


WORKFORCE INVESTMENT ACT TITLE I: ADULT PROGRAMS 101 (includes TAA)



WIA Orientation

The information contained within this orientation booklet outlines potential services that may be provided under the Workforce Investment Act of 1998 (WIA), subject to local policies and procedures.

Equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities. Voice telephone numbers may be reached using TTY/TDD equipment via the South Carolina Relay Service by dialing 711.

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Workforce Investment Act Title I: Adult 101 Summary

Overview of Program

The Workforce Investment Act of 1998 (WIA) establishes parameters for the state's workforce investment "system" such as requiring Workforce Investment Boards, program partners and One-Stop Centers. The second major aspect of the Act defines the services and eligibility for employment related training and job placement activities.

The federal law includes a number of programs that are referred to as "titles:"

- WIA activities for Adults, Youth & Dislocated Workers (WIA Title I)
- Adult Education and Family Literacy (WIA Title II)
- Job Service—Labor Exchange such as JobLink (Wagner-Peyser—WIA Title III)
- Vocational Rehabilitation (WIA Title IV)

This WIA 101 summary only addresses Title I, Adult services.

At the state level, the SC Department of Commerce Workforce Development Department is responsible for carrying out the requirements of WIA. This includes a WIA State Plan approved by the U.S. Department of Labor that guides the system and prescribes state policy on specific activities. The State Plan can be accessed at <http://www.sccommerce.com/UserFiles/File/SWIB%20Strategic%20Plan.pdf>. State policies on individual issues are posted at <http://www.workforcesouthcarolina.com/workforce-investment-act.aspx>. In addition, WIA requires a state to have an oversight entity for training and employment activities. The Governor's State Workforce Investment Board is the advisory body in South Carolina, and is charged, among their major responsibilities, with ensuring that the WIA funds are used as required by federal law, supporting the workforce goals for the state via recommendations on policies and programs, and dispersing state dislocated worker grants.

South Carolina has 12 Workforce Investment Areas (WIAs). Each WIA has a local board that coordinates, plans and oversees the local workforce investment system in their area. WIA law requires that the majority of the local board, Workforce Investment Board (WIB), are people who have decision-making authority in business within the local private sector. It also requires that the mandatory one-stop partners serve on the local board. The Chief Elected Official of each WIA appoints members of the local board after nomination processes are followed as mandated in WIA. There is a WIA local plan approved by the local board that guides the WIA's efforts and includes specific local policies that augment, or are in addition to, the state policies. Guidance for these local plans comes from SC Department of Commerce, and are ultimately approved by the SC Department of Commerce.

Workforce Investment Act Title I: Adult 101 Summary

General Adult Program

General Eligibility to Receive Core Services

- 18 years of age or older; and
- Authorized to work in the U.S.; and
- Registered for Selective Service, if applicable.

Core services may be provided as a “self-service” or as an assisted service. If the customer is provided an assisted service then they would be enrolled in WIA. In either case, eligible Veterans and spouses of Veterans must be given first priority to comply with federal law.

Eligibility for Intensive and Training Services

At a minimum, an individual must receive one core service to be able to receive intensive services. Then, at least one intensive service must be received to proceed with training services. Local Workforce Investment Boards (WIBs) may have additional eligibility requirements in their local policies. Additionally, the WIBs “priority of service” policy may be in effect that imposes additional eligibility requirements only when the WIB determines that there are insufficient funds to cover all customers’ training services.

Veteran Priority

The Jobs for Veterans Act enacted at the federal level on November 7, 2002 requires that Veterans and qualified spouses be served first in all Department of Labor employment and training programs. Each WIB has local policies that include this veteran’s/spouses first-served mandate as well as their priority of service policy. In the simplest of terms, if both a Veteran and a non-veteran come into a One-Stop for WIA services, the qualified Veteran/spouse has priority over any other person to be registered in the program. Referring the Veteran to a Local Veteran’s Employment Representative program or Disabled Veteran’s Outreach Program does not constitute having met the Veteran’s priority requirement.

Special Needs Populations

WIA and other federal and state laws require universal access to all services. Persons with disabilities, a self-reported status, and persons with English as a second language must be provided with the same services as all other customers. Physical and program accessibility must be provided including, for example, the availability of translators or sign language personnel, or written materials in alternative formats. People with disabilities should be provided with all appropriate Title I services. In addition, they may qualify for vocational rehabilitation services under WIA Title IV.

Workforce Investment Act Title I: Adult 101 Summary

Dislocated Worker Program

Federal Dislocated Worker Eligibility Requirements

A “dislocated worker” is an individual who:

1. Has been terminated or laid off, or who has received a notice of termination or layoff from employment; and
 - (a) Is eligible for or has exhausted entitlement to unemployment compensation; or
 - (b) Has been employed for a duration sufficient to demonstrate, to the appropriate entity at a One-Stop center, attachment to the workforce, but is not eligible for unemployment compensation due to insufficient earnings or having performed services for an employer that was not covered under a State unemployment compensation law;
 - (c) Is unlikely to return to a previous industry or occupation.
2. Has been terminated or laid off, or has received a notice of termination or layoff, from employment as a result of any permanent closure of, or any substantial layoff at, a plant, facility, or enterprise;
3. Is employed at a facility at which the employer has made a general announcement that such facility will close within 180 days; or for purposes of eligibility to receive services other than training services, intensive services or supportive services, is employed at a facility at which the employer has made a general announcement that such facility will close;
4. Was self-employed (including employment as a farmer, a rancher, or a fisherman) but is unemployed as a result of general economic conditions in the community in which the individual resides or because of natural disasters.
5. Is a displaced homemaker. A “displaced homemaker” is an individual who has been providing unpaid services to family members in the home and who:
 - (a) Has been dependent on the income of another family member but is no longer supported by that income; and
 - (b) Is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment.

Dislocated Workers who take new employment can continue to be served until they reach self-sufficiency as defined in the local policy.

Core Services

General Eligibility to Receive Core Services

- 18 years of age or older; and
- Authorized to work in the U.S.; and
- Registered for Selective Service, if applicable.
- OR the Dislocated Worker Eligibility Requirements [detailed under “Dislocated Worker Program”].

Core services available through the One-Stop delivery system to individuals, who are adults or dislocated workers and that, at a minimum, include:

1. Determinations of whether the individuals are eligible to receive assistance under WIA;
2. Outreach, intake (which may include worker profiling), and orientation to the information and other services available through the One-Stop delivery system;
3. Initial assessment of skill levels, aptitudes, abilities, and supportive service needs;
4. Job search and placement assistance, and where appropriate, career counseling;
5. Provision of employment statistics information including
 - Accurate information relating to local, regional, and national labor market areas;
 - Job vacancy listings in such labor market areas;
 - Information on job skills necessary to obtain the listed jobs; and
 - Information relating to local occupations in demand and the earnings and skill requirements for such occupations.
6. Provision of performance information and program cost information on:
 - Eligible providers of training services, provided by program, eligible providers of youth activities;
 - Providers of adult education;
 - Providers of postsecondary vocational education activities and vocational education;
 - Activities available to school dropouts under the Carl D. Perkins Vocational and Applied Technology Education Act; and
 - Providers of vocational rehabilitation program activities under the Rehabilitation Act of 1973.
7. Provision of information on:
 - How the local area is performing on local performance measures; and
 - Any additional performance information with respect to the One-Stop delivery system in the local area.
8. Provision of accurate information relating to:
 - The availability of supportive services, including child care and transportation, available in the local area, and referral to such services, as appropriate;
9. Provision of information regarding filing claims for unemployment compensation; and
10. Assistance in establishing eligibility for:
 - Programs of financial aid assistance for training and education programs that are not funded under the WIA and are available in the local area.

Intensive Services

Eligibility to Receive Intensive Services

- Individuals who are unemployed and are unable to obtain employment through core services; and
- Individuals who have been determined to be in need of more intensive services in order to obtain employment (a case manager must determine the need for intensive services as identified in the individual employment plan, comprehensive assessment, or through any other intensive service received; or
- Individuals who are employed, but who are determined to be in need of such intensive services in order to obtain or retain employment that allows for self-sufficiency; or
- Individuals who are in the priority of service category that may be established by the WIB.

A customer must receive at least one core service before proceeding to the intensive service level. There is no federal or state required minimum time period an individual must be in core services before they are eligible for intensive services. Each WIB may have different local policies that further define eligibility for intensive services.

Intensive services may include the following:

1. Comprehensive and specialized assessments of the skill levels and service needs of adults and dislocated workers, which may include diagnostic testing and use of other assessment tools; and indepth interviewing and evaluation to identify employment barriers and appropriate employment goals.
2. Development of an individual employment plan to identify the employment goals, appropriate achievement objectives, and appropriate combination of services for the participant to achieve the employment goals.
3. Group counseling.
4. Individual counseling and career planning.
5. Case management for participants seeking training services.
6. Short-term prevocational services, including development of learning skills, communication skills, interviewing skills, punctuality, personal maintenance skills, and professional conduct, to prepare individuals for unsubsidized employment or training.

Training Services

Eligibility to Receive Training Services

- Individuals who have met the eligibility requirements for intensive services and who are unable to obtain employment or retrain employment through such services;
- Individuals who after an interview, evaluation, or assessment, and case management, have been determined by a WIA case manager or One-Stop partner, as appropriate, to be in need of training services and to have the skills and qualifications to successfully participate in the selected program of training services;
- Individuals who select programs of training services that are directly linked to the employment opportunities in the local area involved or in another area in which the adults or dislocated workers receiving such services are willing to locate;
- Individuals who meet requirements related to obtaining other grant assistance for training; and
- Individuals who are determined to be eligible in accordance with the priority system, if any, in effect in the WIA.

At a minimum, an individual must receive at least one intensive service, such as the development of an individual employment plan with a case manager or individual counseling and career planning, before the individual may receive training services. The case file must contain a determination of need for training services as outlined in the individual employment plan. There is no federal or state required minimum time period an individual must be in intensive services before they are eligible for training services.

Training services, whether under an ITA or under contract, must be provided in a manner that maximizes informed consumer choice in selecting an eligible provider. Each WIB has a local policy on the criteria, duration and maximum cost per participant for training services, and/or other parameters such as a payment schedule to providers. Some WIBs also have a process to determine customer priority for training services.

The principle exceptions of using ITAs for training services are on-the-job training provided by an employer or customized training:

The Local Workforce Investment Board may impose limits on ITAs, such as limitations on the dollar amount and/or the duration of the ITA. Any limits must be described in the Local WIA Plan. The limitations on an ITA may include a limit on individual participation based on the needs identified in the individual employment plan. These limitations must be described in the State or Local plan. Limitations should not be implemented in a manner that undermines the Act's requirement that training services are provided in a manner that maximizes customer choice in the selection of an eligible training provider.

Training Services

Training Services include the following:

Training services is defined in WIA Title I as “one or more courses or classes, or a structured regime, that upon successful completion, leads to: (a) a certification, an associate degree, completion of baccalaureate degree within a two (2) year period; or (b) the skills or competencies needed for a specific job or jobs, an occupation, occupational group, or generally, for many types of jobs or occupations, as recognized by employers and determined prior to training.”

The following list of training services by law “is not all-inclusive” and may or may not be provided in accordance local policies:

- Occupational skills training, including training for nontraditional employment;
- On-the-Job Training;
- Programs that combine workplace training with related instruction, which may include cooperative education programs;
- Private sector training;
- Skills upgrading and retraining;
- Entrepreneurial training;
- Apprenticeships;
- Remedial education; Adult education and literacy activities provided in combination with services listed above; and
- Customized training conducted with a commitment by an employer or group of employers to employ an individual upon successful completion of the training.

Individual Training Accounts (ITAs)

Once an individual has been approved for training services, an Individual Training Account (ITA) will be established to pay for the cost of approved training programs. A WIA case manager will be assigned to assist participants, on a case-by-case basis, with developing a cost efficient training plan.

OJT contracts may be written for eligible employed workers when:

- Employee is not earning a self-sufficient wage as determined by local board policy;
- OJT requirements are met; and
- OJT relates to introduction of new technologies or new production or service procedures, upgrading to new jobs that require additional skills, workplace literacy, or other appropriate purposes identified by the local board.

Customized training for an employed individual may be provided for an employee or group of employers when:

- Employee is not earning a self-sufficient wage;
- Employee meets requirements for customized training;
- Customized training relates to introduction of new technologies/other OJT situations

Other Components

An **Individual Employment Plan** is an ongoing strategy jointly developed by the customer and the case manager that identifies the participant's employment goals, the appropriate achievement objectives, and the appropriate combination of services for the participant to achieve the employment goals.

Supportive Services

Supportive services is restricted to only those individuals participating in intensive or training services "who are unable to obtain such supportive services through other programs providing such services" and "may be only provided when they are necessary to enable individuals to participate in Title I activities."

"They include services such as transportation, child care, dependent care, housing, and needs-related payments that are necessary to enable an individual to participate in activities authorized under WIA Title I." That regulation also requires each WIA to have a local policy that "should address procedures for referral to such services, including how such services will be funded when they are not otherwise available from other sources."

Follow-up Services

A customer is not done with WIA/TAA services once they have successfully completed a training service and have been placed in a job. Follow-up activities may be an additional service. "Follow-up services must be made available, as appropriate, for a minimum of 12 months following the first day of employment, to registered participants who are placed in unsubsidized employment."

Completion of Services

Even when a WIA/TAA-funded customer has completed all of the services, a customer is not considered a "program exit" until all services, regardless of the program fund source, have been completed. WIA Title I policy states that if a customer has a service open under WIA Title I or any Partner Service, Title I may not be exited.

WIA Title I Performance Measures

Adult Measures (including Dislocated Workers):

1. **Entered Employment**—of those who are not employed at the date of participation, the number of adult participants who are employed in the first quarter after the exit quarter.
2. **Employment Retention**—of those who are employed in the first quarter after the exit quarter, the number of adult participants who are employed in both the second and third quarters after the exit quarter.
3. **Average Earnings**— of those who are employed in the first, second, and third quarters after the exit quarter, the total earnings in the second quarter plus the total earnings in the third quarters after the exit quarter.

Youth Measures:

1. **Placement in Employment or Education**—of those who are not in post-secondary education or employment (including the military) at the date of participation, the number of youth participants who are in employment (including the military) or enrolled in postsecondary education and/or advanced training/occupational skills training in the first quarter after the exit quarter.
2. **Attainment of a Degree or Certificate**—of those enrolled in education (at the date of participation or at any point during the program), the number of youth participants who attain a diploma, GED, or certificate by the end of the third quarter after the exit quarter.
3. **Literacy and Numeracy Gains**—of those out-of-school youth who are basic skills deficient, the number of youth participants who increase one or more educational functioning levels

Trade Adjustment Assistance (TAA) Program

The Trade Adjustment Assistance (TAA) is a federal program that provides reemployment services to workers who have been found to be adversely impacted by increased imports or by a shift of production to another country. You may receive the following benefits under this program:

1. Trade Readjustment Allowances (TRA)

TRA benefits are weekly income support payments that are available under certain conditions after all unemployment insurance (UI) benefits are exhausted.

- You may qualify for up to 26 weeks of Basic TRA if you are in approved training, have completed training, or have a waiver from the training requirement.
- You may qualify for up to 52 weeks of Additional TRA if you are participating in TAA approved training (no waivers are allowed under Additional TRA).
- You may be eligible for up to an additional 26 weeks of TRA for remedial training for a total of 130 weeks. You may be eligible for additional weeks of TRA (up to a maximum of 26 weeks) for each week of remedial education training you receive. Examples of remedial education are basic writing and mathematical skills training, training leading to a GED, and English as second language (ESL) training.

Your TRA weekly benefit amount will generally be the same as the unemployment insurance benefits you were receiving. Earnings or income could reduce your TRA benefits. In addition, a prolonged break in training, such as a semester break that exceeds 30 days (i.e., not enrolling in summer school), will prevent you from receiving TRA weekly benefits.

In order to be eligible for TRA benefits, you must meet the following requirements:

- Have been employed for 26 weeks in the previous 52 weeks in trade-impacted employment at wages of \$30.00 or more per week;
- Complete an application for Trade Adjustment Assistance at the local SC Employment Security Commission office;
- Exhaust your regular unemployment insurance benefits; and
- Be enrolled in an approved training program by the end of the 16th week after your most recent qualifying separation from trade-impacted employment; or
- Be enrolled in an approved training program by the end of the 8th week after the trade petition has been certified; or

- Be waived from the training requirement. However, you must be granted a waiver by the end of the 16th week after your most recent qualifying separation from trade-impacted employment, or by the end of the 8th week after the trade petition has been certified.

Waiver Criteria

In order to be approved for a waiver from the training requirement, you must meet one of the following criteria established by the federal government:

- You have written proof that you will be recalled within 6 months;
- You have marketable skills to obtain suitable employment;
- You are unable to participate in training due to health reasons (this only waives you from training, not from looking for work and accepting offered employment);
- You are near retirement (within 2 years of qualifying for Social Security or a privately sponsored pension program);
- There is a delay in the first available enrollment date for training;
- Training funds are not available under TAA or other federal programs, or suitable training is not available at a reasonable cost.

Waivers from the training requirement must be reviewed every 30 days. Waivers may be revoked for failure to meet work search requirements and for failure to report for scheduled appointments. If your waiver is revoked for these reasons, you may no longer be eligible to receive TRA payments.

The 52 weeks of Additional TRA are for individuals who are participating in TAA approved training (no waivers are allowed under Additional TRA).

2. Job Training

Prior to being approved for any training, a case manager will assess your individual situation. In order to be approved for job training, you must meet ALL six of the following criteria established by the federal government:

- A. There is no suitable employment available in the local area for the worker. Suitable employment is employment that pays at least 80% of the past trade-impacted wage and involves a skill level at least as great as that of the trade-impacted employment.
- B. The worker would benefit from appropriate training.
- C. There is a reasonable expectation of employment following successful completion of the training.
- D. Training is reasonably available and/or accessible to the worker within the worker's commuting area at an approved governmental or private training or education provider.

- E. The worker is qualified to undertake and complete the training.
- F. The training is suitable for the worker and available at a reasonable cost. The training program cannot exceed 104 actual training weeks (up to 130 weeks with remedial training). It is important to note that if the training program you are interested in exceeds your length of cash benefits, the training program may not be approved. The cost of your training includes tuition, fees, books, the usual and customary tools, equipment, supplies and uniforms. If your training commute is greater than 50 miles one-way, you may be eligible for transportation assistance to and from the training institution. If your training requires occasional expenses such as an overnight stay, subsistence allowances may also be included.

Workers in TAA approved training must attend training full-time. In addition, only one training program is allowed per trade petition certification.

3. Job Search Allowances

If you have a job interview or other directed job search activity outside the commuting area (greater than 50 miles from your residence), 90% of the cost of your job search may be reimbursed, up to a maximum of \$1,250 per worker. **The application for Job Search Allowances must be made in advance.** Job search allowances may be approved based on the following criteria established by the federal government:

- Proof of a bona fide job interview or;
- Proof of a job fair or job seminar;
- Travel must be the least expensive method, for the shortest duration of time;
- Job search allowances are paid up to 50% of the federal allowable rates for lodging and meals;
- There are time limitations on applying for job search allowances: 365 days (one year) after the petition certification date, or 365 days (one year) after your last permanent separation from work (whichever is later); or 182 days (6 months) after the completion of your training; and
- Job search activities must conclude 30 days after beginning.

A case manager can provide you with federal allowable rates and the proper application for job search allowances.

4. Relocation Allowances

If you obtain a bona fide offer of work outside the commuting area (greater than 50 miles from your residence) and desire to move your possessions, 90% of your relocation costs may be reimbursed. **The application for Relocation Allowances must be made in advance.** Relocation allowances may be approved based on the following criteria established by the federal government:

- You have a bona fide offer of employment and can provide written confirmation (required from the new employer);
- Two estimates of moving costs if you are using a commercial mover;
- The current federal allowable mileage rate will be paid if you are driving (up to two vehicles allowed);
- Additional funds for incidental expenses – the amount is equal to 3 times your average weekly wage from the trade-impacted employment, not to exceed \$1,250;
- There are time limitations on applying for relocation allowances: 425 days (15 months) after the certification date of the petition; 425 days (15 months) after your last total separation from employment, whichever is later, or, 182 days (6 months) after you complete your training;
- You must begin your move within 182 days (6 months) after submitting the relocation application.

A case manager can provide you with federal allowable rates and the proper application for relocation allowances.

5. Health Coverage Tax Credit (HCTC)

HCTC is a federal tax credit that supplements 65% of the monthly premium for qualified health insurance and is available for eligible individuals and their families. HCTC may be claimed as an end-of-year income tax credit or as a monthly advance payment. The following types of health insurance plans qualify under HCTC:

- COBRA continuation coverage.
- Spousal coverage if the employer pays less than 50% of the premium (only available as a year-end tax credit).
- Individual (non-group) coverage that began at least 30 days prior to separation.
- The South Carolina High Risk Pool.

To be eligible for HCTC, you must be receiving TRA or be eligible to receive TRA but have not exhausted UI benefits. Individuals participating in the Alternative Trade Adjustment Assistance program are also potentially eligible for HCTC. Full eligibility is determined by the IRS. For more information about HCTC, visit www.irs.gov, keyword: HCTC or call toll free (866) 628-4282.

SC HEALTH COVERAGE TAX CREDIT (SCHCTC) “Gap Filler Grant”

South Carolina has partnered with Maryland to help cover the period it takes for the IRS to process a worker’s enrollment in the federal HCTC program. The SCHCTC application can be completed on-line at: <http://schctc.info>. Eligibility for SCHCTC is determined by the Maryland contractor. *SCHCTC does not replace the need to register for the federal HCTC program.*

6. Alternative Trade Adjustment Assistance (ATAA)

ATAA is a wage supplement program for older workers who find new employment at lower wages. The following criteria must be met in order to be eligible to receive ATAA benefits:

- Certified worker must become reemployed within 26 weeks of layoff from trade-affected job;
- Certified worker must be at least 50 years old at the time of reemployment;
- New employment may not pay more than \$50,000 per year;
- New employment must be full time (at least 30 hours per week; can be two or more jobs);
- Certified worker may not return to previous employment;
- An application for ATAA benefits must be filed within two years of the qualifying reemployment date;
- Certified worker may not receive training and still be eligible for ATAA benefits; and
- Once a certified worker has received an ATAA payment, all other TAA benefits and services are prohibited (except for HCTC).

ATAA pays 50% of the difference between the worker's wages from the trade-certified job and the new job. The ATAA wage supplement may be paid up to a maximum of \$10,000 or for two years, whichever occurs first.

A case manager can provide you with the proper application for ATAA.

APPEAL RIGHTS

If you disagree with a determination made in the Trade Adjustment Assistance program, you have the right to appeal provided a notice of appeal is filed within ten (10) calendar days, including weekends and holidays, from the date of the determination. If the tenth (10th) day falls on a Saturday, Sunday or holiday, the appeal period is extended to the next business day. Your appeal may be filed in person in any SC Employment Security Commission office, or by mail addressed to **“Appeal Tribunal”, P.O. Box 995, Columbia, SC 29202.**