



**To:** Indiana's Workforce Investment System

**From:** Indiana Department of Workforce Development (DWD)

**Date:** May 11, 2021

**Subject:** DWD Policy 2020-13  
Trade Adjustment Assistance (TAA) Voluntary Withdrawal from Training

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## Purpose

To provide guidance regarding TAA participants who wish to voluntarily withdraw from training and their ability to resume training at a later time.

## References

- 20 CFR 618 Trade Adjustment Assistance

## Background

On August 21, 2020, the U.S. Department of Labor Employment and Training Administration (USDOL-ETA) published the Final Rule for TAA for workers in the Federal Register. The Final Rule went into effect September 21, 2020. It amends 20 CFR § 617 (Trade Adjustment Assistance for Workers under the Trade Act of 1974), 20 CFR § 618 (Trade Adjustment Assistance under the Trade Act of 1974, as Amended) and 29 CFR § 90 (Certification of Eligibility to Apply for Worker Adjustment Assistance) to expand protection and support for U.S. workers adversely impacted by foreign trade. 20 CFR § 618 allows for states to establish procedures for individuals to resume training after a voluntary withdrawal from training.

## Content

### *Voluntary Withdrawal from Training*

All TAA participants are limited to one training plan per TAA certification during the life of the TAA program. TAA training plans may be modified during the course of training and a TAA training plan may consist of multiple types of training.<sup>1</sup> Once an individual begins their approved training plan, participants are expected to successfully complete the chosen training plan. Participants who cease participation in training for justifiable cause<sup>2</sup> may resume the approved training program within a reasonable timeframe after the reason for the cessation of training has been overcome or no longer exists.<sup>3</sup>

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<sup>1</sup> 20 CFR § 618.615 (a)(1)

<sup>2</sup> 20 CFR § 618.780(b)(3)(iii)

<sup>3</sup> 20 CFR § 618.645 (c)

Voluntary withdrawal from TAA-funded training does not impact the participant's eligibility for Job Search Allowance, Relocation Allowance, or RTAA benefits as long as the eligibility requirements for those benefits are otherwise met.<sup>4</sup>

Participants who voluntarily quit or withdraw from an approved training plan without justifiable cause may be subject to an overpayment for training-related payments for the portion of the approved training that was commenced, but not completed. The participant would lose their right to resume training at a later time under their current TAA certification and their TRA income eligibility may be negatively impacted.<sup>5</sup> Participants must be notified prior to withdrawing from training that if there is not a determination of justifiable cause from the TAA Unit, the participant may be subject to the potential risks outlined above.<sup>6</sup>

### ***Justifiable Cause***<sup>7</sup>

Justifiable cause exists "if the participant acted diligently yet was unable to complete in a timely manner the relevant task at issue because of exigent circumstances"<sup>8</sup>. For a participant to meet justifiable cause standards, the participant must meet all three of the following conditions:

- Participant acts in a way a reasonable individual in a similar situation would act; and
- Circumstances as to why the participant cannot attend training were uncontrollable; and
- Participant is incapable of participating in training.

For the purposes of determining justifiable cause for voluntary withdrawal from training, the TAA participant must provide, in writing, the reason as to why they are unable to continue their TAA training and, provide an estimated date that the participant could be reasonably expected to resume training, when available. Documentation to support justifiable cause for a voluntary withdrawal from training request must be included within the ***Request for TAA Training Exit***<sup>9</sup> (*State Form 56537*) and submitted to the TAA Unit. If it is determined, by the TAA Unit, that justifiable cause does not exist or if the participant is uncertain of when the uncontrollable circumstance may end, the participant will be exited from training with an unsuccessful outcome recorded. If the TAA Unit determines that justifiable cause does exist, the participant may be allowed to resume training for up to one year following the voluntary withdrawal from training.

If the participant is requesting to voluntarily withdraw from training until the next available semester or has a definitive return to training date, the TAA participant may request a break in training.<sup>10</sup>

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<sup>4</sup> 20 CFR § 618.645 (d)

<sup>5</sup> 20 CFR § 618.645 (a)(1)

<sup>6</sup> This includes training benefits that have been paid directly to the participant or on behalf of the participant for the uncompleted portion of training. (20 CFR § 618.832 (d)(2))

<sup>7</sup> 20 CFR § 618.780 (b)(3)(iii)

<sup>8</sup> 20 CFR § 618.730 (b)

<sup>9</sup> <https://www.in.gov/dwd/workonestaff/site/files/Training-Plan-Research-Packet.pdf>

(NOTE: link requires logon credentials for the DWD Staff Portal)

<sup>10</sup> A break in training is requested by using a TAA Training Plan Modification Request (*State Form 55628*).

## Action

Local Workforce Development Boards (WDBs) must develop and implement appropriate procedures to operationalize this policy within their local area.

## Effective Date

Immediately

## Ending Date

Upon rescission.

## Additional Information

Questions regarding the content of this publication should be directed to DWD Policy, [policy@dwd.in.gov](mailto:policy@dwd.in.gov).