**WorkforceGPS**

**Transcript of Webinar**

**TAA & DW Co-Enrollment: It's the Law and It's Doable -**

**A Texas Case Study**

**Wednesday, December 8, 2021**

*Transcript by*

*Noble Transcription Services*

*Menifee, CA*

LAURA CASERTANO: And with that, let me get myself right out of the way. I want to welcome everyone to today's webinar and I'm going to turn things over to your moderator today, Timothy Theberge. He's a senior policy analyst with the U.S. Department of Labor Employment and Training Administration. Timothy, take it away.

TIMOTHY THEBERGE: Thank you, Laura. So good afternoon and, or good morning, depending on where you are joining us from. If we get the current version of TAA re-authorization, I think I also have to say happy tomorrow or yesterday if the Pacific Islands come onboard.

But anyway, with that, we are here today to talk about real world co-enrollment between the TAA program and the WIOA dislocated worker program. We have two individuals that will be speaking today in addition to myself.

Those are Jeff Ryan. He is a program analyst, a.k.a, a transition management specialist with our Office of Workforce Investment. Jeff has developed policy and technical assistance for workforce development programs within ETA since 2000, and among other priorities currently coordinates business engagement and Rapid Response efforts at a national level, focusing on connecting workforce and economic development activities, developing strategic partners in engaging businesses and incumbent workers, traffic and technical assistance designed to help prevent and minimize the duration of unemployment; and coordinating responses to layoffs that affect multiple states. Jeff received his master's in public administration in 2000 from the University of Vermont and had prior federal experience working for the Energy Star program at the U.S. Environmental Protection Agency.

In addition, we also have Camea Dukes. Camea is the manager of the Texas Workforce Commission in the board service strategies department at the state coordinator for the TAA and Rapid Response programs. Her teams are responsible for providing strategic strategies for the TAA Rapid Response, non-custodial parent choices and supplemental nutrition assistance program, employment and training. Ms. Dukes has lived in Texas since 2001, has been with TWC, the Texas Workforce Commission, since 2014, and in workforce since 2001. She also currently serves as a member of the Central Texas workforce board. She attended Argosy University, where she graduated with a master's degree in business. She is most proudest of being the mother of four adults, grandmother of five, and being from -- I'm going to get this completely wrong -- is it Elyria, Ohio? Do I say Go Buckeyes after that (sic)?

All right. So with those introductions, we now have another poll to put up for you, right? And so this one is what is the basis or foundation of the dislocated worker program requirement to participate for co-enrollment? Is it the TAA regulations, WIOA regulations, ETA guidance, the governor-secretary agreement, or because I said so? Give this another couple of seconds here as the numbers continue to creep up.

All right. So for those of you that have already answered the question, thank you. For those of you that haven't, give it another second here. Reminder, if you have not done so, please introduce yourself via the chat. We do look at those transcripts later that give us a really good idea of which programs have attended today.

All right. Great. So here's what we have if we look up on the screen. So what are the bases? So 61 percent of you have said the TAA regulations. 35 percent of you have said the WIOA regulations. About a third of you have said it was ETA guidance, i.e. training and employment guidance letter or TEGL. 6 percent of you said it was the governor-secretary agreement. And my favorite are the six people who said because I said so.

So although I may have made my original career in ETA out of what we call policy by PowerPoint, the real answer is really the other four, right? So the TAA regulations are the ones that absolutely explicitly require you all to co-enroll workers in the dislocated worker program if they're a TAA participant. However, if we then look at the WIOA regulations, it is abundantly clear that within those requirements, there is absolutely an expectation of program integration among the workforce partners. The information even goes further than that when we look at what are the required services, especially under Rapid Response, that need to be provided to worker groups for whom a petition is filed. In order to reinforce things that we then put into our regulations, we also often issue ETA guidance, and you'll hear a little bit more about that from Jeff in a bit, so you'll see how that plays out.

Lastly, we have the governor-secretary agreement. So trade is a little bit different than WIOA. Trade has a formal agreement with the states where the states agree to act as the agent of the secretary in carrying out the Trade program. And the Trade program, and through those agreements, can actually and does compel states to integrate services. And so the co-enrollment requirement comes out of really all of those.

I no longer have the authority to issue policy by PowerPoint. Somebody finally took away the keys and decided that was a really bad idea. All right. Great.

So if you have any questions as we go along today, we're going to ask you to put those right into the chat. And the other people that are on today will be monitoring chat for those questions, so this will be an open chat today. It will not be a closed chat, which you may have seen in some of our other presentations. That will allow you all to see the questions that are coming in and then we'll hopefully either answer some of those via the chat or live with us answering.

So what are we here to do today? The first is to educate our state and local audience about the existing requirement and where they can be found. So we're going to show you in the TAA regulations where those come from. We're going to show you where the WIOA regulations -- where those come from. And then we're even going to talk to you about the guidance that is out there. More importantly, we're then going to provide a case study of the state of Texas, which has been successful in increasing co-enrollment. So these are real-world solutions that we're going to share from your peers, right, so that you can all see how this can happen out there in your states.

With that, I'm going to hand things over to Jeff. So again, please make sure to enter any questions you might have as we go through this into the chat window, and we'll answer them either via the chat or have one of us answer them for you. All right. Take it away, Jeff.

JEFF RYAN: All right. Thank you, Tim. Good afternoon/morning, everyone.

We'll be talking a little bit later, Tim mentioned, about the benefits and opportunities that are provided by successful co-enrollment with TAA and WIOA programs. But we do want to talk a little bit to start about the requirement itself, building on what we just looked at in the poll. We want to talk pretty specifically to WIOA program staff, who may be either unfamiliar with the specifics of the Trade program itself, who have not really read a lot of TAA guidance or regulations, or maybe who just don't really believe that the Trade program can create a requirement that a WIOA-funded program must comply with. So we'll talk a little bit about how those requirements come to be and how they come to apply to the WIOA programs before we get into hearing about how Texas is doing things really well.

OK. So we'll start by talking about Rapid Response. This is a section of the WIOA regulation for Rapid Response. And as you'll see, there are a number of places where the WIOA regulation on Rapid Response specifically requires activity related to delivery of Rapid Response services related to a Trade Adjustment Assistance petition filing. We want to note that this isn't new. These regulations obviously, along with the rest of the WIOA regulations, came out in 2016. So for the Rapid Response program, you have all been, theoretically anyway, carrying out this requirement to deliver Rapid Response for Trade Adjustment Assistance all along. And that requirement is not something that we made up in the regulation. We put it in the regulation because the Trade act required it.

And while we're -- this presentation in general today is talking about co-enrollment and this is not, you know, precisely co-enrollment in the same way. We wanted to really include it here to demonstrate that WIOA programs are expected to follow requirements that exist in another law and funded by another funding stream. It's still incumbent upon us on the WIOA side to actually carry out this requirement.

OK. One thing that we do here concern about fairly often, that there may be a burden from an eligibility perspective or an administrative perspective with co-enrollment of participants. So we wanted to really quickly just -- most of you I'm sure have seen and probably memorized the dislocated worker eligibility definition from WIOA. But the reason we want to put it here is because we want to think about if someone has lost their job and are eligible as a dislocated worker, they are automatically -- if they are certified for TAA they are automatically a dislocated worker, right? Those two things are -- there's no additional work to be done. It's not a leap to say once someone is certified for trade that we have to do a lot of additional work to determine them eligible as a dislocated worker. They're automatically eligible.

And so while it may take time in many cases for a TAA petition to be certified, these folks are eligible for dislocated worker services at the moment of eligibility, and so can be served prior to a TAA petition, even being that it's existing, never mind being certified. So we just wanted to kind of put that out there again to sort of remind folks that dislocated workers -- that trade affected workers are dislocated workers by definition.

But there's another piece that we want to highlight a little bit for you because I think it's -- this area that may be a little less well-recognized of the dislocated worker definition. And that's those folks who are technically dislocated workers by definition in the law, but who are still employed. These are folks who are, in many cases, have received a notice that their facility will be closing or that they will be laid off in the future, or that the employer has made a general notice -- a general announcement that their facility will close. And these folks are still working, but they are, for purposes of WIOA, dislocated workers, and for purposes of TAA that they are adversely affected incumbent workers. And so again, this is an area where -- and adversely affected incumbent worker in trade is by definition a dislocated worker.

Now of course, this requires your Rapid Response program or your career centers or other dislocated worker programs to be actively working to identify these folks and to make sure that they're able to be enrolled into the dislocated worker program as well as the Trade program. But we wanted again to reinforce that just because someone is worker does not mean that they're not eligible for either the dislocated worker or the Trade program. So just something to make sure that your systems and structures are built to enable those people to get into the programs.

OK. So this is a regulation from the Trade grant. This is a line from the Trade reg and you'll see it's very clear, state must co-enroll Trade-affected workers who are eligible for WIOA's dislocated worker program. What we are raising this here is that there's -- we've sort of mentioned it a few times but there's a sort of pervasive and persistent myth that just because this requirement exists in the Trade law and not in WIOA, it does not apply to WIOA-funded programs. But as with many myths, this is not true.

We've already discussed how Rapid Response regulations have this requirement. But in addition, under WIOA, trade is a required partner and this statute from -- the Trade statute requires that WIOA provides Rapid Response and career services. So when you're putting all these pieces together, what you're getting is just more evidence that we have to understand that the Trade act does have in this circumstance the ability to compel activity under WIOA.

OK. And I should also mention too that the Trade act does require, you know, the coordination of the administration of provisions for employment services, training and supplemental assistance under sections of the Trade act and under Title I of the Workforce Investment and Opportunity Act, and that such terms are established by the secretary. So again, the Trade act itself is blending those two requirements for us and so we have to be sure that our WIOA programs are fully understanding how these two things connect.

What I would say is many of you are probably by now familiar with TEGL 19-16, which is several years old now. But it was written as the operating instructions for the adult and dislocated worker programs under WIOA. What you may or may not have noticed, way down towards the end of that TEGL, in fact in the very last section of the TEGL, it describes the value of co-enrolling workers covered under certified TAA petitions with WIOA programs. But it also references this section of the Trade act. Now, that's section 221 if you want to go grab your trade act and take a look. That requires the governor to ensure that both Rapid Response and appropriate career services are delivered to all workers who are covered by a certified TAA petition.

So even in the guidance that we've had since 2016, this requirement again remains in our existing WIOA guidance. But, you know, we know that many people have probably not read section 221 or any other section of the Trade act, where this requirement is codified.

But the Trade program did work last year to release TEGL 4-20 so that the Trade program would be able to provide guidance to the rest of the WIOA programs about this co-enrollment requirement. We have this TEGL 4-20 with the -- it's quite just a snappy title here. Guidance on Integrating Services for Trade-Affected Workers Under the Trade Adjustment Assistance Program, TAA program, with the Workforce Innovation and Opportunity Act Title I Dislocated Worker Program. So if you can remember all that, it's TEGL 4-20. And essentially, this was done again to ensure that WIOA program staff were aware of and follow the co-enrollment requirement that is in the Trade act.

So if you haven't read TEGL 4-20, that's probably a great place to start because that's going to give you the clearest and most current understanding of how this program co-enrollment requirement really comes to be.

So the bottom line I guess is even though it's the Trade act and not WIOA that mandates co-enrollment between TAA and WIOA dislocated worker, this requirement does apply to WIOA. And it is, as they say, the law of the land. That's -- there's often a lot of confusion and lack of fully understanding how these two connect, but this is something that you are expected to do.

OK. One last thing before we get back to talking to the more exciting stuff about the value of co-enrollment. I just wanted to quickly point out that the requirement for co-enrollment also aligns with and supports the ability of the public workforce system at large to achieve all of the principles that WIOA is built on, particularly as are highlighted here, I, II, and IV. But you may see how the requirement to do co-enrollment is really beneficial to all of the outcomes that WIOA is hoping to achieve.

So I'm going to turn it back to Tim so he can discuss that benefit side of co-enrollment. But I think, Tim, if there's any questions that you want to get to before we do that, we can do that now or else you can go on with your set.

MR. THEBERGE: Yep. Thanks, Jeff. So we actually have a few that came in through the chat that I'm going to try to answer as best I can. I think there's one I may need to get back to you on because I'm not so sure anyone's ever asked that question before, which is rare, but does happen.

So the first one has to do with whether or not Title I can get credit for measurable skills gain, even if they don't spend money for training. The answer is absolutely. There is no requirement. This is the beauty of combined reporting is that everyone gets credit for everything when you have reporting done that way. So there is no requirement that you at the local level spend a single dollar towards the actual training. If TAA is paying for that training, the WIOA program would then get credit for all of the outcomes that follow.

It's actually also important that in most cases, you may not want to put that dollar into the training because if you do, then you're subject to the eligible training provider list requirements. Under trade, those individuals do not need to utilize the eligible training provider list, so you need to be a little bit careful on how you allocate those costs. So yes, the WIOA program would get credit for the measurable skills gain, even if they didn't spend a dollar on training.

The next is a question about the older workers, the 50-year-old workers on individuals that are enrolled in the RTAA program, right? So because these individuals are usually already employed or going to be immediately employed, there's this perception that they won't benefit from the other services. But that's not entirely true, right? So they can begin receiving those employment and case management services while waiting to determine if they're eligible for the TAA program because remember, the states are required to provide not only Rapid Response services at the point the petition is filed, but also appropriate WIOA career services.

So I know that we often talk about individuals being trade participants and then being co-enrolled in WIOA. In many instances, it should actually be the other way around. And so what we want to talk about from our TAA participants is that there are oftentimes -- when the default position of those workers is I just need a job. I just need a job. I just need a job. When they may benefit from having a series of counselling sessions where they explore whether or not that immediate return to employment is the best strategy, and or since they can, whether they should consider combining their RTAA re-employment along with some type of training in order to lead them to even better outcomes down the road.

Let's see. There's another one here that I answered in the chat with regard to unemployment insurance eligibility.

So the next one we get a lot. The person didn't want to be co-enrolled. So part of our question on this is how exactly did you pitch the program to the person that they would say no, I'm not interested in that. Thanks. So -- and I think Camea actually talks about this, so I'm not going to spoil. Spoiler alert on this one. That's actually going to be covered in this presentation, so we'll let that one play out.

Let's see. I think we've got -- let's see. One more from Shannon here that I haven't read yet. So this has to do -- if WIOA started working with a person, which again in most instances we would expect to be the norm, and then a trade-eligibility shows up, right, so what has to happen at that point?

Trade is required to be the primary source of funding, so even if they already started training. So I think the example here is a four-week CDL, right? So even if they start that WIOA training and you've approved it and they go through the first week of that training and then their TAA eligibility showed up, what you're actually required to do is then move the rest of those training costs, if the training is otherwise approvable by trade, onto trade. And then trade would pick up the remaining balance there, right? That's going to free up your WIOA dollars to be able to serve more people by charging trade for as much as you can under that.

I understand that there's then some bookkeeping that needs to happen on the backend, but from the end, the out end product of that is you're actually going to be saving WIOA dollars by being able to charge all of that to trade.

Yeah. You shouldn't -- so to Beth's point. UI eligibility is not required to be a dislocated worker. The statute is very clear that -- someone asked who gets to make the determination. I presume it's the -- either the board or the One-Stop provider, whoever's doing your eligibility determinations at the local level. There might be a state policy on it, I'm not sure, that can determine if the person has had an attachment to the workforce and lose their job, that that's enough. There doesn't have to be a UI claim in place. So there is no -- that is not an actual requirement. It's an or.

If you go back to -- I'll even go back to that slide so you can look at that all again. And it's here. This is an or statement that says their eligible for, or have exhausted UI, or have been employed for a duration sufficient to demonstrate to the appropriate entity and attachment to the workforce, right? And so those are your two things, and you can get them through the door faster than waiting for that UI claim.

Let's see. Another question here. Justina asked why is it that the TAA program does not require use of the ETPL? And so I said that because I said so isn't an answer. In this case, it actually is. So in my early days in this agency, I was a WIA state lead person, and almost every state had a waiver for the ETPL so it wasn't clear to me what the value of that is. And the statute specifically has language in there that we made sure got in there that does not limit trade to the ETPL, and actually prevents states from limiting trade participants to the ETPL. It is a requirement, obviously, under WIOA, all right?

All right. So there's a bunch of other questions here too, but I want to keep us moving along. We are about halfway through -- or not halfway through but 30 minutes in. But I'm going to keep us moving and we'll get back to your questions either via chat or after the next couple of slides here and after Camea's presentation because I know you'll have even more questions from that, right?

So why co-enrollment? The easiest answer is because it works, and frankly it matters. So co-enrollment leads to better outcomes. The data is clear that workers that are co-enrolled in WIOA and WIOA workers that are co-enrolled in TAA both have better outcomes. So at least at the totality of that, by choosing to not co-enroll people, you are actually saying sorry, but you're going to perform worse on the outcomes. And so it's an absolutely data-driven policy. It is also absolutely what the WIOA and WIA before that, and JTPA before that, and ETNA before that, and VISION, which was a true seamless service and integrated service within these programs, right?

So TAA is a required One-Stop partner. 325 is the co-enrollment requirement that's in the rule, right? And so this is all in there and the data backs it up. And I promise you that if the data didn't back it up, I wouldn't be pushing it. We wouldn't have put it into the regulation, right?

OK. So here we go. In your experience, what is the number one barrier to co-enrollment? And I know our question is what is your number one. What I'd actually like you to do is choose your top three. So you can't rank them, but what I'd like you to do is pick the top three. So if everybody gets three votes, it's a modified version of rank-choice voting where you're going to tell us what is it that you believe is the number one barrier to co-enrollment.

All right. So here's what we've got. So we've got performance measures coming in at 32 percent. So again, we have posted and published FAQs and fact sheets that actually debunk all of that. So for the 125 of you that chose performance measures, we are more than willing to show you how that's actually not the case and how co-enrollment will actually boost your outcomes.

Our duration. This is always an interesting one for us to see. And this is likely to do with the way some of your contracts are written at the local level for an expectation of, I presume, how many people you're supposed to serve in a year and how many people you're supposed to exit in a year. So if that's the case and that's the concern there, I would challenge the states and the locals to work on your contract language, with the understanding that if you do have trade workers, they are by default going to be enrolled longer. Our average duration is about 80 weeks, which is obviously significantly higher than WIA -- WIOA. Sorry.

Cost. TAA has funds. DW doesn't. We absolutely recognize that, and that's why a lot of the services we're seeking from the WIOA side of the house are not the big-ticket items. We're not asking for the training. We're not expecting that to be the services. What we're expecting is that if the learner is enrolled in training and they blow a tire, and the barrier to them completing that training is that tire repair, TAA can't do that. WIOA can.

WIOA can get them a new pair of glasses if that breaks, or register their car, or get their driver's license renewed if that's the barrier to continuing in that training, TAA can't pay that. We can pay $20,000 worth of training, but I can't pay the $50 license renewal fee or the $100 for a pair of glasses. That's where we're looking for that leveraging, or right now for the post-employment follow-up, which trade isn't authorized to do.

Eligibility. I think we've tried to cover that as clearly as we can. Adversely affected workers are by definition dislocated workers under the WIOA definition. Program knowledge we get, and we are more than willing to work with everyone on expanding everyone's knowledge base among both programs and we have no shortage of program experts that we can make available to you, either at the state or local level. If you really need to have those conversations with us at that level, please get those requests in to your regional offices.

The one year, that's really something that we are -- and you'll hear about this again from Camea -- is the participants declining. We are convinced that that is just as much a messaging issue as it is anything else, largely because again there shouldn't be any significant documentation or barriers like that.

So all right. With that, we'll close that one. And I'm going to turn this over to Camea and some of the stuff that you have questions on are actually now going to be answered in this session. So take it away. Camea, you have to unmute.

MS. CASERTANO: Patricia, can you --

CAMEA DUKES: Hello. Hello.

MR. THEBERGE: There we go.

MS. DUKES: All right. Great. Great. Great. And I was going to say, Tim, you got my name and my home city perfectly. I love it.

MR. THEBERGE: Woo-hoo. Wait. Was I right about go, buckeyes? Is that also Ohio too?

MS. DUKES: Yes. It is.

MR. THEBERGE: Well, okay. All right. OK.

MS. DUKES: The next time I go home, I'll bring you some.

MR. THEBERGE: Sweet.

MS. DUKES: So what we are going to start talking about next is -- getting to my slides. In Texas, and let's talk kind of about the real-world housing. Last year, the Department of Labor sent out -- developed the final rules that required all states to start looking at what they did and to develop a final rule of room around their trade programs to ensure that encompassed everything that they wanted the development in our states to change to.

So as most of you all, we started with developing basic rules, which we thought would work because we thought that we really understood what the final rule was actually going to be. So in Texas, we started and we managed -- looking at -- we started first with looking at why co-enroll? Well, not only because DOL told us to. But we wanted to look at what were the benefits of co-enrollment. The things we started to ponder around that was, as Tim provisionally mentioned, it is long. It is DOL.

There, we also looked at how Texas decided we needed to make changes and improve our processes. We began working towards meeting our federal requirements and then we did an analysis and read all of the available requirements on co-enrollment and how it is important to Texas. And then we started looking at what we determined it would benefit, how it would benefit our local offices and our partners.

And when I say "we," I mean we as a state agency. Our policy department, our performance department, our data analysts, our technical assistance team, and in various fashions our legal team, our fiscal teams because we really knew that everybody really needed to be involved if we were going to actually put out something that was going to be effective and stick when we sent it out to the world.

Texas currently has 28 workforce boards with 28 workforce board directors and 28 contractors who are managed by those workforce directors. So it wasn't a little task. It was a humungous task because we really had to just make sure that anything we sent out was going to resonate through all of those levels of authority.

We wanted to also make sure that all the impacted workers were informed and received all that was necessary and available, where appropriate services would actually be considered as co-enrollment. And we wanted to improve the ability and increase the opportunity to meet performance measures because DOL told us to, and allow dislocated workers to begin receiving services prior to the TAA certification.

A little bit earlier we talked about -- Ryan talked a little bit about how in the Rapid Response services, how we're now not waiting for our petition to be certified. He talked about going into those individuals who know they're going to lay off at some time, at some point, and we also wanted to make sure we captured those individuals as well.

So a couple of things that we know that co-enrollment promotes. We promote integration with employment communication services with all of our partner programs. And I don't know how many other states don't do this, but all of our programs are co-located in one center and managed by one center manager. We ensure that all necessary and appropriate services are provided to impacted workers. We like to improve the ability to provide and meet some performance managers, everybody's goal I'm sure. We also allow affected workers to begin receiving services prior to TAA participant certification, which again is what Ryan talked about a little bit earlier.

Some of the things that we wanted to start out in this first draft of this role, this particular policy, was to look at what the benefits of co-enrollment were as we knew it. We know that it decreases the training costs. There is an ability to provide support services in the WIOA program as opposed to the TAA program. We know that assessments can occur much earlier in that WIOA program while they're waiting for that TAA certification to be approved, and access to follow-up services because TAA isn't able to provide those follow-up services. So when we're all working together as a partner agency, then it really provides us the ability to have the WIOA counsellor be able to assist those individuals.

We also wanted to -- we looked at this. We wanted to be sure that all affected workers are informed and receive necessary available and appropriate services, which most of our workforce services do an awesome job of making sure that this happens. But these particular individuals we wanted to be sure that they got these services because there are time limits attached to their certifications, so we wanted to make sure of that and improve the ability and increase the opportunity that they are able to meet performance. And it also allows dislocated workers to begin receiving services prior to TAA's certification approval, which Ryan talked about a little bit earlier.

So why did Texas make the decision to develop a policy? Well, as I said, we wanted to comply with the federal requirements, not that we did not already have a requirement and we were already pushing our board to co-enroll individuals, that this made it just a little bit more -- you gave us critiques. I'm going to say that.

So then we wanted to provide specific guidance on what is considered co-enrollment and we wanted to also make sure that we had a co-enrollment state manager. We made the choices to develop the Texas policy, and because Texas must comply with the federal co-enrollment requirements, we are making strides and eventually we will meet the new measure. We will measure staff, state and local fully and understand the process and have guidance available and how this adversely affects workers.

The initial guidance began in December 2020. When the final rule came out in August, we began having weekly meetings to try and look at all of the different ways that we needed to chance our policy. Well, in December 2020, we put out a initial guidance that talked about what the WD letter 2020 contained, we addressed new regulations outlined in 2020 CFR 618, we oversaw our responsibility for TAA state staff, we looked at what developed and reported at the state level, and we began reviewing reports with local work staff. And we also talked about WIOA expedited eligibility, which we'll talk about just a little bit later.

This was also the point where we decided to pull together all of the reports that were coming in from the board of the individuals who were declining to co-enroll. And the state staff decided to call those individuals and ask them what was their reasoning behind deciding to co-enroll? And what we learned is that it was the message that they had received from the different individuals who they were -- who had worked with them in the local areas to -- and tried to explain to them what co-enrollment actually meant that prevented them from co-enrolling.

So it was after this that we decided we maybe needed to go back and re-look at what it was that we were asking these boards to actually do. We didn't move a lot, and later on I'm going to show a little data fringe that shows that.

Another thing that we realized was that the local states and the policy and board strategy staff also had just different understandings as to what was actually considered co-enrollment. So this actually took a whole new set of regroup-ment and looking at and starting over again to kind of try and determine where we had mis stepped, and what we actually needed to do to meet co-enrollment.

We regrouped. We made sure that WIOA and TAA staff were involved, policy staff or services staff, performance staff and a few local staff were also in the room so that we could kind of discuss and hash it out and figure out what it is that we really needed. We pulled data reports from our performance staff, data reports from our performance team who actually reports the information to the Department of Labor and compared them and really drilled down what was actually being counted for this.

But the one thing that we all knew was that in order to be successful, we needed to have representation from all of these different departments. Policy. if you know anything about Texas, there's subject matter experts for both WIOA and TAA. They're always such a part of everything we do.

Board service strategies. This group always assists local workforce development areas and provides technical assistance and strategies to ensure programmatic compliance. The group reviews, all performance supports and provide the best in local areas. And performance reporting staff worked very closely with the Department of Labor and any other reporting entities. And they are key staff because they are they ones that we really need to do.

So as we were taking this second look, we kind of started off like I said regrouping and identifying the stakeholders at every level. WIOA staff, policy, board service staff and performance staff.

So after months and months and months and analysts, weekly meetings on really trying to nail down what co-enrollment actually means because if you think about it in the big picture, I think we all believe that co-enrollment really was just making sure that two programs are merged together. You're providing a service and both programs are co-enrolled. It actually gets a little bit more deeper than that.

So we realized that we needed to provide a new WD letter. We needed to have a way of identifying individuals that don't want to be co-enrolled because it does happen. We needed to have a way to inform boards and the state-wide board conference call that this was going to happen, but we wanted to make sure that this new guidance provided them with specific guidance monthly in-tern reports and make sure that we provided them technical assistance on all of the things we kind of talked about a little bit earlier.

So with this new guidance, some of our objectives was to make sure we placed the additional requirements in our WD letter because Texas needed to have a method of knowing when workers declined co-enrollment. We wanted to ensure local staff are complying with the requirement and have a way of monitoring its progress. Even if a worker declines, local staff are aware workers may require home-grown WIOA services and benefits for the learner. This is especially true if the worker household has changed.

Quarterly, which you'll see a little bit later, every workforce development area must submit to our office with our -- the worker's last name, case management system ID and the reason they decided to not enroll. And we are making sure that we are enforcing in every meeting we have that workers need to clearly outline when co-enrollment may occur, and these include after receiving a layoff notice.

Because if we're going into working with the individual when they've been laid off, let's go ahead and try to get them co-enrolled in WIOA. When a petition is filed with the Department of Labor, let's go ahead and get them co-enrolled in WIOA. After turning a Rapid Response event, if their petition has been certified, let's go ahead and get them co-enrolled in WIOA. And after a petition is certified and the worker requests TAA's services, there's no reason if they showed up that they should not be co-enrolled.

We always want to start with the end in mind. Looking at what do we need to get a successful outcome, what do we need to completely understand the TAA reporting? What do we need from policy and board service strategies? And what do we need to begin working with a data analyst on developing internal reports?

If a person refuses to co-enroll, there is always the option in Texas to have that individual speak with one of us at the local office that may be able to talk to them and maybe convince them to co-enroll. And if not, we're okay with that. We're much so okay with that. But we may be able to have some different outlooks in our arsenal that we'll be able to help them co-enroll because that is our goal.

The last screen you see on here is we are not done yet. We continue to improve on co-enrollment. We're still learning. We're obtaining our best practices from local boards and we will continue to make changes as necessary.

And I added this slide very late because I'm a little sick today so I truly apologize. This is where we started with our co-enrollment. And over the months and over the time that we've spent interacting with our workforce boards, we have -- we are all impressed. We've been able to see the co-enrollment drastically change from where we were here. You can see my screen. It is next time we hope to be way up here, but we're still working. As I said, we are definitely still working.

And if you have any questions, please definitely feel free to reach out to us and get a copy of this policy or the policies and what we did to make sure that we're working towards what the Department of Labor has access to do because it not only benefits the Department of Labor or the state. We truly believe it benefits the constituents that we serve. We -- anything we can do to make any of them self-sufficient and successful, we're willing to do. So I think that is all of it.

MR. THEBERGE: Great. Thank you, Camea. All right. So I'm going to hand this over to Patricia real quick. So Patricia, you'll need to unmute your line and then the floor is yours.

PATRICIA MARTINEZ: Good afternoon, everybody. Can you hear me?

MR. THEBERGE: We can.

MS. MARTINEZ: Perfect. First of all, I want to thank everybody for joining us this afternoon and giving us the opportunity to present on Texas and how we're doing this great task throughout our state. I want to thank Camea for her presentation.

I do want to let you all know that this was not an easy task, and it continues to not be an easy task, not only for the state staff or for the local staff. It is a very difficult road that we've been embarked on for quite some time. As you all heard Camea, she said, you know, we started off with just it's highly recommended. This is a good compatible program. And the numbers were just not going up on the co-enrollment. Once the final rules came out, we did that initial guidance and it was -- and we said okay. We're done. It's great. We can reference this WD letter, and everybody will be co-enrolled. It didn't happen that way.

And so we had to go back and really understand, both at the state level and at the local level what co-enrollment was, and then we had to make sure that when we heard, well the person didn't want to get co-enrolled in WIOA. That's why we didn't enroll them. But we got a couple of phone numbers and we said okay, let us call the customer. And it was really -- we were able to convince them to co-enroll in WIOA after our state had talked to them. And then we provided technical assistance to that board area, saying, you know it's really in how the presentation.

We did a very -- our policy department did a really good job on making it as easy as possible for TAA customers to be co-enrolled. We have expedited eligibility for TAA customers, which means all they had to document is if the selective service if their males born on or after the required date. Other than that, it's just an easy -- just let me know of the program detail. We do have to inform the customer, but it's in how you sell it and how you tell them about the benefits, about how the follow-up, not just the case managers following up but the partner follow-up of supportive services so then if they need it, at that point it's WIOA.

So just to give you all just some closing tips, make sure that everybody's on the same page. This both requires WIOA staff and TAA staff to understand that this is a responsibility for both of them, not just -- it's not just the TAA program that has to work with them. Also, that we are making sure that your guidance is specific enough that you can reference back to that guidance and say okay, you taught me that they're co-enrolled. Let me check. OK. They're not co-enrolled because the guidance is very specific about what counts as a co-enrollment. And then you have to check and re-check.

We run monthly reports at the state level that are both our TAA staff and our WIOA staff, shared with our local board areas on those program levels and say okay, you have 10 WIOA -- TAA customers that are not co-enrolled in WIOA. So work together to get those enrolled. And so they're both -- both programs are working towards the same goal.

We're very lucky in Texas to have an integrated system, but even as an integrated system, I have staff in my area that are both TAA and WIOA and it took us a while for us to be on the same page, so I can imagine how it is for everybody else. So just, you know, hang in there. You can see some -- a light at the end of the tunnel. And just make sure to go back to your guidance, and then you must follow up and involve both programs.

And that's really all I have. I'm turning it over back to you.

MR. THEBERGE: Thanks, Patricia. There's actually I think at least two follow-up questions, if I can pose that to you and Camea and you can answer them if you can.

The first is a question about how has Texas streamlined the paperwork requirement, right? So one of the things we hear all the time is that, well, they filled out all of this paperwork for this program, but then they had to fill out all this paperwork for this program. So can you talk a little bit maybe about how that has been addressed in Texas, if it has.

MS. MARTINEZ: Yes. Yes. And I'll go ahead and kick that one off. Like I said earlier, our policy department allowed our TAA customers to go through what we call in Texas expedited eligibility, which means if you are already a TAA customer, a TAA participant, then you only need to be opened up in our system under the WIOA program detail. And the only other documentation that needs to be provided by the customer is the selective service, if they are within that date of birth and they are males. If not, that's it. That's all that needs to be provided.

I know that we provided technical assistance to some local boards' areas because a lot of the delay might be at the local processes, not at the state level what we require, but what is a local procedure at the local office for example. Do they have to go to a WIOA orientation? No. They don't. So if in your local area, you might want to look at what is your local process that you're having to make this a long delay, so that you don't enroll them right away.

You have to take a look at that again because if they're already a TAA participant, the case manager can provide enough data of what the WIOA program can offer. They don't have to be, well, let me schedule you next week for the WIOA orientation that happens next week. It can be done that day with having them sit right there in front of you because they are -- all they need to do if they're female or they are outside of the selective service you don't need any paperwork. You're done.

And do we have another question?

MR. THEBERGE: There was. There was one more and I was trying to find it. I think the question was do they use the same counsellor? So is an individual in Texas -- they come in. Is their WIOA and TAA counsellor the same person I think was one of the questions that someone asked.

MS. MARTINEZ: Right. And I did put that in the chat, but just to answer for everybody.

MR. THEBERGE: OK. Great.

MS. MARTINEZ: In most areas, you do have two case managers. You have the TAA case manager at the local area, which is really your merit staff, your state Texas-model staff, and then you have the WIOA case manager.

But what we encourage our 28 board areas is that those staff work together to make it as efficient and as customer-oriented as possible for the TAA participants. And what I mean by that is that the staff should work in the background and not schedule, well, you come in to see me on Monday the first and then you come in to see me on Tuesday the second. We don't want that to happen. So the staff really need to communicate and work together to ensure that the customer is going through the right path and not have to come in and out constantly to see them, so we're encouraging that.

The other thing that we're doing is what you all know because of reversion. For you new participants, we really can't have state staff providing case management services. So new attrition, if we have board local areas that only have WIOA case managers and no longer have state merit staff because we haven't replaced them because of the reversion issue, then we encourage them to have them do the case management for both programs.

And yes, there are some services that must be provided by merit staff and we can take care of those, either through local employment services staff that are there, or, if needed, through the state office if we need to at that point.

MS. DUKES: And this really actually means that with the final rule, other staff are able to provide services except for the services that specifically have to be signed off on by the merit staff. So a WIOA case manager can open up a TAA customer, but in order to get their training plans and everything approved, they then would have to go back to that merit staff, which in every office usually has a merit staff. And some of the ES supervisors are considered merit staff to be able to get that approved. But yeah. It's available.

MR. THEBERGE: All right. Thank you, Patricia and Camea. We're now going to move onto the last couple of slides that we have and then we'll try to answer any of the -- or as many of the remaining questions as we can.

All right. So what does co-enrollment reporting look like? So I know that some of you that are on this likely don't see this because you're entering data into your MIS. What these fields represent is from the PIRL, which is the report that's filed with the department every quarter. These are the individual fields within that that have the triggers for whether or not we're going to count that individual as co-enrolled, right?

And so there's two options for what we call a program flag. The first is the PIRL 904, which is your dislocated worker, right, and that's a yes for local, yes for state. So one for local, two for state-wide or three for both. Or option two, which would be PIRL 909, which is your additional assistance feature under Rapid Response.

So if one of those are triggered, it has to be either one of those and then here's the and part of that. PIRL 1004 is going to have your date of most recent service, so that needs to be in there. PIRL 1302 is your date entered training, has to be before the date of first TAA benefit or service. The other one is PIRL 1202, which is the date of an IEP, and Individual Employment Plan, and that has to be prior to again PIRL 925, the date of first TAA benefit or service.

So this is what's happening behind the scenes for us to get to this. So when we perform our quarterly data integrity, which is our TAADI, which is our TAA Data Integrity effort, we do this every quarter. And we're looking at a bunch of different metrics.

One of the metrics we look at obviously is co-enrollment. Our current goal for states to reach is 75 percent of all TAA participants being co-enrolled. Right now, only -- there are six states that are at 100 percent but three of those are rather small states so that's not necessarily a decent sample. But essentially, everyone at or above the red line is meeting this requirement, right, so there's -- you can see that there's not even half of the states yet at this point. 75 percent is sort of our starting point. You should expect that standard to go up as we move along.

All right. So let's see what else I want to. Go ahead, Robert. Was that Robert or someone? Who was that?

MS. DUKES: No. That's me, Camea.

MR. THEBERGE: All right. Go ahead.

MS. DUKES: So the first thing is that we developed our own reports between our performance team and our data analyst team before we even started tackling how to develop a function around all of this. So we knew what we were getting from Department of Labor. We knew what we were getting from all of that, but what we decided to do was we used our own internal team to look at the differences and nail those differences down.

MR. THEBERGE: Great. So now on the screen for you as we come up towards the end of this, we want to make sure that we get some of this last one. So this is a bunch of different resources for you all to look at. The left-hand side is some of the materials that we have prepared in ETA. On the right-hand side are links to the Texas workforce development letters. And again, those are also available in the file share pod that you can see under the presentation. You can also download this presentation, which will have the links available to you in there, right?

So we have documents that already address the issue around those perceived barriers for eligibility, the perceived barriers to cost and performance. Our TEGL, which was specifically issued so that the WIOA providers and locals would see the TAA requirement, the co-enrollment requirement in TEGL format, since that's -- they may or may not have seen the TAA rules as applying to them. So that's some of the resources that we have available.

The -- I'll also go here. These are the contact information for today's two speakers and for myself.

The other plug I want to make sure you're all aware of is our TAA community on WorkforceGPS. There's a ton of information there on this topic as well that you should make yourselves -- avail yourselves of.

Having said that, due to the staggering volume of questions and interest in this topic, we have already decided to provide for you a second one of these sessions, where we will hope to focus on all of the questions that we weren't able to get to today. We have a couple more minutes, so we will answer a few more of those if we can before we run up against the hard stop.

So there's a couple of ones that we may have answered in the chat that I do want to take a minute to make sure that we do answer so all of you can hear that as well. One of them was what if WIOA paid the entire balance at the beginning of the training?

So we've covered this as well in some of the materials that we've produced, and what we have explained there is that TAA can only pay for the services once the individual is under certification and individually eligible. But from that date, TAA can pay for everything, which means that you can in the back end in your accounting, you can start picking up those costs to the Trade program. That even means you could potentially back off costs from what you may have already paid out under WIOA and move that in the books over to TAA. That'll be sort of on the back end with your bookkeepers and such, but that -- the date from which you can incur those costs goes back to when the individual is determined eligible under the TAA program.

Let's see. We've got those. We've covered those.

MS. DUKES: Are you good with finishing up, Patricia?

MS. MARTINEZ: Yes, Camea. Go ahead and log off.

MS. DUKES: OK. Thank you very much. I am so sorry. I am just -- I am -- I'm sorry.

MR. THEBERGE: That's all right. Go rest up. Thank you for your time today.

All right. So there are a couple of questions about case counsellors in terms of do they need to be -- there's merit staff questions. So I know in the WIOA world that may not be a common term, so state merit staff refers to a particular classification of state employees that are covered by what's called a merit system of protection or a merit system of employment.

And usually, in most states, that's your employment insurance personnel, your Wagner-Peyser personnel and until our final rule came out, that was limited to who you could spend money on from the employment and case management side of TAA. So employees of a local community college or a 501(c)(3) or an organization, a labor union. That might be a One-Stop operator or a service provider, a Goodwill. I'm trying to think of the other big ones I can think of -- are not state merit staff, versus an employee of the Texas Workforce Commission or the Georgia Department of Labor or, you know, the Massachusetts Department of Workforce Development, right, so our main department of labor. Those are usually what we call and what the system refers to as state merit staff.

All right. What about apprenticeship with co-enrollment? I don't know if you mean training like trade paying for the apprenticeship. I'm not sure I can answer that.

So here's a good one and Jeff and I talked about this in our preparation for the meeting so I want to make sure I get this. So one of them says in my experience, TAA always refers to dislocated workers. Is there ever an instance where dislocated refers to TAA?

If you actually read the statute, it actually should always go that way. The trade act requires states to provide both Rapid Response and appropriate WIOA career services to every worker group for whom a petition is filed. That's regardless of whether there's a ward [??]. That's regardless of whether the petition is ever certified. And so from that perspective, in theory, Rapid Response and dislocated worker should actually always be the entry point. But you're right that it's usually the other way around and part of that is we don't have data on Rapid Response services unless those individuals end up enrolled in another program. And without unified reporting, and or if people aren't enrolling the people at the point their providing those WIOA career services when the petition is filed, we wouldn't necessarily know that.

But that is an important thing for folks to realize is that that is a statutory requirement. It's in the Trade act. There is language in the WIOA Rapid Response regulations that absolutely require the Rapid Response part of that. The WIOA career services part is included in the TAA statute but is a requirement placed upon WIOA.

All right. I think I'm going to end there, even though we have a ton more questions. We only have the three minutes left. So I think I'm going to end there, which will give us time to put up our end-of-session questions. Thank you all for all of your questions. This is fantastic. We have really appreciated all of your comments and questions that came in via the chat. And clearly, based on that demand, we are absolutely going to provide another opportunity to have expanded discussions on this because clearly there is a need for that to occur.

I will put out the offer we always do as whenever we have these sessions, there are always instances where it appears that there are state versus local issues. We are always more than willing to work with our partners over in Office of Workforce Investment with Jeff and his colleagues and with the regional offices out in our -- in the ETA regions. To be able to talk with a state and or all of their locals directly, to have all of these individual conversations to try to get through all of these rather complex situations.

So with that, Susan Worden, unless you have any final thoughts that I didn't catch that you wanted to make sure I covered, I would yield back over to Laura to close us out.

(END)