question.

I'm going to move into TRA. There are some other questions, and I will get to some of those at the end of the TRA section.

All right. So TRA or Trade Readjustment Allowances are covered in Section C of the TEGL. There are several changes to TRA under Reversion 2021, and they are significant. It's also important to remember that these changes only impact those workers determined eligible under a petition filed on or after July 1, 2021; right? So there is no impact on individuals you are serving today. No impact on those individuals under reversion. OK. And reversion, again, only impacts people that are going to be covered under petitions filed on or after July 1, 2021.

However, there are changes. The biggest operational impact is going to be the change in the training enrollment deadlines. That goes from 26 weeks after certification or separation to the later of eight weeks from certification or 16 weeks from separation, whichever is later.

Looking at our PIRL data, the workers tend to be enrolled or waived from training around week 24. So this will be a significant lift on the states in working with both workers and training providers to meet the 8-16-week deadline. This is also an area where you're really going to need to utilize your partners in order to get those individuals into services so that they can get those initial assessments and we can see whether or not training is appropriate.

In order to be eligible for additional TRA under reversion, the workers must file a bona fide application for training within 210 days of separation or certification. So this is separate from the 8-16-week deadline. Those are enrollment deadlines. The 210-day rule is a application for training.

No. I can't explain why it stayed or why it's back. It's an old thing that used to be in there before there was an enrollment deadline. So the 210-day rule predates the 2002 act, which is when the 8-16 deadlines were put in place. But they never got rid of the 210-day rule at the same time. And so, there you have what appears to be a – sort of a disconnect between those two. But there they are.

There are – there's the deadline for enrollment or waiver from training, which impacts eligibility for TRA, any TRA, and then there's the bona fide application for training, which has to be within 210 days of separation or certification for additional TRA eligibility.

In addition, there are other changes that are going to impact the workers. The first is that there is no more earnings disregard. What this means is that workers who have been enrolled in training or are enrolled in training will no longer be able to earn up to their weekly benefit amount without penalty. We will go back to the old way where state law applies as to whether – how much they're penalized for any earnings that come in under when they're enrolled in training.

The next and directly related to that is that there is no election provision anymore under reversion. So this means that individuals will no longer have that option to choose what is usually the higher TRA amount. Instead, they will have to go back onto UI at the end of a benefit year end and exhaust that UI claim before moving back into TRA.

In addition, there are no more good cause provisions. There are no more extensions for justifiable cause or military service and no extensions for judicial or administrative appeals. So there are fairly significant impacts in the world of TRA.

All right. So I'm now going to take a quick look at some of the questions that have come in.

One is, "With regard to if a worker has to quit their not suitable employment to start TAA-approved training, are they still eligible to be co-enrolled in dislocated worker?"

The answer is maybe not. Again, we are making a generic and fairly broad statement when we say that all adversely affected workers are, by definition, dislocated workers. That means at the point they are separated from trade-affected employment, they meet that definition. There are things that can happen along the way that may knock them out of that eligibility.

It's also important to note that that's why our goal, our expectation is 75 percent and not 100 percent. So we think that that 25 percent allowance accounts for things like that scenario.

The next question I covered, the one about work-based training. Again, you can put that you've looked at the availability of work-based training and that there was none available. So that goes in there as well.

"How does TAA support apprenticeship?"

So apprenticeship has always been approvable under the TAA program. Congress, however, specifically added apprenticeship under the types of work-based training that were – that are explicitly authorized under the TAA program.

And in our regulations, we also were explicit that apprenticeship is an allowable form of training under the TAA program. We allow for up to 130 weeks of the support for the work-based learning portion of an apprenticeship, meaning we will reimburse the employer up to 50 percent of their cost of training that worker on the job.

We will then also pay for the related classroom instruction and related costs for that worker to enroll in and participate in that related instruction related to that apprenticeship. And there is currently no limit on the duration of that related instruction. It's tied to the apprenticeship itself.

All right. "If you are hired in a survival wage job prior to having an approved training plan, can you still access Trade Act services for OJT?"

Yes. So Trade actually specifically allows a worker to leave employment that is not suitable really without penalty, meaning that even your UI claim can't be impacted if you leave non-suitable employment in order to enroll in TAA-approved training.

"Will the 5 percent case management funding be waived in Reversion 2021?"

So this is one of those questions that I think will be answered later. But I'll try to do my best to explain that now.

There is no change to the FY '19, FY '20, and FY 2021 dollars you have now to serve workers covered under current petitions and petitions filed on or before June 30, 2021. Even after that, you will still be serving workers covered under those petitions, utilizing your current approved grants. And those current approved grants to serve the workers under the 2015 provisions are still subject to the 5 percent minimum for case management.

"Is the part-time training TRA eligibility only available to petitions filed after 7/1/21?"

Yes. So if you are – the only scenario in which a worker could be in TRA – sorry – in part-time training under TAA and be otherwise eligible for TRA is if they are a member of a worker group certified under a petition that is filed on or after July 1st, 2021. So again, you likely won't be crossing that threshold until sometime in late July or August when those first set of certifications start coming out.

"If a participant misses the 8-16 waiver deadline then comes in and requests a bona fide application for training with the 210 days, are they still eligible for additional?"

No. In order to be eligible for additional, you have to be eligible for basic. In order to be eligible for completion, you have to be eligible for basic and additional. It's a stacking eligibility. So there's no way around that.

"Should a bona fide application require determination?"

This has been asked several times. The short answer to that is no. A bona fide application for training is, quite literally, a piece of paper or something that says, I would like to be trained under the TAA program in blank occupation or something along those lines, as simple as that.

That's not actually the document that will then be used to render a training determination. It can be, and if you'd like to design it that way, you can use your current application for training to meet that requirement. But you have some flexibility for you as a state. The states have flexibility on how they do that.

So similar to that is the – "Does the 210-day application require a person to identify the training they want?"

So it needs to be more than, I want training. That's arguably not bona fide. It needs to be, I want training in X, but, again, that's not going to be or doesn't have to be the same document you're actually using to render a determination on training.

Yes. Let me verify the 210-day deadline, if you look at Attachment B of the TEGL, makes it clear that it's a separation or certification. I realize now that the slide only says separation. My bad on that. We will make sure that the updated slide gets posted with this presentation. Though the recording will will be accurate, I will make sure that the updated presentation does get posted to indicate that it is separation or certification.

Equitable tolling, we'll cover that. I believe that's later – is that today? That is not today. That was in the other presentation.

So the equitable tolling still applies under the TAA program. You'll need to check the current regulations for guidance on applicability of equitable tolling. And I don't really think we're going to provide any additional guidance beyond what's in the preamble and the rule text on equitable tolling.

Next, election previsions. So election provisions are currently in place. I would refer you to our existing training on Subpart G of the 618, which is available on taa.workforcegps.org. That goes into all the explanations around the elections provisions. So the answer, in short, is yes. Any UI counts against your TRA weeks. The definition of basic TRA is 52 weeks minus everything you receive. So that – that's already there.

All right. "Do the income disregard and choice option only apply to participants certified under reversion?"

No. You have it the other way. So the income disregard and choice option is available now and has been under the 2015 provisions for the last six years now or so. So those apply under 2015. The earnings disregard and election do not apply under reversion.

All right. "Can a waiver document be utilized if a customer did not access the TAA benefits before the two expiration dates?"

So waivers must also be issued on or before those 8-16 deadlines. So it's not a waiver from the deadline. There is a 45-day extenuating circumstances extension that can be provided, but waivers must also be issued on or before those deadlines. And there is no waiver. Let me say this again. There is no waiver for, I'm still looking for training. That waiver does not exist. OK.

All right. So I'm going to move on to ATAA now, and then we will come back through the pile – the ever-growing pile of questions, which I really appreciate, because it does make sure that we cover everything we should and helps us refine our slides, if I went horribly awry. All right.

So ATAA. Under Reversion 2021 RTAA reverts back to ATAA, otherwise known as Alternative Trade Adjustment Assistance. This is covered in Section H of the TEGL. It is more restrictive than RTAA.

The first change is that a group eligibility determination is once again required. This happened originally with ATAA, and it happened during reversion. During the investigation process, when a petition is filed under reversion, that petition is a request for certification for both TAA and ATAA. That investigation will occur at the same time.

And when a determination document is issued by the certifying officers, it will specifically indicate whether or not that – members of that worker group are also then eligible for ATAA or not.

So you could get a determination document that denies both TAA and ATAA. You could get a determination document that certifies TAA and denies ATAA, or you could get a determination document that certifies both TAA and ATAA. You cannot get ATAA certifications without a TAA certification.

Under Reversion 2021, ATAA cannot be combined with training. The only other benefit that can be combined with ATAA is a relocation allowance, and once the worker receives any of the other benefits, they're no longer eligible for ATAA and vice versa, meaning the minute you get that ATAA payment, that first payment, you no longer have access to the other benefits under the TAA program.

The regulations still apply otherwise for ATAA. So it's the same calculation for annualized separation wages and annualized reemployment wages. UI eligibility is not a requirement for ATAA. It's not a requirement for RTAA. There's no need for an individual to file a UI claim to be eligible for ATAA. So that doesn't matter.

The requirement that qualifying employment be covered employment under applicable state law, that's still in play. That's in our regulations, and it must not include any activity that is unlawful under federal, state, or local law. So some states and locals have a little bit permissible activity in certain industries – agricultural industries. Since that activity is still unlawful at the federal level, individuals can't be reemployed in those industries at the state or local level.

ATAA also – and I'll use this phrase loosely – expires on June 30, 2022. If a worker has not received their first ATAA payment on or before June 30, 2022, they will have no eligibility past that date for additional payments. So they have to have a first ATAA payment by that date in order to retain eligibility for ATAA.

So an individual that is determined eligible for TAA, who's 50 years or older by June 30, 2022 and then two months later gets qualifying reemployment, they're not going to be eligible for ATAA because they would not have received a payment.

We will cover everything around the sunset provisions, if we get to the point where it does appear that we're going to sunset rather than have reauthorization. But that's so far out that we're not going to go into that today.

All right. So I'm now going to go through the rest of the questions that have come in. I'll put the resources slide up here.

So if you're not already a member of our TAA community, I suggest you join that. Our website will have a whole bunch of reversion related stuff that we'll post to the website on or around July 1st so that you'll have access to all of that. And then there's the link to the operating instructions as well.

"Is there a limitation on how many family members will be covered for relocation?"

So our regulations actually define who a family is, and the rest of that is then covered by the federal travel regulations, which you'll also find the citation to in our regulations for how relocation is handled. Essentially, Trade participants relocate as if they were federal employees. And so, you can check the federal travel regulations for that and our regulations at 618.110 for the definition of family.

"Can you provide clarification on what suitable employment means in regard to receiving training?"

Sure. So in terms of criteria, one, there has to be no suitable employment available to the worker. We define suitable employment in our regulations at 618.110, and I will read it so I don't mess it up. It did change under 618. So I do want to make sure I get it right.

It means, with respect to a worker, "work of a substantially equal or higher skill level than the worker's past adversely-affected employment and at wages for such work that are not less than 80 percent of the worker's average weekly wage." And here's the key is that "part-time, temporary, short-term, or threatened employment is not suitable employment."

So again – and there is a TEGL that's related to this that's still out there. Essentially, you have to look at whether or not there is suitable employment available to the worker on the day that you're determining that training application. If there is suitable work – or sorry – suitable employment available, training cannot be approved. So that's the first criteria is that there has to be no suitable employment available to the worker for training to be approved.

OK. Now, let's see. "After each annual UI claim renewal, a client must go back on UI?"

Right. So this is the big impact under reversion. So normally, what you have is workers tend to have a much higher TRA payment because that's based on their adversely-affected employment. Then what happens is they get separated, they pick up a part-time gig, or they have a couple of lagging wages that come into play after they were separated or maybe went back to the plant or to the office for a couple of weeks and had some earnings that go into that new benefit year.

What happens all of a sudden is that you get to the end of that benefit year, the state recalculates your benefits, and in many situations, participants were getting about half of their TRA payment in the form of UI.

The election provision currently allows individuals to say, no thanks. I'll stay on TRA. That option goes away under reversion. And so, now, yes. They would have to move on to that usually lower UI claim and exhaust that prior to coming back onto – coming back onto TRA.

There's a question about bona fide application for training and whether that means an application to the training institution.

No. It's an application to the state by the worker that says, I'm interested in training.

"A client must be employed part- or full-time and attend training part-time to be eligible for TRA?"

So this is – again, I want to make it clear that this is one of those things that will be impacted right now under – or that's different under reversion. So if we talk about right now, yes. You have to be employed part- or full-time and attending part-time training to be eligible for TRA – is that right – for a combination of the two. Under reversion – because if you're only in part-time training under 2015, you're not eligible for TRA. Under reversion, you will be, and so that's the change.

Let's see. "If the participant does not need to take any training but they are trying to take a state exam such as a loan officer test, could that fall under supportive services?"

That's actually – we count that as a training-related cost. Exams for licensure are covered as a training-related cost, and I believe our preamble to our regulations covers that. And I believe there's even rule text that covers expenses. So that's actually a training-related cost. That's not a supportive service.

Let's see. So I think I've covered – do we need a signature?

So again, so, for the 210-day thing, in general, if they meet the 8-16 and you focus on that, they're likely going to meet the 210-day deadline. So if you want to use your existing application for training, that then becomes a document upon which you make a determination. That's fine. If you want to create something else, that's a bona fide application. I would also argue that even an email to a case counselor that says, I'm interested in training as such and such, would constitute a bona fide application for training.

So that's where I'll leave that one. It's not as detailed as what most of you are used to for training approval. That may include having the individual have to give you three vendors and costs and that type of stuff. That's different; right? Again, you can use that for that. And, likely, if they've done that to meet the 8-16, again, the difference here is going to be that – well, I won't even say that. Right. I'll leave it at that.

So if you use your regular approval process and you're focusing on those 8-16 deadlines, you should, more or less, always have the individual meet the 210-day rule.

"ATAA cannot be combined with HCTC?"

No. HCTC is technically not a TAA benefit. HCTC is administered by the IRS, and TAA participants happen to be eligible for it. So yes. ATAA participants are eligible for the health – otherwise eligible for the Health Coverage Tax Credit. The purpose of that slide was to indicate that they would not be eligible for training for TRA, for job search, for those TAA benefits.

"How will reversion impact the allowance for administration?"

If you're talking about administrative costs, there's no change to the definition of administrative costs. The limit right now for the last quarter of your FY 2021 grant is still the 10 percent. I don't know what that will look like for new money because the FY 2022 budget isn't available yet. There's no language associated with that. So that one will be answered when we get to that point.

"Would the 45-day extenuating circumstance extension be the only one left to apply besides equitable tolling?"

Yes. In short, those are the only two left is the 45-day extenuating circumstances and equitable tolling. And, again, for guidance on both of those, I'm going to refer you directly to 618 because we laid out those examples and our argument behind them in the preamble and in the rule text. So I will move that to you there.

All right. "If a petition is filed and subsequently certified within 30 days of that file date and a claimant has exhausted all regular UI, do they still have to wait 60 days?"

Yes. The 60-day waiting period is back. So – and then your first TRA payment cannot be before 60 days from the date on which the petition is filed, meaning that, if the petition is filed on July 1, 2021, the first TRA payment under that couldn't occur until – somebody check my – roughly September 1st, whatever the 60-day point is. I think there's two extra days in July and August. So somewhere right around there. Yes. That 60-day waiting period is back for TRA payments.

"Are there any changes to the payment of TRA benefits during summer breaks?"

No. The 30-day break in training is still in place. The duration and weeks of basic additional and completion are unchanged. There is no change to those. The six criteria still apply. Yes. There's no change there. Again, with the except that work-based training is the preferred method of training. Other than that, the six criteria stay exactly as they are now. So there's no change to that.

Covered that one.

A bona fide application is not defined in the regulations because it didn't exist in the statute when we promulgated our regulations. You likely also won't find that defined in any of our older guidance either, because I don't remember it existing in earlier guidance either.

It may have been in 617, but I don't think it provided anything further than the phrase bona fide application. So again, you have to look at to what the sort of regular definition of bona fide mean. And so, that's where you'd have to look at what the reasonableness is of that.

"Are there any changes to the eligibility dates to receive ATAA under reversion?"

Yes. So you now only have 26 weeks from separation in order to find qualifying reemployment for ATAA. So that is a significant change from the current statute and the current regulations.

So you could have and will likely have situations where an individual will become qualifying reemployed for ATAA purposes before the certification is ever issued. In that case, what you would do is, essentially, then look at that qualifying reemployment and potentially just make a lump sum payment to cover the period for which they were, in fact, eligible because it's based on the separation date and not the certification date.

"What if they want to take a test for a certification without any training?"

Yes. We covered that in our – I believe that's covered in, at a minimum, the preamble, if not the rule text on training in Subpart F of 618.

"Will there be another TEGL with FAQs and answers?"

So I think it depends how long we think we'll be in reversion. So what has happened the last – the last time we reverted, the statute that reauthorized the program included a retroactivity clause that essentially moved everyone into the new benefits and made them whole, as if they had always been under the new program.

So if it looks like that's going to occur and that's where we're going to be in a relatively short period of time, I would not expect us to issue additional changes to the TEGL or additional guidance documents.

If it appears we're going to be in reversion for longer than that period of time, then yes. It is likely we will issue additional guidance documents and/or FAQs. We will also definitely be doing additional webinars via this platform, specifically based on the questions you have all submitted, to make sure that our documents are as accurate and as clear as they can be so that we can clarify all of this.

"Could I clarify the time limit for ATAA? Is that 8-16?"

No. The 8-16 deadline has only to do with TRA. The 8-16 deadline does not apply to ATAA. ATAA has a 26-week deadline by which the individual must have qualifying reemployment.

"If a person misses the 8-16 deadline but is within the 210 days, are they eligible for TRA?"

No. You have to be eligible for basic before you can be eligible for additional. And missing the 8-16 week deadline would mean you're ineligible for basic and, therefore, ineligible for additional.

State merit staff. "State merit staff are currently accepting and reviewing, as well as making payments for progress reports, time and attendance, transportation. Can our team continuing doing this at an admin level, or does it need to be completely –"

So our regulations – the word reviewing it is a bit off, but so, there's no change to the staffing flexibility. The easiest way to answer this is there is no change to the stack – to the regulation at 618.890 that covers our staffing flexibility. There's no change to that under reversion.

So if you are compliant with that now under 2015, then keep doing what you're doing. You'll be compliant with that under reversion. The caveat to that is who can pay for those employment and case management services that those individuals may be receiving.

All right. "30 days prior to training, they get a work search waiver. Is this still in place?"

Yes. That's called enrolled in training. So an individual that is enrolled in training under the TAA program, which means that training is slated to begin within 30 days, is no longer required to seek or accept employment, even if it's referred to them by the state agency. There is no change to that.

Full-time. The definition of full-time training is in our regulations. There's no change to that. It's defined by the training institution.

"Are benchmarks still required under reversion?"

Yes. There's no change to the benchmarks because there's no change to completion TRA.

"Is the job search program available under Reversion 2021?"

Yes. Yes. It is. The job search program was also available under the ancient program as well, and we do have some guidance on that in our regulation. So I will refer you to 618 for the guidance on what a job search program is.

I'm not sure I understand one of the questions that's asking whether the 60 days deduct from the 104 TRAB weeks. I'm not sure what TRAB is. I think they mean the 104-week within which you have to receive TRA. So there's no change to the 104-week provision, and the 60 days has no impact on that.

OK. Let's see. Answered that one. Answered that one. All right. I think we're close to current on the questions.

There's a couple on ATAA and what you are and are not eligible for. Again, to be clear, there's only one other TAA benefit that you're eligible for, and that is relocation. Receipt of any of the others voids the other. So if you get a job search allowance, you're then not eligible for ATAA. If you get ATAA, you're not eligible for a job search allowance. Same thing with training, same thing with TRA. Again, relocation can be combined with ATAA. Those two are okay. The others are not.

And yes. ATAA participants are – recipients, as it's called, are eligible for the Health Coverage Tax Credit. There's no change to HCTC under Reversion 2021. HCTC was extended through December 31st of this year.

"How many hours considered part-time training?"

Less than full-time.

Again, obviously, as we've stated repeatedly, we want clients, participants to be working with case managers to ensure the fastest return to employment, ideally, that is suitable or better as fast as possible at the lowest cost possible; right? That is what we have always been after in the TAA program. And so, part-time training may be appropriate for some workers in some circumstances. It may not be for others in other circumstances.

And if the state believes that, they do have the authority to deny that training, if they don't believe it to be appropriate, again, based on the six criteria. That is what all training determinations have to be based on. Obviously, the individual would then have the ability to appeal a denial of that training. But, again, you should be guided by the principle of the six criteria for the approval of training. There's no impact on that under reversion, and I would point you to the discussions in the preamble on those criteria as well for that.

All right. What else? "Was there changes to the rate for mileage or to subsistence?"

So we used whatever rate is currently posted by the General Services Administration. The GSA covers that. So when it is changed, the GSA.gov website is where you can go to find those updates.

I will point out, as I always do, especially as the summer months roll around, is that there is actually a different rate for motorcycles. So if your participants are using a motorcycle instead of a other vehicle for their commuting to and from training, there actually is a different reimbursement rate for motorcycles. But GSA.gov is where you'll want to go for the updates on what that is, not the IRS website. We use the GSA website, which is the General Services Administration, again, because Trade participants follow the federal travel regulations really as if they were traveling as a federal employee.

"Does allowing classroom training and OJT or other work-based training go against the one training per petition?"

No. So we are very clear on this in our regulations as well. You can combine all sorts of training. You can have full-time training and part-time training and in-person training and remote training and OJT and apprenticeship. You can combine any of those types of prerequisite training and remedial education. All of that can be combined into what we call a single training plan or a single training program.

So that is the one – that's what we call one training. That's what we mean. It's not one type of training. It is one approved training plan or training program. That's what we're approving when we're approving that package. And so, you will find that there are many occupations that require some type of experience for that individual to actually become employed.

So if you're just doing occupational training, you may not – that person may not be job ready at the end of that because most employers are looking for some type of employment experience. And so, adding an OJT to the end of that occupational training might be rather appropriate. And so, no. Simply have – it's not limited to one type of training. It is one training plan or one training program.

All right. What else? The GSA site also publishes the rate for a privately owned airplane, just in case you have any participants who happen to have their own aircraft. So there's that.

I've posted the link in the chat to where those GSA rates are. So right now, the POV, the personally owned vehicle rate is $0.56 a mile.

"Did I say a combination of these can exceed 130 weeks?"

So no. The only exception – there's a couple of things at the 130 weeks. OJT is limited to 104. There's no change to that, and that's in the regulations as well. It talks about 104-week limit for OJT, and even that would be on the really high end for an OJT. In general, those should only be a couple of months long.

So no. Apprenticeship can exceed 130 weeks. The related instruction component of a apprenticeship can exceed 130 weeks. Others cannot. So if you're talking about the previous question where I said you can combine classroom instruction and OJT instruction, the total of that plan cannot exceed 130 weeks of actual training.

"In approving a training plan, does additional trainings included need to be related?"

So they all need to be part of the approved training plan, I guess is the best answer to that question, because, remember, they can also be at different providers. So you might be able to take one set of classes at one provider and another set of classes at another provider to combine them into that training plan.

So yes. They need to be related. There's a similar question that talks about the same occupation. We cover some of that in the rule. So I would I would refer you to the preamble of the final rule and the rule text itself on occupational – what the occupational rules are with regard to that. Again, obviously we want it to be related to the training plan and the ultimate goal of what that training is.

So "Are you still allowed to change? Are you still allowed to petition to change training?"

Yes. The amendment provisions for training plan amendments still – are still in place under Reversion 2021. There's no change to that.

"Part-time training isn't allowable under reversion TRA is otherwise payable?" No. So the question is, "Does this mean that TRA is not payable?"

No. It means TRA is payable. The reason I used the phrase otherwise payable is that, if the person is in part-time training because they are also employed, it is highly likely that they will earn enough money that would disqualify them from a monetary payment under TRA. So they could have a situation where they are – [inaudible] how to phrase this.

Sorry. So let's say their earnings are about $100. For easy math, their TRA payment is $100 a week and they earn $100 a week. That's going to zero that out. So are they eligible for TRA? Yes. Are they're getting a payment? No. So their monetary entitlement would be zero.

OK. Let's see. What else? "Is TRA – if eligible and participation ATAA will disqualify from future TAA opportunity?"

So I think what the question is is, if there's some type of retroactivity. So the answer is, in theory, no. If there's a retroactivity clause that's in reauthorization, the way that that worked last time is receipt of that ATAA would not have voided their ability to access training after that point. Obviously, they still need to meet the six criteria, which they may or may not at that point, but there is that.

There's a question about watercraft relative to the GSA rate. I'm going to – that's actually a really great question, but I think that falls more under the federal travel regulations than it does under the GSA rule. So whoever submitted the question about watercraft, you could send that into your regional office. I would like to take a look at that one. That would be helpful.

"Is it expected for baseline workers to have more difficulty accessing training benefits, considering our current economic conditions? Wages are higher, and there are a lot of job openings."

So again, it has to – if there is suitable employment, which is 80 percent or more of their previous wages at the same or similar skill level – that's the other part. It's wages and skill level – then training cannot be improved. So that's going to vary wildly based on your conditions in your local labor market, such that, if local employers are ramping up their wages, they may meet the 80 percent threshold. In that situation, you'll also need to look at skills and whether or not it's the same or similar skill level.

"If someone is in part-time training and not working, are they still allowed to collect TRA?"

Again, so, this is under reversion. The short version of that would be yes.

All right. Let me take a quick look through. I think that's most of them.

"How do you determine same or similar skill level?"

O\*NET. You should use O\*NET OnLine? [inaudible] by and look at that to determine whether or not it's at the same or similar skill level. Again, that's called onetonline.org. For those of you that have been around forever like me, that's what the new version of the Dictionary of Occupational Titles has become.

All right. I think we've covered at this point pretty much every question that has come in or close to it. I'll give you another minute or two to add any last questions to the chat before we move on.

So again, this is the third of our last of our scheduled webinars on reversion. We are also hosting our regional calls. We have done the first three. We have two to go, one with region five and one with region six.

We are then also offering state-based sessions on reversion. So if your state is interested in a state-specific session, I know that Maryland, New York, I think New Jersey, Connecticut have all already requested sessions. So if your state is interested in that, please let us know through your regional office, and we can work on scheduling that in the next couple of weeks.

All right. Thank you all for your questions. They are very helpful to that – to helping us make sure we've answered as many questions as we can and to help us refine these materials. Thanks to this session, there's actually a couple of changes I'll need to make – for when you're commuting.

MS. MCCALL: Hi. Jumping back in. This is Grace McCall. Just want to double check, Tim, you're on the line taking a pause.

MR. THEBERGE: So again, when we – when somebody relocates, if they're driving their personally owned vehicle, you're not actually going to pay out at the $0.56 cents a mile. Somewhere in either the GSA documentation or the federal travel regulations is a separate rate for when someone is relocating. And that's the appropriate rate to use for that.

OK. I think that's covered most of the questions that have come in. We're at 3:15. So I think I will call it at that point.

"Is there a community I can join on apprenticeships?"

So we don't have a specific community of practice for apprenticeships in TAA. There is a TAA community and an apprenticeship community but not one that is looking at both. We have a couple of states that are really working hard on trying to identify and enroll some apprenticeships under TAA, but we don't yet have a true full body of work available for you on that, unfortunately, at this point.

You could definitely – what do you call it – reach out to some of your other states. I think we are looking into having some sessions on that once we get some data and some successes from states that have done that. But, if you have examples that are working, we would love – we would – okay.

With that, I think we'll call it a session. Thank you very much. Turn it back over to Grace.

(END)