

Guide to Training Benchmarks Trade Adjustment Assistance



Trade Adjustment Assistance Program
NYS Department of Labor/Division of
Employment and Workforce Solutions

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What are benchmarks designed to accomplish?

- Benchmarks enable the career advisor to monitor the customer's progress toward completing the approved training within the 130-week maximum duration of training.
- Benchmarks measure satisfactory progress of the customer who is participating in training.

What are the performance benchmarks?

There are two:

1. Maintaining satisfactory academic standing (e.g. not on probation or determined to be "at risk" by the instructor or training institution);
2. On schedule to complete training within the timeframe identified in the approved training plan and the Individual Employment Plan (IEP).

The customer must meet both benchmarks to pass a benchmark review.

How do benchmarks relate to Trade Readjustment Allowances (TRA)?

Substantially meeting benchmarks allows a customer who is enrolled in TAA approved training and who has exhausted Basic TRA and Additional TRA to collect 13 weeks of Completion TRA, if other conditions are met.

Failing two benchmark reviews without revising the training plan results in loss of eligibility for Completion TRA. If the customer has failed two benchmark reviews and subsequently the training plan has been revised the customer would be eligible for Completion TRA.

If a training plan has been revised the revised

plan brings the number of failed reviews to "0" and the process to determine the number of failed reviews begins all over again.

When is Completion TRA paid?

The eligibility period for Completion TRA is the 20-week period leading up to (immediately preceding) the end date of the approved training. Customers must have exhausted Additional TRA to be eligible, and only 13 weeks of benefits are available within the 20 week period.

Completion TRA is only available if the customer will complete the training within the 20 week period. The requirement to complete training within the eligibility period sometimes results in a gap in TRA between the end of Additional TRA and the beginning of Completion TRA. You can help your customer understand when Completion TRA can be paid by explaining that the 13th (or last) Completion payment must take place during the last week of training.

Verification Process – How does completing the TRA Benchmarks tab in OSOS relate to TRA payments?

The Trade Readjustment Allowance Unit (TRA Unit) of the Unemployment Insurance Division is responsible for making TRA payments. The TRA Unit verifies that the customer has not failed two benchmarks by inquiring with the Trade Adjustment Assistance Unit (TAA Unit) of the Division of Employment and Workforce Solutions. The TAA Unit then refers to the OSOS custom tab "TRA Benchmarks" for verification and reports back to the TRA Unit. The TAA Unit will also check OSOS Comments for additional clarifying information.

Intervals of No Greater Than 60 Days

Career advisors must evaluate satisfactory progress against the two benchmarks at intervals of no more than 60 days, beginning with the start of the training plan.

The training benchmarks must be described in the customer's Individual Employment Plan. The final page of the IEP assists career advisors with creating a schedule of benchmark review dates. Give your customer a copy of the schedule.

Evaluating Satisfactory Progress in Training

Benchmark Reviews: Customers are responsible for ensuring that progress information is supplied to their career advisors. To complete the 60 day benchmark reviews career advisors must be provided with confirmation from the training provider that the customer is in good academic standing and is on schedule to complete, in accordance with the approved plan and the IEP.

There are a few different methods you can use to accomplish this review. Choose which method works best for you. Career advisors may:

- (Preferred Method!) Supply the customer with a pre-filled Benchmark Form to take to the training provider. The training provider completes their section & signs the form;
- Or, provide a pre-filled Benchmark Form directly to the training provider. The provide completes their section and signs the form;
- Or, contact the training provider over the telephone and attest to the customer's satisfactory progress after consultation with the provider and the

customer. If attesting after a telephone conversation with a school representative, career advisors must document the telephone conversation by completing the Benchmark Form and placing it in the customer's file with a note indicating the date that the telephone conversation took place. Document the name and title of the person with whom you spoke. Also include a comment in OSOS.

- Or, request that the customer provide documentation of the customer's satisfactory progress towards meeting the training benchmarks from the provider, such as through instructor attestations.

Substandard Reviews

Upon one substandard review of the established benchmarks, the customer will be given a warning, while two substandard reviews must result in a modification to the training plan, or the customer will no longer be eligible for Completion TRA. In this way, the training benchmarks may be used to provide early intervention that will provide the opportunity to determine whether the training plan in place is appropriate for the individual or would be prudent to revise.

What constitutes a revised training plan?

A revised training plan would be a change in the academic or vocational course of study outlined in the customer's employment plan. The revised employment plan would include a change in occupation, type of training or training provider.

If a customer's completion date has changed due to a failed class does this constitute a "revised" training plan?

No. The customer would fail the benchmark even though the plan would be *amended* to include a new completion date.

If a customer's completion date has changed due to no fault of the customer does the customer fail a benchmark review?

No. An example of this situation would be if a class is canceled due to lack of enrollment and the customer is now not scheduled to complete training as scheduled in the employment plan. In this case the employment plan should be *amended* to reflect the new completion date. Another example is if a customer's verifiable medical condition prevents the customer from completing training as scheduled in the employment plan. In this case the employment plan should be "amended" to reflect the new completion date.

Can failure of one or two benchmark reviews result in termination of training?

Failure of one or two benchmark reviews does not automatically result in termination of training however failing of the first review should be a red flag to the career advisor regarding appropriateness of the training plan. Failing of the second review will result in loss of eligibility for Completion TRA.

TAA's six criteria for approval of training require that the customer is qualified to undertake and complete the training. If it becomes clear that the customer will not successfully complete training after a thorough review of the situation and possible

consultation with the training provider and if the customer refuses to *revise* their training plan, a training determination recommendation should be submitted to the Determinations mailbox. A State Level review may result in the customer being terminated from TAA approved training.

Should I notify the TAA Unit in Central Office when it appears that a customer will fail a second benchmark review?

Yes. Before recording a customer's second failed benchmark review please contact the TAA Unit Central Office at labor.sm.wdtd.taa if the customer will not revise their training plan.

Are benchmark reviews required when a customer is taking part in On the Job Training (OJT)?

Generally, no. Because benchmarks are associated with academically oriented training, and securing a credential, OJT does not require benchmarks. As long as an OJT is being monitored as part of the training contract with the business, TAA benchmark reviews and the accompanying OSOS data entries on the TRA Benchmarks tab are not required.

Case Scenarios

Following are case specific scenarios that help guide career advisors in determining status of benchmark reviews. Many times real scenarios will involve several factors and may require a 'best judgment' decision. Please contact the TAA Unit labor.sm.wdtd.taa for assistance.

Benchmarks CASE SCENARIOS

<u>Scenario</u>	<u>Benchmark Review: P / F</u>	<u>Action required</u>
Paul – A course was canceled; training end date needs to be extended	Pass	<ul style="list-style-type: none"> Amend training plan to change the end date No “Revised IEP” on OSOS Benchmarks tab
Jack – Failed a course; training end date needs to be extended	Fail 1 st	<ul style="list-style-type: none"> Review training plan with customer to determine if plan needs to be revised Jack wants to continue with same plan, and career advisor agrees, Amend training plan to include new end date No “Revised IEP” on OSOS Benchmarks tab Warn customer
Jack – Failed another course; end date extended again	Fail 2 nd	<ul style="list-style-type: none"> Review training plan with customer Jack wants to continue with the same plan. After consultation with training provider, career advisor agrees with customer Result: no Completion TRA Amend plan to include new end date No “Revised IEP” on OSOS Benchmarks tab CALL TAA UNIT CENTRAL OFFICE BEFORE FAILING THIS CUSTOMER’S 2ND BENCHMARK
Jane – Had verifiable medical issues. Plan needs new end date	Pass	<ul style="list-style-type: none"> Amend training plan to include new end date No “Revised IEP” on OSOS Benchmarks tab
Emily – failed a course. End date needs to be extended	Fail 1 st	<ul style="list-style-type: none"> Review training plan with Emily to determine if plan needs to be revised Emily wants to continue, career advisor agrees Amend training plan to include new end date No “Revised IEP” on OSOS Benchmarks tab Warn customer
Emily – failed another course. Needs to extend end date again	Fail 2 nd	<ul style="list-style-type: none"> Career advisor reviewed training plan with Emily and they chose to revise plan with new course of study and new occupational goal Yes “Revised IEP” on OSOS Benchmarks tab Brings number of failed benchmark to zero and Emily is eligible for Completion TRA
Sylvia – is on academic probation at the end of her first semester, and the school indicates she is ‘at risk’. End date of training is not affected.	Fail 1 st	<ul style="list-style-type: none"> Review training plan with Sylvia to determine if plan needs to be revised Sylvia wants to continue, career advisor agrees No “Revised IEP” on OSOS Benchmarks tab Warn customer

Tips

Clear ‘cookies’ to ensure recorded benchmarks are visible. If you know that you’ve entered benchmark dates & status on the OSOS TRA Benchmarks tab and you do not see these records, please delete your browsing history, clean out the cookies and temp files, close the browser and reopen. This should resolve the issue.

Enter all benchmark reviews under one IEP service. All benchmark reviews must be entered under the same IEP service. Do not create a new IEP service, even if the IEP has been revised.

Use the OSOS Comments section to clarify. When customers fail a benchmark review use the comments section to note that the customer has been – at the *first* failure – warned of the repercussions of two failed benchmark reviews (potential loss of eligibility for Completion TRA and potential training termination). Also describe why they failed the benchmark review. Case note example: “Customer failed Business 101. Completion date of the training will be extended due to failing this class. Reminded customer that another substandard benchmark review may result in loss of Completion TRA and possibly termination of TAA approved training.”

Contact the DEWS TAA Unit Central Office. When it appears that a customer will fail a *second* benchmark review, and will not revise his/her training program, please contact DEWS TAA Unit Central Office to discuss the circumstances. Also, we are available for consultation any time you would like assistance in determining if a customer’s scenario should pass or fail a review. Please contact us via labor.sm.wdtd.taa.