
Trade Adjustment Assistance

Trade Adjustment Assistance (TAA) is available to workers who lose their jobs or whose hours of work and wages are reduced as a result of increased imports.

Under the Trade Act of 1974, as amended, workers whose employment is adversely affected by increased imports may apply for TAA. TAA includes a variety of benefits and reemployment services to help unemployed workers prepare for and obtain suitable employment. Workers may be eligible for training, a job search allowance, a relocation allowance, and other reemployment readjustment services. Additionally, weekly trade readjustment allowances (TRA) may be payable to eligible workers following their exhaustion of unemployment benefits. Usually, TRA benefits will be paid only if an individual is enrolled in an approved training program.

The TAA program is administered by the Employment and Training Administration of the U.S. Department of Labor. The Michigan Department of Career Development, Employment Service Agency (ESA) serves as the agent for the U.S. Department of Labor in administering the TAA program in Michigan.

Establishing eligibility for Trade Adjustment Assistance

You must first file a petition with the Division of Trade Adjustment Assistance to establish group eligibility to apply for TAA. Petitions may be filed by a group of three or more workers, their union, or an authorized representative. You can obtain proper forms from the nearest UA branch office, or from an agency designated by the Governor of Michigan to provide TAA reemployment services; or you can phone (202) 693-3555 or write to the U.S. Department of Labor, Employment and Training Administration, Division of Trade Adjustment Assistance, Room C-5311, 200 Constitution Ave., NW, Washington, D.C. 20210.

When a petition is received, a fact-finding investigation is conducted to determine whether increased imports contributed importantly to decreased sales or production and to worker separations in a particular company or subdivision. If increased imports contributed importantly to job reductions in your company or subdivision, the Labor Department certifies the affected group of workers as eligible to apply for TAA. The certification will contain an “Impact Date,” which is a date of up to one year prior to the filing date of the petition. The life of the certification extends from the Impact Date to two years from the date of issuance, unless terminated earlier. Workers who are separated within the period of the certification and who are covered by the certification are eligible to apply for TAA.

Applying for TAA benefits when your group has been certified

To be eligible for TAA benefits and reemployment services, you must have been laid off or put on a reduced work schedule (hours of work reduced to 80 percent or less of your average weekly hours and wages reduced to 80 percent or less of your average weekly wage) on or after the “Impact Date” and before the ending date of the certification.

Go to the nearest UA branch office and file an application for a determination of your individual eligibility for trade readjustment allowances (TRA). Your application will be taken by an Unemployment Agency (UA) staff member and a determination made as to whether you are eligible for TRA benefits. Even if it is determined that you are not entitled to them, if you are covered by a certification and have a qualifying separation, then you remain eligible to apply for other TAA program benefits.

Michigan has designated Michigan Works! Agencies (MWA's) to provide training and reemployment services to trade-impacted workers. UA staff will refer you to an MWA to apply for training and other reemployment services.

Improving your job prospects through training

If there are no suitable jobs in your area and training would improve your chances of getting a job, you should discuss your needs and aims with MWA staff. You will be advised as the employment outlook for workers with different job skills, the kinds of work best suited to your aptitudes and interests, and the training opportunities that may be available at no cost to you. Training opportunities include on-the-job training, vocational or technical training, and remedial education.

You may receive TRA benefits while you train as long as you continue to participate in all scheduled training activities. If the training facility you attend is beyond the normal commuting distance from your home, you may be paid for some of your transportation costs and living expenses.

Obtaining a job search allowance

A job search allowance may be payable to cover expenses incurred in seeking employment outside your normal commuting area. You may be paid 90 percent of necessary transportation and living expenses (up to a maximum of \$800) while searching for such employment.

There are time limits for filing applications for job search allowances. You must file for job search allowances within 365 days after the date of the certification or 365 days after the date of your last total separation, whichever is later, or within 182 days after you complete approved training. Therefore, it is important that you visit the MWA and file an application before beginning your search for work outside your normal commuting area. Only travel within the United States is authorized.

Obtaining a relocation allowance

If you are successful in obtaining employment outside your normal commuting area, the TAA program offers financial assistance for you to relocate to your new area of employment.

A relocation allowance pays 90 percent of the reasonable and necessary expenses of moving you, your family, and your household goods (not to exceed the weight limit authorized in Federal travel regulations) to the new location. Additionally, you will receive a lump sum payment equal to three times your former average weekly wage (up to a maximum of \$800) to help you get settled.

To apply for a relocation allowance, go to the MWA. Your application must be filed and approved before moving. Your application may be approved if it is determined that no suitable work is available in your home area and that you:

- Have obtained suitable work of long-term duration or a bona fide offer of such work in the area within the United States to which you will move.
- Have not previously received a relocation allowance under the same certification.
- Are totally separated from certified employment at the time of relocation. (Partially separated workers may apply in anticipation of total layoff.)

There are time limits for filing an application for a relocation allowance. You must file for a relocation allowance within 425 days after the date of the certification or 425 days after your last total separation, whichever is later, or within 182 days after you complete approved training.

Also, you must begin your relocation within 182 days after you apply for a relocation allowance or 182 days after you complete approved training.

Qualifying for Trade Readjustment Allowances (TRA)

To qualify for TRA benefits you must:

- Be covered by a certification.
- Be totally separated from employment, due to lack of work in adversely affected employment, on or after the impact date and before the ending date of the certification.
- Have worked at least 26 weeks at wages of \$30 or more a week in adversely affected employment with a single firm or subdivision in the 52-week period ending with the week of separation. (Up to 7 weeks of non-work for specified reasons and up to 26 weeks of worker's compensation may be counted toward the 26 weeks.)
- Have been entitled to and have exhausted all rights to unemployment benefits.
- Meet the same weekly work test applicable to claimants for extended unemployment benefits, including actively seeking, applying for, and accepting work within your capabilities.
- Be enrolled in, or have completed, an approved training program, unless the training requirement is waived by the MWA.

The first week for which you may be eligible for TRA must begin more than 60 days after the filing date of the petition which was certified by the Labor Department.

If you do not qualify for TRA benefits, you may still be eligible for reemployment services, training, a job search allowance, and a relocation allowance, if you are covered by a certification and have a qualifying separation from adversely affected employment.

The amount of your TRA

If you qualify for TRA benefits, the weekly amount of your TRA will be generally the same as the amount of regular unemployment benefits you were receiving during the benefit year established after your first qualifying separation (or the benefit year during which the separation occurred). This amount will, in most cases, be different from the weekly benefit rate you received during any other benefit year.

Your TRA will be reduced by any earnings or other income you receive in the same way that such earnings and income would have reduced your weekly unemployment benefits. Your TRA may also be reduced by the amount of other federal training allowance you are entitled to for the same week. This does not apply to student financial assistance received under the Higher Education Act (HEA), for example, Pell Grants.

Your TRA eligibility period

If you qualify for TRA assistance, your eligibility period for basic TRA benefits is the 104-week period beginning with the first week which follows the week of your most recent total separation within the certification period. However, you must exhaust all your rights to unemployment benefits before you may receive TRA benefits. The maximum amount of TRA benefits you may receive during this period is limited to 52 times your TRA weekly amount minus all unemployment benefits which you were entitled to receive during the benefit period involved with your first qualifying separation. For example, if you received 26 weeks of regular unemployment benefits and 13 weeks of extended unemployment benefits, you may receive up to an amount equal to 13 weeks of TRA benefits. You

may, however, receive up to 26 additional weeks of TRA benefits if you applied for training within 210 days of the date of your last total or partial separation in the certification period. Such additional weeks must be necessary for you to complete the approved training program. Also, if you return to work covered by the same certification and are again totally separated within the certification period and again meet the wage qualifying requirements, the 104-week eligibility period will be recalculated beginning with the first week after the subsequent separation.

Your appeal rights

Worker Petition for Group Eligibility

Under the Trade Act of 1974, as amended, workers whose petition for TAA has been denied by the Labor Department may request administrative reconsideration by the Labor Department within 30 days after publication of the determination in the *Federal Register*. Such requests must be in writing and provide specific information or reasons why the workers consider the Labor Department's decision to be in error as to the facts not considered or as to the interpretation of the facts or the law. Workers may also file an appeal seeking judicial review of the Labor Department's negative determination or negative redetermination within 60 days of publication of the denial in the *Federal Register*.

Pursuant to the Customs Court Act of 1980 (P.L. 96-417), appeals for judicial review must be filed with the U.S. Court of International Trade, Office of the Clerk, One Federal Plaza, New York, New York 10007, (212) 264-7090.

Individual Applications for Allowances and Training

If you are not satisfied with the determination of your individual application, you have the same appeal rights as are provided under the Michigan

unemployment compensation law. The determination notice which you receive after filing your application will explain your appeal rights and time limits for filing an appeal.

Other training opportunities and reemployment services

If you do not qualify for TAA, there may be other training opportunities and reemployment services available in your community under the Workforce Investment Act (WIA). Information on WIA services in your community can be obtained from any MWA office.

For further information on the TAA program

The Division of Trade Adjustment Assistance is in the Employment and Training Administration, U.S. Department of Labor, 200 Constitution Ave., NW, Room C-5311, Washington, DC, 20210, telephone (202) 693-3555; and there is a TAA representative in the Labor Department's Regional Employment and Training Administration office, located in Chicago, telephone (312) 353-0313.

However, the best source of further information on how the TAA program works is the local **MWA office**. Call **1-800-285-9675** for the office nearest you.

For a listing of **UA branch offices**, please call Claimant Customer Relations at **1-800-638-3995**.

This pamphlet is issued for information only. It does not have the force of law or regulation.



Department of Consumer &
Industry Services
Kathleen Wilbur, Director

"Serving Michigan . . . Serving You"



STATE OF MICHIGAN

UNEMPLOYMENT AGENCY

DEPARTMENT OF CONSUMER & INDUSTRY SERVICES

The Unemployment Agency will not discriminate against any individual or group because of race, sex, religion, age, national origin, color, marital status, disability, or political beliefs. If you need assistance with reading, writing, hearing, etc., under the Americans with Disabilities Act, you may make your needs known to this agency.

State of Michigan
Department of Consumer & Industry Services
Unemployment Agency
Quantity: 100,000. Cost: \$8,600 (8.6¢/copy).
Authorized by MCL 421.1, et seq. Paid for with Federal funds.

UA 1628
(Rev. 6-01)