



Workforce Development System Technical Advisory



June 12, 2007

Workforce Development System Technical Advisory #04-6.2

- TO:** Chairpersons of Local Workforce Investment Boards
Chief Elected Officials
WIA Grant Recipients
WIA Fiscal Agents
WIA Local Area Contacts
WIA One-Stop Operators
TAA Coordinators
DoES Regional Administrators
- SUBJECT:** **REVISED** Guidance on Integrating Services Under the Trade Act Programs--the Trade Adjustment Assistance (TAA) Program, The North American Free Trade Agreement-Transitional Adjustment Assistance (NAFTA-TAA) Program, and the Trade Reform Act of 2002 with the Workforce Investment Act
- Purpose:** This Technical Advisory has two purposes:
1. To modify the maximum amount allowed for individual occupational and on-the-job training (OJT) TAA approved training plans as detailed in Technical Advisories (TAs) #04-6, issued May 17, 2004 and #04-06.1, issued September 30, 2004; and,
 2. To establish the State's policy that allows the maximum amount (cap) per individual to be exceeded when providing customized training.
- Reference:** Trade Reform Act of 2002; TEGL 11-02 and 11-02 change 1, Operating Instructions for Implementing the Amendments to the Trade Act of 1974 enacted by the Trade Act of 2002
- Background:** Limits for training dollars to support individual employment plans were identified in Technical Advisory #04-6. To meet the need of rising training and training-related costs these limits are being modified.
- These limits are subject to change based on availability of funds. Training costs will be reviewed on an annual basis.
- Action:**
1. Modification of the maximum amount allowed for individual occupational and on-the-job training TAA approved training plans
 - A. Effective July 1, 2007, maximum amounts for TAA approved training plans to provide individual classroom or on-the-job training are as follows:
 - \$12,500 for a training plan of up to 130 weeks; and,
 - \$7, 500 for a training plan up to 52 weeks.
- These maximum amounts or caps are inclusive of all funding streams and all planned costs, including transportation and subsistence allowances.
- Under no circumstances will a training plan for an individual's occupational or OJT training be approved if it exceeds the maximum cap of \$12,500.
 - The single exception to the 52-week plan cap for an individual's occupational or OJT training plan may be granted only where it can be demonstrated that funds available are being leveraged to the maximum extent allowable. Any exception to the 52-week plan cap must be reviewed and approved by the One-Stop Operator and WIB Director to ensure that there is sufficient justification and support for the exception to the maximum amount of the training plan.

B. All currently approved training plans in effect must now be reviewed to determine if the annual costs of the training provider have increased and affected the total cost of the plan. If there has been an increase in costs, the training plan approval must be updated to reflect the increase in cost and identify the responsible funding source. If TAA funds are required, they may be requested after July 1, 2007. In no circumstance may a training plan be approved that exceeds the maximum amounts established in this TA.

2. Establishment of the State's policy that allows the maximum amount (cap) per individual to be exceeded when it will provide customized training

A. It must be demonstrated that:

- training will be provided to a group of individuals eligible for training under the Trade Adjustment Assistance program;
- training is designed to meet the special requirements of an employer or group of employers;
- there is evidence that upon successful completion of the program, it is likely that the affected TAA program participants will be employed; and,
- the employer pays for a significant portion of the cost of the training, not less than 50 percent.

B. The employer must agree to retain any participant hired for a period not less than one year. In the event that an employee is laid off within a year of the training completion, the employer may be responsible for reimbursing the State for the cost of the training.

C. A local area seeking an exception to the established cap on behalf of a group of TAA program participants requiring customized training must submit a request to the Workforce Development and Training Division. Customized training provided under this exception to the maximum cost cap must still meet the stated criteria for approval as detailed in Technical Advisory #04-6.

The request must identify:

- Employer(s) Willing to Hire Trained Individuals – the request must include the written agreement with the employer(s)
- Number to be Trained
- Number of Job Openings
- Anticipated Wage at Hire
- Title of Training Program
- Training Provider
- Number of Weeks of Training Program
- Dates of the Training Program
- Specialized Skill Obtained with Training
- Prerequisite Skills Needed to be Accepted in Training Program
- Attestation that there is no other training available, including OJT, in the area that would provide similar results at a lower cost
- Cost of Training Program
- Employer(s)' Match Amount
- Amount of TAA Funds Needed

Submit requests to WDTDFunding@labor.state.ny.us.

Attach the written agreement from the employer(s) or fax to (518) 457-2577.

Questions regarding this Technical Advisory may be submitted via the NYSDOL's Workforce New York website, <http://www.workforcenewyork.org>, by choosing **Trade Act** (from the left side of the homepage), then **E-Mail Questions**.