

**A RESOLUTION OF THE NEW YORK CITY
WORKFORCE INVESTMENT BOARD
ADOPTING NEW YORK CITY'S TRADE ACT IMPLEMENTATION PLAN**

WHEREAS, the federal Trade Adjustment Assistance Reform Act of 2002 (TAA Reform Act) provides for the integration of services provided under Trade Act programs into the One-Stop service delivery system established under the federal Workforce Investment Act (WIA); and

WHEREAS, the New York State Department of Labor (DOL) determined that workers eligible for Trade Adjustment Assistance ("TAA") benefits are best served through New York's local workforce investment areas ("LWIA") in order to achieve seamless integration and coordination of services provided under the Trade Act and WIA;

WHEREAS, DOL has allocated funding to each New York State LWIA to provide services through its One-Stop System to dislocated workers who are eligible for TAA benefits; and

WHEREAS, each New York State Local Workforce Investment Board is responsible for developing local policies and procedures to coordinate Trade Act service delivery through the local One-Stop System and ensure that dislocated workers eligible for TAA benefits are provided WIA Title I core services, are co-enrolled in WIA Title I dislocated worker services for referral to WIA-funded intensive and Trade-funded training services; and

WHEREAS, as of July 1, 2004, each New York State LWIA assumed responsibility for providing Trade Act services to eligible Dislocated Workers through the One-Stop System; and

NOW THEREFORE, BE IT RESOLVED, by the New York City Workforce Investment Board as follows:

1. New York City's Trade Act Implementation Plan attached hereto as Exhibit 1 is hereby adopted and approved.
2. Pursuant to local policies and procedures, local workforce investment area formula funds will not be used for job search or relocation benefits.
3. When TAA training funds are not available, Individual Training Accounts (ITAs) supported by local workforce investment area formula funds will be made available, in accordance with local policies and priorities.

Exhibit 1

NEW YORK CITY'S TRADE ACT IMPLEMENTATION PLAN

AMENDMENT TO STRATEGIC PLAN

I. Trade Act Implementation Structure and Organization

The Trade Adjustment Assistance Reform Act as amended in 2002 (Trade Act) was established to provide assistance to workers whose jobs are lost due to the impact of foreign trade. To obtain services and benefits under the Trade Act, a group of workers, unions and/or companies must file a petition with the U.S. Department of Labor's Division of Trade Adjustment Assistance (DTAA) requesting certification as workers adversely affected by foreign trade. If certified, each worker in the group may then apply separately for individual services and benefits through the local one-stop system, called Workforce1 Career Centers in New York City. The New York State Department of Labor notifies the New York City LWIA companies that have been certified as well as the names of the individuals previously determined eligible for Trade Act services or who are potentially eligible. Notification is provided via e-mail or facsimile (FX 212-618-8881). This information will be communicated to the Executive Director of the New York City Workforce Investment Board, Marilyn Shea, at mshea@sbs.nyc.gov, the New York City Trade Act Coordinator, Katy Gaul, at cgaul@sbs.nyc.gov, and the NYSDOL Rapid Response Specialist.

Implementation of Trade Act services will be managed and coordinated in New York City by the One-Stop Operator Consortium, the entity that supervises the local one-stop system. The Operator Consortium will set policy for local operational issues and supervise citywide and borough implementation of Trade Act services. The Executive Directors at each Workforce1 Career Center location, reporting to the Operator Consortium, will be responsible for implementation at the borough/center level, supervising at each location an interagency Trade Act Team. Each Trade Act Team has one or more representatives from the NYSDOL Division of Employment Services (DoES), WIA Title I services, and other one-stop partners as available. A citywide Trade Act Coordinator will assist the Operator Consortium in administering and coordinating Trade Act services, and a Trade Act Policy and Procedures work group will develop, as approved by the Operator Consortium, local policies and procedures regarding customer flow, staff roles and responsibilities, customizing, standardizing and/or streamlining paperwork, *etc.* This implementation structure is shown in the appended organization chart.

The New York City Trade Act Coordinator, designated as Katy Gaul, will act as a clearinghouse for all information related to the Trade Act program. Ms. Gaul is a senior-level staff person at the NYC Department of Small Business Services, the lead organization in the NYC Operator Consortium. The coordinator's primary function is to assure that all Trade Act information forwarded and made available through the New York State and Federal Departments of Labor is properly communicated to the Executive Directors responsible for the administering the program at the Workforce1 Career Centers. This includes, but is not limited to: changes in program guidelines/procedures; companies approved for Trade Act services including relevant approval/eligibility dates; listings of individuals potentially eligible for Trade Act benefits including address, phone, SSI# and lay-off date; and Trade Act fund availability. The Trade Act Coordinator will take a lead role in contacting entities deemed eligible for Trade Act benefits to secure a listing – with all appropriate information – of individuals laid off immediately before or after Trade Act certification.

Customer services will be delivered by interagency Trade Act Teams composed of regular staff members at Workforce1 Career Centers, drawn from the one-stop partner agencies. The progression of services is shown on the appended customer flow chart.

II. Trade Act Program Services and Benefits

Trade Act program benefits and services are provided to help eligible workers return to productive work. Consistent with the USDOL veterans' priority requirements, trade-affected workers who are also veterans will be given priority over non-veterans for all available services. Trade Act services will include all WIA services, plus the additional Trade Act services described below. These services will be offered at each NYC Workforce1 Career Center location by the interagency Trade Act Team described above.

Service location will be determined by customer choice. The citywide Trade Act Coordinator will work to assure customers best and fastest service. Trade Act customers will be co-registered as WIA dislocated workers; customers already receiving services under Trade Act or WIA may choose to remain with their current service providers.

As detailed below, services offered to Trade Act-eligible workers will be the same as the regular one-stop service design for dislocated workers, but with additional Trade Act benefits. Dislocated workers, including certified workers who apply for Trade Act services and benefits, may be eligible for the following services:

1. **Rapid Response Assistance.** This service is provided by the Rapid Response Team, coordinated by the NYSDOL Rapid Response Specialist. The team is comprised of one or more representatives of: NYSDOL/DoES, WIA Title I services, and, where appropriate, other one-stop partners and/or representatives of organized labor. Rapid Response staff will make employees aware of the various services available to workers after a layoff is announced, and if provided before a petition is filed, Rapid Response services include technical assistance in preparing and filing the ETA 9042A (1) petitions that establish eligibility under the Trade Act program. Rapid Response Assistance is offered to every group of workers on whose behalf a petition is filed.
2. **Core Services.** Core services provided by the one-stop system include: outreach, intake and orientation to information and services available throughout the one-stop delivery system; initial assessment of skill levels, aptitudes, abilities and supportive service needs; staff- and self-assisted job search and placement assistance; labor market information to include job vacancy listings in all labor market areas; information on job skills needed to secure employment and information on demand occupations and the earnings and skills required for such occupations; the availability of performance and program cost information of eligible training providers; information regarding performance of training providers; accurate information regarding availability of supportive services, including childcare and transportation; unemployment insurance information; assistance in establishing financial aid eligibility; follow-up services to include workforce counseling for twelve months after placement into unsubsidized employment, as needed.

Dislocated workers eligible for trade benefits, who receive at least one core service, will be co-registered in WIA and referred to WIA-funded intensive and training services and/or Trade Act-funded training services, as funding allows. Workers eligible for trade benefits must be given the opportunity to participate in intensive services.

3. **Intensive Services.** Intensive services will be available to dislocated workers who have received at least one core service made available in the one-stop system. Intensive services include: comprehensive assessment of skill levels and service needs; development of an individual employment plan which identifies employment goals and objectives; group counseling; individual counseling and career planning; case management for individuals seeking training services; and short-term pre-vocational services, to include development of learning skills, communication skills, interviewing skills, punctuality, personal maintenance skills and professional conduct.

Intensive services to dislocated workers eligible for Trade Act benefits will be documented in the individual's employment plan. The employment plan is developed with the participant as part of the comprehensive assessment. Trade Act-eligible workers receiving intensive services may also receive Trade Act-funded job search and relocation allowances from NYSDOL if suitable employment cannot be obtained within the local commuting area. The Trade Act Teams at the Workforce1 centers would prepare such requests using the request form available on the Trade Act web page.

Core and intensive services are provided by WIA staff or one-stop system partner staff based on the assessed needs of each participant. For example, a dislocated worker with a disability may be served by partner staff or the Center's Disability Program Navigator, in order to access services and benefits available to this population.

4. **Job Search Allowance.** Trade Act-eligible customers may request a job search allowance to cover expenses incurred in seeking employment outside a certified worker's normal commuting area, if a suitable job is not available in the area. Job search allowances reimburse 90% of the total costs of allowable travel and subsistence, up to a total of \$1,250. Local policy does not provide WIA formula funds for job search and relocation. Thus, local staff will request Trade Act Funds for approved job search allowances, using the appropriate forms from the Workforce New York website.

Important Deadlines:

- An application for a Trade Act job search allowance must be submitted before a job search begins. The local area accepts, reviews and determines if the request can be approved. Local policy does not provide WIA formula funds for job search and relocation assistance. As Trade Act funds are needed to support this cost, the Trade Act Team at the one-stop center will make the request, using the form available on the Trade Act web page. Applications may be submitted prior to certification, but will only be approved if the worker group is certified. An application for a job search allowance must be submitted before the 365th day after the layoff or certification, whichever is later, or 182 days after the conclusion of training.
5. **Relocation Allowance.** Trade Act funds may reimburse approved expenses when certified workers must move to a new area of employment outside their normal commuting area. Relocation allowances may include:
 - 90% of the reasonable and necessary expenses of moving workers who have secured employment outside of their normal commuting area, their families and their household goods. The amount will be reduced if the worker is entitled to reimbursement from other sources.
 - A lump sum payment equal to three times the worker's average weekly wage (but no more than \$1,250) to help the worker get settled.
 - As local policy does not provide WIA formula funds for this purpose, relocation allowances are currently available only through NYSDOL's TAA unit.

The Workforce1 Trade Act Team members will accept, review and make recommendations to the NYSDOL TAA Unit for relocation requests, using the criteria set forth in the New York State Workforce Development System Technical Advisory 04-6. When it is determined that a request cannot be approved, the Trade Act Team staff will notify NYSDOL, so that a determination can be issued that details the individual's appeal rights.

Important Deadlines:

- Requests for relocation allowances must be submitted before the relocation begins. Applications may be submitted prior to certification, but will be approved only if the worker group is certified.
- An application for a relocation allowance must be submitted to the NY State TAA unit before the 425th day after layoff or certification, whichever is later, or 182 days after the conclusion of training.

6. **Training.** Unless approved for a Trade Act waiver, all Trade Act customers must be registered in training, in order to maintain eligibility for Trade Readjustment Allowances (TRA). Training is provided to certified workers who do not have the skills to secure suitable employment in the existing labor market. Training is targeted to a specific growth occupation and provided to help certified workers secure employment at skill levels similar to or higher than their layoff employment, and sustain that employment at the best wage available. Based on the individual's existing skills and labor market conditions, training will be of the shortest duration necessary to return the individual to employment, with a maximum duration of 104 weeks. Individuals who need remedial education in order to complete occupational training may be eligible for an additional 26 weeks of training. Remedial training is considered pre-vocational leading to occupational, OJT or customized training. It cannot be approved under Trade Act funding as a stand-alone training program.

Priority in disbursement of all Trade Act training funds shall be given in the following order:

- On-the-Job Training (OJT)
- Customized Training
- Individual Training Accounts
- Remedial Training.

Individual Training Accounts (ITA's) are issued by the one-stop centers for training related to demand, or growth, occupations. The New York City Workforce Investment Board works with the local labor market analyst of the New York State Department of Labor to develop and update the growth occupation list.

In order for an individual to receive training, six approval criteria must be met:

- There is no suitable employment for the worker.
- The worker would benefit from appropriate training.
- There is a reasonable expectation of employment following training completion.
- Training must be reasonably available to the worker.
- The worker is qualified to obtain and complete the training.
- The training is suitable and available at a reasonable cost.
- Other criteria as detailed in Technical Advisory 04-6.

Important Deadlines:

Affected workers must receive assistance in registering for an approved training program prior to the 8/16-week deadline for TRA, or be issued a waiver from training prior to the 8/16-week deadline, if appropriate. The 8 weeks represents 8 weeks from the certification date given by the USDOL. The 16 weeks represents 16 weeks from layoff. The latter of the two is the deadline date.

Trade Act-approved training plans cannot exceed a maximum amount of \$10,000 for a plan of up to 130 weeks and \$5,000 for a plan of up to 52 weeks. These caps are inclusive of planned costs and funding streams including transportation and subsistence allowances. Trade Act funding may be combined with any public or private funding the individual may be eligible for. Training plans that require use of personal funds to pay any required costs of training cannot be approved. Use of personal funds to supplement training will disqualify a participant from Trade Act-funded training eligibility.

Exceptions to the 52-week cap will be granted only where it can be demonstrated that funds available under other federal laws are being leveraged to the maximum extent allowable. Exceptions to the 52-week cap must be reviewed and approved by the NYC Operator Consortium to ensure that there is sufficient justification and support for the exception. No exceptions will be made to the \$10,000 cap on a 130-week plan.

Upon completion of training, individuals will receive, through the one-stop system, job placement assistance. When employment is secured, ongoing case management will be offered for the purpose of job retention and career advancement. Prior to completion of training, Trade Act participants will be directed to their Workforce1 center for job placement assistance from the Trade Act Team staff, as detailed in the standard Employment Plan.

The New York State Department of Labor will be informed of training approvals and training completions via currently-available electronic forms.

7. **Income Support – Trade Readjustment Allowance (TRA).** TRA is available to provide income support to individuals during their participation in full-time training. Under certain circumstances TRA is also available to certified workers for whom training is not feasible or appropriate. TRA benefits are defined in two (2) categories: Basic TRA and Additional TRA. Each category has its own set of eligibility requirements.

- Basic TRA is payable if the worker is enrolled or participating in Trade Act training, has completed such training, or has obtained a waiver of such training requirement.
- Additional TRA is payable only if the worker is participating in Trade Act-approved training.

In general, certified workers may be eligible for 104 weeks of income support, usually broken out as follows:

- Normally 26 weeks of state unemployment insurance (UI) compensation,
- Followed by 26 weeks of basic TRA, and
- Up to 52 weeks of additional TRA to assist the worker in completing a Trade Act training program.
- Exception: certified workers who must undergo remedial education as a part of his/her training plan may be eligible for up to 26 weeks additional weeks of additional TRA for any weeks the individual must undergo remedial education. The worker is eligible for one week of these 26 weeks for each week that the worker's participation in remedial education extends their training program.

Important Deadlines:

- Within 8 weeks of certification or 16 weeks of the most recent qualifying separation, workers must be enrolled in approved training or have a valid waiver in order to receive TRA.

- To qualify for additional TRA, an individual must have submitted a *bona fide* application for training within 210 days of layoff or of certification, whichever is later.
8. **Training Waivers under Trade Act.** Under certain circumstances, eligible workers may be waived from participating in training and still receive Basic TRA. One of the following conditions must exist for training to be determined not feasible or appropriate and thus, waived:
- Worker will be recalled reasonably soon;
 - The worker has marketable skills for suitable employment and a reasonable expectation of employment in the foreseeable future;
 - The worker is within two years of eligibility for a pension or social security;
 - The worker is unable to participate in or complete training due to the health of the worker;
 - Immediate enrollment is not available; or
 - No training program is available.

Notes:

- Waivers are reviewed every 30 days.
- Additional TRA is not payable during waiver status (the worker must be in training).
- The New York State Department of Labor will be informed of all training waivers granted via currently available electronic forms.

Procedures detailing the preparation, processing, approval and subsequent review, with a timetable for each step, will be developed by a Policy and Procedures Development Work Group appointed by the New York City One-Stop Operator Consortium, as shown in the appended organization chart.

9. **Case Management.** Each local workforce investment area is deemed by the New York State Department of Labor to have been allocated sufficient WIA funds to support ongoing case management for dislocated workers eligible for trade benefits. Trade Act Team members from the one-stop centers will remain in contact with Trade Act clients after they find employment to offer services promoting job retention and career advancement.
10. **Transition.** DoES staff will continue working with Trade Act-eligible individuals who were enrolled in training prior to July 1, 2004. Trade Act-eligible individuals not enrolled in training prior to July 1, 2004 will be transitioned to the one-stop centers and provided appropriate services based on an assessment by Trade Act Team members.
11. **Reporting.** OSOS will be the data collection/case management/reporting system used to capture Trade Act participant information, concurrently with entry into the Automated Case Management System (ACMS), the system currently in place for New York City's WIA Title I services. This is because individuals eligible for Trade Adjustment Assistance will be co-registered as WIA dislocated workers and Trade Act participants.