

JOHN HICKENLOOPER
Governor

ELLEN GOLOMBEK
Executive Director

WILLIAM B. DOWLING
Employment and Training Director

ELISE LOWE-VAUGHN
Workforce Programs, Policy and
Strategic Initiatives Director



DEPARTMENT OF LABOR AND EMPLOYMENT
WORKFORCE DEVELOPMENT PROGRAMS

633 17th Street, 7th Floor
Denver, Colorado 80202-3627

Category: TAA
Subject#: TAA Training Approval Guidelines
Source: Federal/State
Revise /Replace: PGL 11-13-TAA
Contact: Melissa Pratt
Distribution: One Stop Regions; Workforce Development Programs
Colorado One-Stop System Policy Guidance Letter #: 11-13-TAA Revised
Date: December 31, 2013

ALL REVISIONS ARE HIGHLIGHTED IN YELLOW

I. REFERENCE (S): *Trade Adjustment Assistance Reform Act of 2002* (P.L. 107-210); the regulations at 20CFR617.22; *Trade and Global Adjustment Assistance Act of 2009* (P. L. 111-5); ETA Training and Employment Guidance Letter (TEGL)11-02 *Operating Instructions for Implementing the Amendments to the Trade Act of 1974 Enacted by the Trade Act of 2002*; ETA Training and Employment Guidance Letter (TEGL) 22-08 *Operating Instructions for Implementing the Amendments to the Trade Act of 1974 Enacted by the Trade and Globalization Adjustment Assistance Act of 2009*

II. PURPOSE: To advise One-Stop regions of revised TAA training approval policies including a revised benchmark cost of training and links to desk aids in the electronic TAA handbook

III. BACKGROUND: Program Guidance Letter 07-11-TAA at one time was the latest policy for the approval of retraining benefits for TAA participants. It complied with TEGL11-02 and TEGL 22-08, but did not include guidance to comply with **TEGL 10-11 and its subsequent changes**. Program Guidance Letter **11-13-TAA** updated the procedure for calculating the cost of commuting to training located beyond the TAA Participant's commuting radius. The purpose of this guidance is to **revise sections of PGL 11-13-TAA**, specifically to:

- A. Update the total training cost benchmark
- B. Update the duration of training guidelines to comply with guidance in TEGL 10-11
- C. **Create guidelines for the approval of GED remedial training as a part of an approved training plan**
- D. **Create guidelines for approval of changes to an applicant's vocational training plan.**
- E. **Provide additional clarification to interpretations of the regulations at 20CFR617.22**

Guidance issued in this PGL regarding the procedure for calculating the cost of commuting reimbursement remains unchanged.

IV. POLICY/ACTION: TAA Counselors are advised to pre-counsel applicants, reviewing the criteria for training approval, including policies cited in this letter. If an unacceptable training plan is submitted the counselor is to attempt to amend the request to make it acceptable, or encourage the applicant to pursue a different, approvable occupational goal. If these efforts fail, a decision denying training must be issued to the applicant **by the state TAA Office**. Applicants seeking the retraining benefit should be made aware of the following training approval policies, which supersede the policies in the **original PGL 11-13-TAA**:

- A. **Reasonable Cost of Training:** The regulations require that, when considering institutional training priority is “given to providing the training in public area vocational education training in public area vocational education schools...” This is in keeping with the requirement that institutional training must be delivered at “the least cost to TAA funding of providing suitable training opportunities to the worker”, since, in Colorado the cost of training at community colleges is consistently lower than at private occupational schools offering essentially the same training. The TAA Program periodically reviews and determines a *reasonable cost benchmark* based upon the projected cost to acquire an Associate’s degree within the allowable maximum duration at a Colorado Community College System (CCCS) institution, assuming a reasonable amount of remedial coursework, and including the cost to commute outside the participant’s normal commuting area. **The cost of tuition and the significant increase in fees charged by the Colorado Community College System were included in the calculation. The calculated benchmark is \$25,000.00. With the exceptions of high demand career fields such as medical and dental occupations that provide direct patient care for which there is a continuous undersupply of qualified applicants, information technology programs,** and teaching credential available only at 4-year institutions, the cost of TAA approved vocational training at CCCS institutions rarely exceeds 75% of this amount.

The 6th criterion for approval of training includes the provisions that:

- “Training may not be approved when the costs of the training are unreasonably high in comparison with the average costs of training other workers in similar occupations at other providers”, and:
- “Training at facilities outside the worker's normal commuting area that involves transportation or subsistence costs which add substantially to the total costs shall not be approved if other appropriate training is available.”

These restrictions are related in that one of the likely reasons for comparatively high training costs is extraordinary transportation expenses. The regulation at 20CFR617.28 requires that a participant “shall be afforded supplemental assistance necessary to pay transportation expenses if the training is outside the commuting area” and specifies the amount of the transportation allowance “shall not exceed the lesser of:

- The actual cost for travel by the least expensive means of transportation reasonably available between the trainee's home and the training facility; or
- The cost per mile at the prevailing mileage rate authorized under the Federal travel regulations.”

To determine which of the above costs is the “lesser” requires consideration of the possible commuting options:

- daily roundtrip commuting to the training site
- weekly (e.g., weekend) roundtrip commuting to the training site with subsistence during the week
- one trip the training site, subsistence for the duration of training and one return trip

To reduce the complexity of determining these comparative costs, a tool has been devised that performs both the calculation and the comparison for each of the three commuting scenarios. To calculate the maximum total reimbursement for commuting expenses, use TAA [desk aid 203D](#), *Commuting and Subsistence Calculator for Training Outside the Applicant's Commuting Area*.

B. Desk Aid 202 is detailed instructions for using form TAA859 to determine that the six criteria for approval of training according to the regulations at 20CFR617.22(a) are met. In addition to those instructions, apply the following interpretations to the regulations:

1. Training that will result in a degree up to and including a master’s degree can be approved if the degree will lead to employment in a high demand career field. Training for a Doctoral or a law degree will not be approved. To be approved, training to earn a degree must be for a specific occupation requiring a specific education level and specific skills.

2. A vocational training plan for which the total cost to the TAA Program exceeds **\$25,000.00**, based on the training provider’s current rates, must include justification for the excess cost. Justifications are limited to:

- a. training is for a teaching credential
- b. training will result in award of a credential in a medical or dental occupation that provides direct patient care
- c. training in an information technology program that will lead to a job in a high demand career field
- d. training is not available at a lower cost at a public school
- e. training that is suitable to the worker is not available at a lower cost
- f. training is in an occupation more likely to meet the wage replacement goal than other suitable training available to the applicant.

3. A vocational training plan must include justification for commuting costs in excess of the lesser of:

- a. \$3,000.00
- b. the cost to commute as calculated using [desk aid 203D](#) .

4. The maximum duration of training for Participants eligible under the provisions of the Trade Act of 2009 is 156 weeks, regardless of the need for academic remediation. The maximum duration of training for Participants eligible under the provisions of the Trade Act of 2011 is 130 weeks, regardless of the need for academic remediation. The maximum duration of training for all other participants is 104 weeks. If there is a need for remediation, then Participants receiving training under the Trade Act of 2002 can receive up to 130 weeks of training.

5. Training at a non-accredited training provider is not to be approved. Case Managers are advised to consult Colorado Department of Higher Education’s directory of [Private Accredited Colleges and Universities](#), and the list of [Approved and Regulated Colorado Private Occupational Schools](#).

C. Placement Testing, ESL and GED Training: Placement test results must be included as a part of every vocational training plan if the applicant's previous education is at the high school level or below.

1. If the test results indicate remedial placement, the vocational training plan must include the indicated remediation.
2. All individuals requiring ESL placement must retake academic placement tests following completion of the ESL phase of training. The training plan must be re-evaluated if academic placement scores do not indicate the applicant has acquired sufficient language proficiency to commence the next phase of vocational education.
3. If an applicant has not completed high school or acquired a GED, then GED courses and exams must be included in the applicant's training plan along with documentation from the training provider substantiating that GED is a requirement for admission to the applicant's chosen degree or certificate program. The duration of training for the combined GED and occupational training program must be within the maximum duration specified in the law under which the applicant is certified.
4. Despite the evaluations that are completed prior to the approval, a training plan is occasionally determined to be inappropriate for an individual. When this occurs, the reason for the change in occupational goal, including all efforts that were made (such as tutoring and remedial training) to help the individual succeed must be recorded. Changes in Occupational Training goals can only be approved if good cause for the change is documented.
5. No decision is to be issued to an applicant certified in another State who submits a vocational training plan. Instead, the request is to be forwarded to the TAA Coordinator. The State in which the applicant was certified will issue the decision to the TAA Coordinator. From that point the training approval process continues as with all training applicants.
6. Training shall not commence prior to the issuance of a formal written authorization from the State. Should a participant commence training prior to authorization, the local Workforce Region shall be responsible for any unauthorized training expenses.

Form TAA859 has been revised to accommodate this revised policy.

- V. **IMPLEMENTATION DATE:** This policy is effective upon receipt of this Letter
- VI. **INQUIRIES:** Please direct all inquiries to [Melissa Pratt at 303-318-8841](mailto:Melissa.Pratt@state.co.us) or Melissa.pratt@state.co.us

Elise Lowe-Vaughn, Director
Workforce Programs, Policy and
Strategic Initiatives