COLORADO
Department of
Labor and Employment

Workforce Development Programs
633 17th Street, Suite 700
Denver, CO 80202

Category/Subject:	TAA Training Approval Guidelines
Colorado Policy Guidance Letter#: TAA-2011-01, change 3 (prior 11-13-TAA)	
Revise/Replace PGL#:	TAA-2011-01
Date: July 11, 2016	
Distribution:	CDLE Management/Finance, State/Local Workforce Directors & Staff, Partners

All JULY 2016 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 200*; ETA Training and Employment Guidance Letter (TEGL) 10-11 *Operating Instructions for Implementing the Amendments to the Trade Act of 1974 Enacted by the Trade Adjustment Assistance Extension Act of 2011 (TAAEA);* ETA Training and Employment Guidance Letter (TEGL) 05-15 *Operating Instructions for Implementing the Amendments to the Trade Act of 1974 Enacted by the Trade Adjustment Assistance Reauthorization Act of 2015 (TAARA 2015)*

II. PURPOSE:

To advise local areas of revised TAA training approval policies including a revised benchmark cost of training and changes to the TAA subsistence policy.

III. BACKGROUND:

Program Guidance Letter 07-11-TAA was revised in November 2014 to update the training benchmark for TAA approved training and to provide guidelines under which a person may have Master's degree or GED paid for by the TAA program as a part of their TAA approved training. The purpose of this guidance is to revise sections of PGL 11-13-TAA specifically to:

A. Update the total training cost benchmark

B. Revise the mileage and subsistence policy, specifically the number of miles a participant must travel before the participant is considered to be outside of the commuting area

C. Create guidelines to provide monthly bus passes to participants in situations where transportation to training is not reasonably available

D. Create guidelines for the purchase of computer equipment and software.

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 previous revisions of 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. 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 $30,000.00. 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 K-12 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 sixth 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."

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."

Colorado's definition of the commuting area is 50 miles. If the training facility is more than 50 miles from the participant's residence, the TAA program will pay for the cost of the travel by the least expensive means of transportation that is reasonably available. This change is effective with training plans that start on or after 08/01/2016. Any subsistence with a lower commuting area that was approved prior to 08/01/2016 will be paid at the lower commuting rate. If public transportation is readily available and least expensive but the participant prefers to use their personal vehicle, the program will only pay the cost of

public transportation.

To determine which of the travel costs is the "lesser" option requires consideration of the possible commuting options:

- Daily roundtrip commuting to the training site by personal vehicle
- Cost of a monthly bus pass (where available)
- Weekly (e.g., weekend) roundtrip commuting to the training site with subsistence during the week
- One trip to the training site, subsistence for the duration of the training and one round trip

To reduce the complexity of determining these comparative costs, a tool has been devised that performs the calculation and the comparison for each of the three commuting scenarios.

B. Training Cost Benchmark: The TAA Counselor Manual/Desk Aids contain detailed instructions for using form TAA-600 to determine that the six criteria for approval of training according to the regulations at 20 CFR617.22(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 $30,000.00, 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:

a. $5,000.00

b. the cost to commute as calculated using form TAA-602.

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 and the Reversion 2014 law (otherwise known as the Sunset Provisions) 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 TAA600 has been updated to accommodate this revised policy.

D. Technology Policy: The TAA Office is updating its training policy due to the increased requirement for the use of specific computer software and hardware in various training programs. The TAA program allows students to spend $40.00 each semester on necessary school supplies. These supplies can include flash drives. If the cost of a flash drive exceeds $40, the student will need to provide documentation from the school that shows that a flash drive of that size/cost is a requirement for the course.

E. Software Policy: The TAA program will pay for software that is required for all students in the course. In order for the software to be paid by the TAA Program, documentation must be submitted. Examples of documentation that can be submitted include the course syllabus or the list of required supplies for the course or degree program. Many types of software allow the option of purchasing a subscription for the software or a permanent license for that version of the software. The options and their costs must be submitted to the TAA Office. The state TAA office will determine which option may be purchased. Available purchase options may include either reimbursement to the student for the cost of the pre-approved software or purchasing the software on behalf of the student with the selected vendor, which may include a vendor authorization or direct billing.

F. Internet Access: The TAA Program will not pay for internet access for a student.

G. Computer Equipment: The TAA Program will pay for necessary computer equipment that the student may need to complete his/her coursework for a specific class and/or degree program. The computer equipment must be required for all students within the school, class, or degree program. The process to request computer equipment is as follows:

1. The student must provide written documentation of the requirement for the computer equipment, along with the minimum specifications that are required by the school, class, or degree program. Examples of documentation that can be submitted include the course syllabus or the list of required supplies for the course or degree program.

2. The student must obtain quotes from 3 different vendors for a product that meets the required specifications. If the training provider's bookstore has the required computer equipment available, then one of the quotes should be from the bookstore.

3. The TAA Office has final determination of which quote/vendor will be used for the equipment purchase. The equipment can be purchased with a vendor authorization or by the student, who will be reimbursed for the cost of the equipment. All equipment must be approved by the TAA Office prior to the equipment purchase by the student.

4. The TAA Program will purchase virus protection software for any TAA-purchased computer. The virus protection software should be included with the quotes for the computer and should be purchased at the time of the computer purchase.

5. The TAA Program will not pay for an extended warranty, damage protection warranty, or service warranty for the computer**.**

6. Form **TAA-610, Technology Agreement (Attachment 1)** must be completed when computer software/equipment is purchased by the TAA Program for a student. This form should be submitted with the equipment quotes.

V. IMPLEMENTATION DATE: This policy is effective immediately.

VI. INQUIRIES: Please direct all inquiries to Melissa Pratt at 303-318-8841 or Melissa.pratt@state.co.us.

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

ATTACHMENTS:
1. TAA-610, TAA Program Technology Agreement