

## Illinois' Merit Staffing Procedures for 2002 and 2009 Trade

To comply with the merit staffing provisions codified in the new regulation at 20 CFR 618.890 (b) by December 15, 2010 these procedures have been developed to provide guidance on how Illinois will implement this requirement. This regulation requires that states must engage state government personnel only to perform Trade Adjustment Assistance Act (TAA) or Trade and Globalization Adjustment Assistance Act (TGAAA) funded functions undertaken to carry out the state's responsibilities under the Trade Act, and must apply the standards for a merit system of personnel administration to these personnel. The merit staff requirement applies to staff performing all TAA-funded administration and employment and case management service activities beginning on December 15, 2010, regardless of when the funds used were appropriated. Local Workforce Investment Area (LWIA)/National Able (Able) Staff duties will remain the same except where noted.

**Services delivered to Trade customers without the required pre-approval by DCEO State Merit Staff will result in disallowed costs to the LWIA. It could also result in eligibility issues for the customer and possible overpayment of Unemployment Insurance (UI)/Trade Readjustment Assistance (TRA).**

Through the submittal of the signed and dated forms and the Affidavit Form if applicable, the LWIA is attesting that the customer file contains all the listed forms, documentation, and other stated information required to support the Trade service.

**Signing and submitting the Affidavit Form without the required forms, documentation etc could result in charges of fraud against the LWIA/case manager/administrator.**

All required forms and affidavits must be completed, signed and dated by the LWIA, the customer and the LWIA Director or designee and then scanned in a PDF document to be submitted by email to both Susan Boggs and Janet Rosentreter. All signed and approved Affidavit forms and related documentation should be kept in the customer file attached to the appropriate Trade form.

**Trade Notification** – Procedures will remain the same as detailed in WIA Policy Letter No. 09-PL-52 Trade Adjustment Assistance (TAA) Administration (09-PL-52).

## Illinois' Merit Staffing Procedures for 2002 and 2009 Trade

**Trade Rapid Response** - Rapid Response is required for all certifications by the owning LWIA based upon the location of the worker group. 09-PL-52 Chapter 1 procedures will remain the same except in the following:

- Procedures will vary for 2009 Trade in that only the DCEO/TAA/TGAAA Form #001 Benefits Rights and Obligations (BRO) and the DCEO/TAA/TGAAA Form #002 Standard Application can be signed by the customer at a Trade Rapid Response (RR) workshop. Because testing, assessment, DCEO/TAA/TGAAA Form #014 Individual Employment Plan (IEP) development and career counseling must occur prior to the issuance of a waiver or enrollment in training – no other TAA documents can be signed at a Trade RR workshop. UI/TRA applications can be taken at the workshop. Appointments should be made with customers to complete paperwork and TAA enrolling activities. Dislocation Event Tracing System (DETS) requirements remain the same for 2002 and 2009 Trade.
- Trade Readjustment Allowances (TRA) – 09-PL-52 Chapter 2 should be followed, however the TRA Basic Screen and the Monetary Determination Screen has been replaced with the new IBIS screens: Pseudo Monetary Determination Screen and the TRA Claim Screen.

**2002 and 2009 BRO** - No approval needed by DCEO State Merit Staff procedures will remain the same as in 09-PL-52.

**Testing and Assessment** - No approval needed by DCEO State Merit Staff procedures will remain the same as in 09-PL-52.

**2002 and 2009 Standard Application** - DCEO State Merit Staff do not need to approve the DCEO/TAA/TGAAA Form #002 Standard Application, however as of December 15, 2010 the state is not allowed to fund the LWIAs/Able for Case Management or Administration with Trade funds. All Case Management services that includes filling out the Standard Application will be funded from Workforce Investment Act (WIA) Formula or Dislocated Worker Reserve Funds (1E). This action will require DCEO to issue a mandatory co-enrollment policy. All current Trade customers/IWDS Registrants currently not co-enrolled and future Trade customers as of December 15, 2010 must be co-enrolled in WIA. The Case Manager can create a dual WIA and TAA application in IWDS.

## Illinois' Merit Staffing Procedures for 2002 and 2009 Trade

### Coordinated Trade Benefits

**2002 Customers** – The LWIA/Able staff will continue to provide services to Trade Customers in the same coordinated approach. However, all Trade customers must be co-enrolled in both TAA and 1E/Formula. Services to the co-enrolled Trade customers must include comprehensive testing and assessment and the development of an IEP. Additional services that may be offered include career/employment counseling, job development, job search assistance, resume writing and interview skills workshops, supportive services etc. These services will be recorded on the WIA application in IWDS. **DCEO State approval is only required for the 2002 IEP.** Instructions for IEP approval are later in this document. **As these customers are co-enrolled, funding for WIA Case Management Services will occur utilizing 1D formula funds or through DCEO 09-PL-51, CH 1 WIA Dislocated Worker Emergency (1E) Assistance Application Process.**

**2009 Customers** – 2009 Trade customers must receive comprehensive testing and assessment, career counseling and the development of an IEP prior to issuance of a waiver or enrollment in training. These customers also must be co-enrolled in both TAA and 1E/Formula. The following services must be offered and are recorded on the paper IEP and in IWDS: Information on available training; information on financial aid; prevocational services; employment statistics and availability of supportive services. **DCEO State approval is not required for WIA case management services but is required for the 2009 IEP.** Instructions for IEP approval are later in this document. These services provided must now be recorded on both the TAA and WIA application in IWDS on the Service screen. The Case Management Services on the WIA IWDS application will show the 1E or 1D WIA funding source. The Trade IWDS Application will show these Case Management Services as “**Funding from Another Source**” because the funding for these services will come from WIA 1E or 1D. **As these customers are co-enrolled, funding for WIA Case Management Services will occur utilizing 1D formula funds or through DCEO 09-PL-51, CH 1 WIA Dislocated Worker Emergency (1E) Assistance Application Process.**

**2002 Bona Fide Application for Training** – The DCEO/TAA Form #004 TAA - Bona Fide Application for Training is a required document for 2002 Trade and must be approved by DCEO State Merit Staff. Customers without a Bona Fide Application issued within 210 days from Separation or Certification will not receive Additional TRA. The Bona Fide Application for Training must be completed when all other enrolling Trade paperwork is completed and must be entered on the IWDS Status Screen prior to state approval. The approval for the Bona Fide Application for Training will come when the case manager requests approval for the 2002 DCEO/TAA Form #003 Illinois Waiver from Training and/or the 2002 DCEO/TAA Form #006 Verification of TAA Training Enrollment request. The case manager will mark the Bona Fide Application for Training box on the 2002 Waiver Affidavit form or 2002 Training Affidavit form

## Illinois' Merit Staffing Procedures for 2002 and 2009 Trade

attesting that the completed Form #004 has been signed and dated by the case manager and the customer within the required deadlines. Upon completion of the signed and dated #004 form which will now include the LWIA Director's signature (or designee) and new Affidavit information, the case manager will enter the Bona Fide Application for Training Status record and all other enrolling Service or Status records on IWDS. The records will be set to pending. The DCEO State Merit Staff will document the approval on IWDS barring any issues. Notification of a Status Record will be sent to IDES only upon DCEO State Merit Staff Approval. The DCEO State Merit Staff will then inform the LWIA/Able by email that the approval has been made on IWDS. **A copy of the approval email from the DCEO State Merit Staff must be printed and attached to the #004 form in the customer's file.**

If DCEO State Merit Staff deny a Service or Status Record (that has never been approved) that Status will forever be displayed as "Denied". It will never be transmitted to IDES.

If a Status Record is initially approved, and then the case manager makes a change, a new "Pending Approval" record will be created. If DCEO State Merit Staff denies that change, IWDS will reset the changed fields to their previous values. **IDES will not see any "Pending" or "Denied" records.**

**2002 and 2009 Individual Employment Plan** - The DCEO/TAA/TGAAA Form #014 Individual Employment Plan (IEP) is a required document for both 2002 and 2009 Trade and must be approved by DCEO State Merit Staff. For 2002, Trade the IEP can be completed anytime during the initial assessment process with the customer. For 2009, Trade the IEP must be completed prior to the issuance of a waiver or enrollment in training. The IEP must be recorded on both the TAA application in IWDS prior to state approval. **Any pre-approved changes to the IEP must also be approved by DCEO state staff.**

### **IEP State Merit Staff Approval Procedures - 2002 and 2009 Trade Programs**

Upon completion of the signed and dated DCEO/TAA/TGAAA Form #014 IEP form which will now include the LWIA Director's signature (or designee) and new Affidavit information, the case manager will enter an IEP Case Management Service Record on the WIA application showing the WIA 1D or 1E funding and then add an IEP Service Record on the TAA IWDS application that will show "**Funding from Another Source**". Once the IWDS Service record is completed, it will automatically create an IEP Status Record that will be set to pending. The IEP form must be completed with all other enrolling/eligibility Trade paperwork. The initial approval for the IEP will come when the case manager requests approval for the Waiver and/or the Training request. The case manager will check the DCEO/TAA/ TGAAA #014 IEP Case Manager Attestation box on either the Waiver and/or Training Affidavit form that will be submitted for

## Illinois' Merit Staffing Procedures for 2002 and 2009 Trade

approval by email to State Merit Staff. Barring any issues, the DCEO State Merit Staff will click the approval box in the IEP Status Record and enter the date of the approval. The IEP Status record is not transmitted to IDES. The DCEO State Merit Staff will then inform the LWIA/Able by email that the approvals have been made on IWDS.

Any revisions to the IEP must also be approved by DCEO State Merit Staff. The case manager must go into the existing IEP Status Record, enter the date, reason for the revision in the IEP Status Record Comment Box, and then set the Status Record to pending. The case manager will send an email. **The Subject line of the email must say: Revised IEP Approval for "Customer Name" for LWIA "#"**.

**Training Services** – The following procedures will in some places replace 09-PL-52 Chapter 3 Training Services for 2002 and will cover 2009 Procedures for Training Services; however 09-PL-52 must still be used for definitions and expanded explanations of training services, etc. DCEO State Merit Staff must approve all Training Services (including changes to a training plan) for 2002 and 2009 customers prior to the start of training as of December 15, 2010. The state must approve Training Enrollment for 2002 and 2009 Trade customers, but the state is not required to sign the paper forms to record this approval. The approval will occur in IWDS on each Training Service Record.

- Trade customers attending TAA or TGAAA training without the required approvals prior to the start of training will result in disallowed costs to the LWIA. It could also result in eligibility issues for the customer and possible overpayment of UI/TRA.
- Funding for TAA Approved Training (which includes TAA Transportation and/or Subsistence) and Out-of-Area Job Search and Relocation will still occur through the DCEO TAA or TGAAA Grant Application process. However, **because of the merit staffing provisions, TAA administration or Case Management funds are no longer allowed to be provided to LWIAs/Able.** As these customers are co-enrolled, funding for WIA Case Management Services will occur utilizing 1D formula funds or through DCEO 09-PL-51, CH 1 WIA Dislocated Worker Emergency (1E) Assistance Application Process.

**The Secretary's agreement between the Governor of Illinois and the U.S. Department of Labor/ETA requires that all trade approved training/ transportation/subsistence be paid for with trade funds. Out-of-area job search and relocation benefits also require payment with trade funds.**

## Illinois' Merit Staffing Procedures for 2002 and 2009 Trade

### Allowable Training Services

**2002 Training Services** – All training must be full time as defined by the training institution (documentation from the training institution is required). Full-time training includes classroom/vocational/occupational; remedial (GED, ESL, Reading, Math); distance learning/on-line (only if attendance and progress can be tracked); on-the-job training; customized training to meet the needs of a specified employer or group of employers. Individual training records must be entered in IWDS for each type of training the customer is utilizing. (Even if the customer only attends one class of Remedial; there must be a Remedial Training Service record reflecting that training). Individual transportation and/or subsistence service records must also be entered in IWDS if it is TAA approved.

**2009 Training Services** - Full time training or part time training as defined by the training institution (documentation from the training institution is required) in the following areas: classroom/vocational/occupational; remedial (GED, ESL, Reading, Math); distance learning/on-line (only if attendance and progress can be tracked); on-the-job training; customized training to meet the needs of a specified employer or group of employers; pre-requisites training required to enroll in a classroom/vocational/occupational training program; apprenticeship programs registered under the 'National Apprenticeship Act' and programs of higher education. Individual training records must be entered in IWDS for each type of training the customer is utilizing. (Even if the customer only attends one class of Remedial; there must be a Remedial Training Service record reflecting that training). Individual transportation and/or subsistence service records must also be entered in IWDS if it is TAA Approved.

**Full vs. Part Time Training (2009)** – If the customer is eligible for TRA benefits and wants to keep receiving TRA, the TAA approved training must be full time as defined by the training institution. Part time training is allowed under 2009 trade; however the customer will not receive TRA benefits. Full/part time status must now be recorded and kept up to date in the training status record in IWDS. This will occur in the Training Status Record. The default for the Part Time Status Record is flagged to no. If the customer is attending full time training, then no record needs to be added. However, any time that status changes a record must be added immediately.

To add a **Part Time Status Record** click view the Training Status Record and then click on the Part Time/Distance Learning button on the bottom of the Training Status Record. Click Add and select Part Time Training and add the date the part time training began and select Yes for the

## Illinois' Merit Staffing Procedures for 2002 and 2009 Trade

Flag. Save the record.

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## Illinois' Merit Staffing Procedures for 2002 and 2009 Trade

**Distance Learning (2002 & 2009)** – DOL now collects Trade Act Participant Report (TAPR) data on distance/online classes and programs. The case manager must obtain and look at the customer's class schedule every quarter/semester/term to determine if any of the classes are online. If it cannot be determined by the class schedule, then the case manager must ask the customer if any of the classes are online. Even if a single class is held online, the case manager must add a Distance Learning Status Record in IWDS. This will occur in the Training Status Record. The default for the Distance Learning Record is flagged to no. If the customer is not attending ANY distance learning/online classes/programs; then no record needs to be added. However, any time that status changes a record must be added immediately. LWIAs/Able must ensure that the training institution agrees to provide attendance and progress information prior to submitting request for approval to Merit Staff.

To add a **Distance Learning Status Record** click view the Training Status Record and then click on the Part Time/Distance Learning button on the bottom of the Training Status Record. Click Add and select Distance Learning and add the date the Distance Learning began and select Yes for the Flag. Save the record.

**Threatened Worker Training (2009)** – 2009 Trade allows for workers who are identified as a member of a group of workers who has been certified as eligible to apply for Trade but has not been totally or partially separated to receive training services with the exception of OJT or customized training.

To serve a threatened worker in Illinois the customer must be identified on a list provided by the employer as threatened with layoff with a projected layoff date. For each segment of training (semester/quarter), the threat of layoff must be re-confirmed/documented or the training shall be terminated if the customer is no longer threatened with a total or partial separation.

### Length of Training

**2002 Length of Training** – The maximum duration for training is 104 training weeks and up to 130 weeks if the worker also requires remedial education.

**2009 Length of Training**- The maximum duration for training is 156 training weeks. The 2009 Act expressly limits OJT contracts to no more than 104 weeks.

**2002 and 2009 Long Term Training** – Illinois requires that customers interested in long term

## Illinois' Merit Staffing Procedures for 2002 and 2009 Trade

training must be enrolled in TAA approved training within 6 months from date of their TAA registration unless the customer has been recalled to the certified employer. Only short term training (1 year or less) will be allowed for customers who remain on a waiver beyond 6 months or for the duration of the Benefit Period. **Special exceptions may be approved by the state upon request.**

### State Training Approval Process

**2002 and 2009** – Effective 12/15/10, all new enrollments in any allowable Trade training service including transportation/subsistence, training extensions, changes to the training plan (which includes any changes to transportation/subsistence amounts), must be approved by DCEO State Merit Staff in IWDS.

**2002 Completed Forms/Documentation:** All documents must be completed with all appropriate signatures and dates and supporting documentation prior to request for state approval.

- 09-PL-52 DCEO/TAA Form #001 Benefit Rights and Obligations
- 09-PL-52 DCEO/TAA Form #002 TAA Standard Application
- 09-PL-52 DCEO/TAA Form #004 TAA-Bona Fide Application for Training
- 09-PL-52 DCEO/TAA Form #005 Eligibility Determination for TAA Transportation Assistance for each training location
  - Printout of mapping program showing shortest distance from customers address to training institution(s)
- 09-PL-52 DCEO/TAA Form #006 Verification of TAA Training Enrollment for each training institution/program
  - Copy of training institutions catalog showing training program requirements, full time, etc
  - Class Schedules
  - Labor Market Information (LMI)
  - Documentation on Required Equipment, Tools and Supplies
- 09-PL-52 DCEO/TAA Form #007 Individual Training Account Projection
- 09-PL-52 DCEO/TAA Form #008 TAA On-The-Job Training (OJT) Agreement Form (if requesting Trade OJT)
- 09-PL-52 DCEO/TAA Form #014 Individual Employment Plan (IEP)

## Illinois' Merit Staffing Procedures for 2002 and 2009 Trade

**2009 Completed Forms/Documentation:** All documents must be completed with all appropriate signatures and dates and supporting documentation prior to request for state approval.

- 08-NOT-37 CH 1 DCEO/TGAAA Form #001 Benefit Rights and Obligations
- 08-NOT-37 CH 1 DCEO/TGAAA Form #002 TGAAA Standard Application
- 08-NOT-37 CH 1 DCEO/TGAAA Form #005 Eligibility Determination for TGAAA Transportation Assistance
  - Printout of mapping program showing shortest distance from customers address to training institution(s)
- 08-NOT-37 CH 1 DCEO/TGAAA Form #006 Verification of TGAAA Training Enrollment
- 08-NOT-37 CH 1 CH 1 DCEO/TGAAA Form #006b TGAAA Training Requirements Fact Sheet
  - Copy of training institutions catalog showing training program requirements, full time, prerequisites
  - Class Schedules
  - Labor Market Information (LMI)
  - Documentation on Required Equipment, Tools and Supplies
- 08-NOT-37 CH 1 DCEO/TGAAA Form #007 TGAAA Individual Training Account Projection
- 08-NOT-37 CH 1 DCEO/TGAAA Form #008 TGAAA On-The-Job Training (OJT) Agreement Form (if requesting Trade OJT)
- 08-NOT-37 CH 1 DCEO/TGAAA Form #014 TGAAA Individual Employment Plan (IEP)

The IEP must clearly spell out the 6 conditions of training. If these conditions are not explained in detail, the DCEO State Merit Staff will not approve the requested training.

### **6 Conditions of Training:**

1. **There is no suitable employment for the customer:** Explain how the customer has no prospects of obtaining suitable employment to justify approving training - including what the customer's prior job duties/titles were, the Labor Market Information (LMI) data, details of what the customer has done to obtain employment such as how long has the customer job searched, how many applications for jobs have been submitted,

## Illinois' Merit Staffing Procedures for 2002 and 2009 Trade

how many interviews the customer has obtained or not obtained etc. The term "suitable employment" means, with respect to a worker, work of a substantially equal or higher skill level than the worker's past adversely affected employment, and wages for such work at not less than 80 percent of the worker's average weekly wage.

2. **The customer would benefit from appropriate training:** It must be demonstrated that there is a direct relationship between the needs of the worker for training requested and what the training program under consideration for the worker, would provide, and that the worker has the mental and physical capabilities to undertake, make satisfactory progress in, and complete the training. **This includes the further criterion that the individual will be job ready on completion of the training program.** All of these items must be addressed.
3. **There is a reasonable expectation of employment following completion of the training:** This means that, for that worker, given the job market conditions expected to exist at the time of the completion of the training program, there is, fairly and objectively considered, a reasonable expectation that the worker will find a job, using the skills and education acquired while in training, after completion of the training. Explain how the Labor Market Information, job ads, and the training institutions placement information support employment at completion of training.
4. **The training is reasonably available to the worker:** Address if the training is within the customer's commuting area of less than 25 miles. **First consideration must be given to training opportunities available within the customer's normal commuting area.** Training at facilities outside the commuting area should be chosen only if such training is not available in the area **or the training to be provided outside the commuting area will involve fewer charges to TAA funds.** This also means that the customer has reliable transportation, a valid driver's license (if driving), etc to get to and from training.
5. **The worker is qualified to undertake and complete such training:** This must include an evaluation of the customer's personal qualifications, physical and mental capabilities, educational background, work experience and financial resources, test scores, assessment results, as adequate to undertake and complete the specific training program being considered. Evaluation/documentation of the worker's financial ability shall include an analysis of the worker's remaining weeks of UI and TRA payments in relation to the duration of the training program. It must be noted on the worker's record that financial resources were discussed and verified before the training was approved.

## Illinois' Merit Staffing Procedures for 2002 and 2009 Trade

6. **Training is suitable for the worker and available at a reasonable cost:** Training at the lowest costs will be approved when the training substantially similar in quality, content and results can be obtained from another provider at a lower total cost within a similar time frame. It also means 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. Training at facilities outside the customer's commuting area that involves transportation or subsistence costs that add substantially to the total costs shall not be approved if other appropriate training is available. The state expects to see what other programs have been compared for costs and what those costs are and if they include transportation. An analysis must also be made of other customers attending this training and if transportation costs can be reduced by the LWIA/Able arranging for transportation as a group as required by federal rules and regulations.

\*The state soft training cap remains at \$20,000 and the commuting distance for travel beyond 25 miles remains the same.

**Justification for using more costly Private Training Institutions:** Since many of our state funded training institutions are at capacity, the use of private training institutions is increasing. There is a growing concern at the National level that some of these institutions are misleading potential students about their programs' cost, quality and duration, placement success, or the average salary of graduates, etc. If the training provider is not on the State of Illinois' Training Provider List, please include the information described in 09-PL-57 Change 1, Attachment B for the justification for Training Criteria #6 for reasonable cost.

### Training State Merit Staff Approval Procedures - 2002 and 2009 Trade Programs

Upon completion of all required Trade documents for Enrollment in Training the case manager will enter an **Enrolled in Training Not Yet Started** Status record and all relevant **Training Service Records** (currently IWDS will not allow the case manager to enter a future training start date in the Training Service record – after December 15, 2010 the case manager will be allowed to enter the future start date), any part time or distance learning Status Records (if necessary), and any relevant case notes regarding the training. The Enrolled in Training Not Yet Started Status record, the Training Service Record(s), and the IEP Status Record will be set to pending. The case manager will then notify the DCEO State Merit Staff by email. **The Subject line of the email must say: "Type of Training" and IEP Approval for "Customer Name" from LWIA "#"**.

## Illinois' Merit Staffing Procedures for 2002 and 2009 Trade

**For 2002 Trade, if this is the enrolling activity, a DCEO/TAA Form #004 TAA- Bona Fide Application Approval reference must be included in the email subject line.** The case manager will attach the scanned completed Training Affidavit form to the email. The case manager must continue to include in the email submitted for training approval a detailed description of how the 6 conditions are being met for any customer whose training will exceed the state cap. The DCEO State Merit Staff will document the approval on IWDS for the IEP, the Enrolled in Training Not Yet Started Status Record and all Training Status Records barring any issues and notify the LWIA/Able by email the approval has been made. **The completed signed/dated 2002 and/or 2009 Training Affidavit Form and the Merit Staff determination email must be attached to the DCEO/TAA Form #006 Verification of TAA Training Enrollment form in the customer's file.**

### Attendance in Training:

**2002 and 2009 Attendance in Training** – DCEO/TAA/TGAAA Form #006a Bi-Weekly Verification of Training Attendance forms must be completed/signed/dated every two weeks by the training institution for all classes throughout the duration of the training program(s). Upon receipt of the completed form, the case manager must investigate the reason for any missed class and it must be recorded in the IWDS status screen as a Ceased Participation. Based upon the investigation – the case manager will record the reason for the absence and if it is considered, justified or not. **Justified cause means such reasons as would justify an individual's conduct when measured by conduct expected of a reasonable individual in like circumstances, including but not limited to reasons beyond the individual's control and reasons related to the individual's capability to participate in or complete an approved training program.** Continued absences must be supported by valid documentation. Timely entry of this Status Record is imperative. If absences continue to occur, the continuation of the training program must be reassessed.

### Ceased Participation State Merit Staff Approval Procedures:

**Ceased Participation in Training Status Record** must be entered for any TAA registrant who **fails to provide verification of attendance**, or **missed any class** for a justified or unjustified cause. Each Ceased Participation Status Record must contain the status start and end dates, ceased participation reason and a detailed description of the customer's reason for failure to participate in his or her training program. **State Merit Staff must approve all Ceased Participations.** Upon receipt of the **DCEO/TAA/TGAAA Form #006a Bi-Weekly Verification of TAA/TGAAA Training Attendance** if any class or classes are missed the case manager will immediately contact the customer and find out the reason for the absence. Then the case manager will immediately enter the Ceased Participation Status Record indicating what days were missed, the documented reason for the absence and the case manager's determination

## Illinois' Merit Staffing Procedures for 2002 and 2009 Trade

regarding justification. Then the Ceased Participation Status Record will be set to pending. The case manager will then notify the DCEO State Merit Staff by email. **The Subject line of the email must say: Ceased Participation Approval for "Customer Name" from LWIA "#"**. The DCEO State Merit Staff will document the approval on IWDS barring any issues. Notification of a Status Record will be sent to IDES only upon DCEO State Merit Staff Approval. The DCEO State Merit Staff will then inform the LWIA/Able by email that the approval has been made on IWDS. **A copy of the Merit Staff determination email must be printed and attached to the appropriate form #006a form in the customer's file.**

### Potential Suspension State Merit Staff Approval Procedures:

**Potential Suspension Request Status Record** is entered in IWDS if a customer is **waived from training and refused employment, enrolled in training but failed to start, in training but ceased participation (quit/dropped out of training) and failed to meet qualifying requirements for TRA/TAA. The state must approve all Potential Suspensions.** Upon notification of any of the above mentioned issues the case manager will investigate and verify the information. Then the case manager will immediately enter the Potential Suspension Request Status Record indicating the issue, the date(s) of occurrence, the documented reason for the issue and the case manager's determination regarding justification. The Potential Suspension Request Status Record will be set to pending. The case manager will notify the DCEO State Merit Staff by email. **The Subject line of the email must say: Potential Suspension Request Approval for "Customer Name" from LWIA "#"**. The DCEO State Merit Staff will document the approval on IWDS barring any issues and notify the LWIA/Able by email the approval has been made. Notification of a Status Record will be sent to IDES only upon DCEO State Merit Staff Approval. **A copy of the Merit Staff determination email must be printed and placed in the customer's file.**

Additional information/guidance regarding Ceased Participation and Potential Suspensions can be found in 09-PL-52.

### Training Interruptions:

**Vacation Break** – if there is a scheduled break between training that is more than 30 training days – a Vacation Break Status Record must be entered in IWDS. **This information must be recorded on the IEP prior to the DCEO State Merit Staff approval.**

**Payable Training Interruption** – if there is a scheduled break between training that is less than 30 training days – a Payable Training Interruption Status Record must be entered in IWDS.

## Illinois' Merit Staffing Procedures for 2002 and 2009 Trade

**\*LWIA Denial of a Training Service:** If a requested training service does not meet all 6 conditions of training or there are other reasons that the case manager and the customer can't agree upon, the case manager must deny that training request to the customer in writing. **The DCEO State Merit Staff must approve any denial of Training.** The denial letter to the customer must state which of the 6 conditions has not been met and provide a detailed description of why the condition(s) was not met. The letter must include the appeal rights language exactly as listed below. There is no IWDS entry except for a case note regarding the denial.

### Appeal Rights

If you disagree with this determination, you have the right to file an appeal in person, by mail or by fax. The appeal must be filed at your IDDES reporting office within thirty (30) days from the determination date if the determination was hand delivered or thirty (30) days from the date, the determination was mailed. If the appeal is sent by mail, it must be postmarked within thirty (30) days from the mailing date. If the last day for filing your appeal is a Saturday or Sunday, or any other day the office is closed, the appeal may be filed on the next day the office is open.

Before issuing the denial letter as described above, the case manager will email the completed denial letter to the DCEO State Merit Staff. **The Subject line of the email must say: Training Denial Approval for "Customer Name" for LWIA "#".** The case manager will add a case note in IWDS entitled: **Training Denial** with the information from the denial letter pasted into the case note. The DCEO State Merit Staff will review the letter. Barring any issues, the approval will be made by return email. If there are suggested changes to the denial letter, the revised letter and the state's approval will be pasted into the original Training Denial email. **A copy of the Merit Staff determination email must be printed and attached to the Denial Letter in the customer's file.**

### **Waiver from the Training Requirement State Merit Staff Approval Procedures:**

General instructions for issuing and maintaining a waiver for 2002 and 2009 Trade can be found in 09-PL-52. The DCEO/TAA/TGAAA Form #003 Illinois Waiver from Training must be signed and dated by the customer, the case manager and the DCEO State Merit Staff prior to the 8/16/45 days for 2002 Trade and the 26/26/45 days/60 days upon proper notification and state good cause for 2009 Trade.

**Reminder:** For 2009 Trade the testing, assessment, career counseling and the IEP must be completed prior to the issuance of a waiver.

## Illinois' Merit Staffing Procedures for 2002 and 2009 Trade

Upon completion of the signed and dated Waiver form, the case manager will enter the Waiver Service Record and the Waiver Status Record with all relevant information on IWDS. The Waiver Status Record will be set to pending. The case manager will scan and attach the completed #003 Waiver form and the completed Waiver Affidavit form to an email to DCEO State Merit Staff. **The Subject line of the email must say: Waiver and IEP Approval for "Customer Name" from LWIA "#". For 2002 Trade, if this is the enrolling activity, a DCEO/TAA Form #004 TAA- Bona Fide Application Approval reference must be included in the email subject line.** In addition to the DCEO State Merit Staff physically signing the #003 Waiver form DCEO State Merit Staff will also document the approval on IWDS on the Waiver Status Screen and the IEP Status Record barring any issues and notify the LWIA/Able by email the approval has been made. The state will mail back the signed waiver form to the LWIA/Able. Notification of the Waiver Status Record will be sent to IDES only upon DCEO State Merit Staff Approval. **The completed signed/dated Waiver with the DCEO State approval and the #003 Waiver Affidavit Form must be attached to the Waiver in the customer's file.**

### Waiver Extensions and Waiver Criteria Changes

Although the state is not required to physically sign the paper DCEO/TAA/TGAAA #003 Illinois Waiver form Training form for approval of extensions and/or changes in the criteria, the state must approve any extension to a waiver or any changes in the criteria to the waiver. This approval will occur in IWDS on the Waiver Status screen. Prior to submission for this request, the LWIA is to ensure that all waiver reviews are current and recorded in a timely manner on IWDS. In instances where the customer fails to make contact, there must be evidence in IWDS that procedures utilizing DCEO/TAA/TGAAA Form #003b Waiver Non-Compliance have been followed.

### Waiver Extension State Merit Staff Approval Procedures:

Upon completion of the DCEO/TAA/TGAAA Form #003 Illinois Waiver from Training form recording the waiver extension information, the case manager will enter the waiver extension date in the Waiver Service record and the Waiver Status Record on IWDS. The Waiver Status Record will be set to pending. The case manager will send an email to DCEO State Merit Staff. **The Subject line of the email must say: Waiver Extension Approval for "Customer Name" from LWIA "#". The case manager must document/justify the reason for the extension in the Waiver Comment Box.** The DCEO State Merit Staff will document the approval on IWDS barring any. The DCEO State Merit Staff will then inform the LWIA/Able by email that the approval has been made on IWDS. **A copy of the Merit Staff determination email must be printed and attached to the #003 Waiver form.**

## Illinois' Merit Staffing Procedures for 2002 and 2009 Trade

### Waiver Criteria Changes State Merit Staff Approval Procedures:

Upon completion of the DCEO/TAA/TGAAA Form #003 Illinois Waiver from Training form reflecting the change in the Waiver Criteria, the case manager will enter the change in the Waiver Criteria in the Waiver Status Record on IWDS. The Waiver Status Record will be set to pending. The case manager will send an email to DCEO State Merit Staff. **The Subject line of the email must say: Waiver Criteria Change Approval for "Customer Name" from LWIA "#".** **The case manager must document the reason for the change in criteria in the Waiver Comment Box.** The DCEO State Merit Staff will document the approval on IWDS barring any issues. The DCEO State Merit Staff will then inform the LWIA/Able by email that the approval has been made on IWDS. **A copy of the Merit Staff determination email must be printed and attached to the #003 Waiver form.**

### Automatic Waiver Revocations:

IWDS automatically revokes a waiver when Training Service record or an Alternative Trade Adjustment Assistance (ATAA) or Reemployment Trade Adjustment Assistance (RTAA) Service record is entered in IWDS. These automatic revocations do not need DCEO State Merit Staff approval. However, there are circumstances where the paper waiver must be physically revoked and a Waiver Revocation Status Record added in IWDS. The customer may choose to have the waiver revoked and end Trade services. It may be discovered that the customer isn't eligible and the waiver must be revoked. If the customer is non-compliant with the required monthly waiver reviews the waiver may need to be revoked. In any action to revoke the waiver, DCEO State Merit Staff must approve those revocations.

### Waiver Revocation State Merit Staff Approval Procedures:

Upon completion of the revised DCEO/TAA/TGAAA Form #003 Illinois Waiver from Training form showing the waiver revocation date and reason, the case manager will enter the waiver end date on the Waiver Service Screen and the Waiver Status Record. Then the case manager must enter a Waiver Revocation Status Record with the relevant information. The Waiver Revocation Record will be set to pending. The case manager will send an email to DCEO State Merit Staff. **The Subject line of the email must say: Waiver Revocation Approval for "Customer Name" from LWIA "#".** The DCEO State Merit Staff will document the approval on IWDS barring any issues and notify the LWIA/Able by email the approval has been made. Notification of the Waiver Revocation Status Record will be sent to IDES only upon DCEO State Merit Staff Approval. **A copy of the Merit Staff determination email must be printed and attached to the #003 Waiver form.** Once the DCEO State Merit Staff approval for the Waiver Revocation has been made then the case manager will send the customer the

## **Illinois' Merit Staffing Procedures for 2002 and 2009 Trade**

DCEO/TAA/TGAAA Form #003d Waiver Revocation Letter. **A copy of that signed and dated letter must be attached to the #003 Waiver form.**

### **Alternative Trade Adjustment Assistance or Reemployment Trade Adjustment Assistance ATAA/RTAA:**

The LWIA will continue delivery of ATAA services as written in 09-PL-52 Chapter 8. IDES staff is also State Merit Staff and are currently approving those applications so DCEO State Merit Staff approval is not necessary for these Trade services. RTAA services will follow the same procedures as written in 09-PL-52 Chapter 8. However, the eligibility guidelines and provision of services have changed under 2009 Trade. In the case of a worker who has not received a Trade Readjustment Allowance, the worker may receive RTAA benefits for a period not to exceed 2 years beginning on the earlier of the date on which the worker exhausts all rights to unemployment insurance based on the most recent qualifying separation of the worker from the adversely affected employment that is the basis of the certification; or the date on which the worker obtains reemployment. In the case of a worker who has received a trade readjustment allowance, the worker may receive RTAA benefits for a period of 104 weeks beginning on the date on which the worker obtains reemployment reduced by the total number of weeks for which the worker received such trade readjustment allowance. Under the RTAA program, customers in an eligible worker group who are at least 50 years of age when they obtain full-time employment with an employer, other than the employer which the worker was separated, may receive up to half of the difference between the customer's old wage and the new wage as long as the new annualized salary does not exceed \$55,000. Also, workers who are employed at least 20 hours per week and are enrolled in Trade approved training may receive a percentage not to exceed half of the difference between the customer's old wage and the new wage. The wage subsidy may be paid up to a maximum of \$12,000 or for a two-year period, whichever comes first.

### **Out-of-Area Job Search:**

DCEO State Merit Staff must approve Out-of-Area Job Search for 2002 and 2009 Trade customers, but are not required to sign the paper DCEO/TAA/TGAAA Form #012 Out-of-Area Job Search Application form for approval. This approval will occur in IWDS in the Out-of-Area Job Search Service Record.

### **Out-of-Area Job Search State Merit Staff Approval Procedures:**

Upon completion of the signed and dated DCEO/TAA/TGAAA Form #012 Out-of-Area Job Search Application form which will now include the LWIA Director's signature (or designee) and new Affidavit information, the case manager will enter the Out-of-Area Job Search Service record on

## Illinois' Merit Staffing Procedures for 2002 and 2009 Trade

IWDS and the record will be set to pending. The case manager will send an email to DCEO State Merit Staff. **The Subject line of the email must say: Out-of-Area Job Search Approval for "Customer Name" from LWIA "#".** The case manager will attach the completed Out-of-Area Job Search Application to the email. The DCEO State Merit Staff will document the approval on IWDS barring any issues and notify the LWIA/Able by email the approval has been made. **A copy of the Merit Staff determination email must be printed and attached to the #012 form in the customer's file.**

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## Illinois' Merit Staffing Procedures for 2002 and 2009 Trade

When the Out-of-Area Job Search is completed and the case manager has completed the signed and dated DCEO/TAA/TGAAA Form #012a Reconciliation of TAA Out-of-Area Job Search Allowance and has received the signed and dated DCEO/TAA/TGAAA Form #012b Job Interview Confirmation Letter from the employer(s), the case manager will enter a TAA Out-of-Area Job Search Reconciliation Service Record. IWDS will set the record to pending. The case manager will send the completed scanned Reconciliation form with the LWIA Director's signature (or designee) and new Affidavit information and the completed Job Interview letter by email for DCEO State Merit Staff approval. **The Subject line of the email must say: Reconciliation of TAA Out-of-Area Job Search Approval for "Customer Name" from LWIA "#".** The DCEO State Merit Staff will document the approval on IWDS barring any issues and notify the LWIA/Able by email the approval has been made. **A copy of the Merit Staff determination email must be printed and attached to the #012a Form and the Form #012b Job Interview Confirmation Letter in the customer's file.**

### Out-of-Area Relocation:

The state must approve Out-of-Area Job Relocation for 2002 and 2009 Trade customers, but are not required to sign the paper DCEO/TAA/TGAAA form #013 Out-of-Area Relocation Application form for approval. This approval will occur in IWDS on the Out-of-Area Relocation Service Record.

### Out-of-Area Relocation State Merit Staff Approval Procedures:

Upon completion of the signed and dated DCEO/TAA/TGAAA Form #013 Out-of-Area Relocation Application form the case manager will enter the Out of Area Relocation Service record on IWDS and the record will be set to pending. The LWIA Director's signature (or designee) and the signed and dated DCEO/TAA/TGAAA Form #013b New Employment Confirmation Letter from the employer must be included. The case manager will send an email to DCEO State Merit Staff. **The Subject line of the email must say: Out-of-Area Relocation Approval for "Customer Name" from LWIA "#".** The case manager will attach the completed #013 form and the completed signed and dated Form #013b from the employer to the email. The DCEO State Merit Staff will document the approval on IWDS barring any issues and notify the LWIA/Able by email the approval has been made. **A copy of the Merit Staff determination email must be printed and attached to the #013 form in the customer's file.**

When the Out-of-Area Relocation is completed and the LWIA Case Manager has completed the signed and dated DCEO/TAA/TGAAA Form #013a Reconciliation of TAA Out-of-Area Relocation Allowance the case manager will enter the TAA Out-of-Area Relocation Reconciliation Service

## Illinois' Merit Staffing Procedures for 2002 and 2009 Trade

Record on IWDS. IWDS will set the record to pending. The case manager will send the completed scanned Reconciliation form with the LWIA Director's signature (or designee) and new Affidavit information by email for DCEO State Merit Staff approval. **The Subject line of the email must say: Reconciliation of TAA Out-of-Area Relocation Approval for "Customer Name" from LWIA "#".** The DCEO State Merit Staff will document the approval on IWDS barring any issues and notify the LWIA/Able by email the approval has been made. **A copy of the Merit Staff determination email must be printed and attached to the #013a form and the New Employment Confirmation Letter #013b in the customer's file.**

### Denials of Service:

The DCEO State Merit Staff must approve any denial in TAA service(s). As part of the eligibility determination process, it is mandatory to provide the applicant or customer with information on his/her right to appeal any decision regarding denial of TAA/TRA benefits or services. Administrative Law Judges (ALJs) conduct all appeals under the auspices of the Unemployment Insurance agency, which in Illinois is the Department of Employment Security (IDES). The provision of the applicable State law concerning the right to request, or authority to undertake, reconsideration of a determination pertaining to a claim for UI under the applicable State law shall apply to determinations pertaining to all forms of TAA under this Part 617.

The right to appeal is part of any written determination that informs the customer of the services for which the customer is not eligible along with the reason (section of the rules/regulations) for the denial of services. For most services, the denial on the official DCEO form will satisfy the written determination requirement. All DCEO forms include the required information as to where to file an appeal (their local IDES office) and the deadline for filing (example: 30 days). Denial of Training services requires a written letter with appeal rights included. The appeal language can be found in 09-PL-52 as well as on page 13 of this document.

### Illinois TAA and TRA Coordinators Contact Information:

#### **Illinois TAA Coordinators**

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(217) 558-2474

Janet S. Rosentreter

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(217) 558-2433

#### **Illinois TRA Coordinator**

Deborah Geier

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(217) 558-1276

## Illinois' Merit Staffing Procedures for 2002 and 2009 Trade

(217) 558-5108 fax

### Quick Reference Email Titles Chart: *(The email's Subject line must say)*

Bona Fide Application Approval for "Customer Name" for LWIA "#"  
Revised IEP Approval for "Customer Name" for LWIA "#"  
"Type of Training" and IEP Approval for "Customer Name" from LWIA "#"  
Ceased Participation Approval for "Customer Name" from LWIA "#"  
Potential Suspension Request Approval for "Customer Name" from LWIA "#"  
Training Denial Approval for "Customer Name" for LWIA "#"  
Waiver and IEP Approval for "Customer Name" from LWIA "#"  
Waiver Extension Approval for "Customer Name" from LWIA "#"  
Waiver Criteria Change Approval for "Customer Name" from LWIA "#"  
Waiver Revocation Approval for "Customer Name" from LWIA "#"  
Out-of-Area Job Search Approval for "Customer Name" from LWIA "#"  
Reconciliation of TAA Out-of-Area Job Search Approval for "Customer Name" from LWIA "#"  
Out-of-Area Relocation Approval for "Customer Name" from LWIA "#"  
Reconciliation of TAA Out-of-Area Job Search Approval for "Customer Name" from LWIA "#"