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Bureau of Workforce Programs/Transformation
Policy Issuance (PI) No.: 07-18 Change 2

Date: December 22, 2008

To: Michigan Works! Agency (MWA) Directors

From: Liza Estlund Olson, Bureau of Workforce Transformation (**SIGNED**)

Subject: Trade Adjustment Assistance (TAA) – Trade Manual

Programs Affected: TAA

References: The Trade Act of 1974, as amended
The TAA Reform Act of 2002
PI 06-03, Grievance and Complaint Policy
PI 06-17, Trade Act Participant Management Information Guide
PI 06-30, Participant Transfer Guidelines
Training and Employment Guidance Letter (TEGL) 16-03, Change 1
TEGL 5-03, Implementing the Veterans Priority Provisions of the Jobs for Veterans Act

Rescissions: PI 06-04

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Background: The criteria for certification of eligibility to apply for adjustment assistance covers adverse effects either from increased imports or from a shift of production to certain countries. In accordance with federal regulations, each MWA shall provide a full range of re-employment services, including mandated services, to individuals adversely affected by foreign competition.

Policy: The Michigan Department of Labor & Economic Growth/Bureau of Workforce Transformation (DLEG/BWT) policy requires issuance and timely updating of the Trade Manual to provide guidance to local Trade Program administrators and service providers. All services must comply with the “Jobs for Veterans Act” (Pub.L.107-288). Reference: Employment and Training Administration TEGL No. 5-03.

The previous version of the TAA Manual (PI 07-18, Change 1) contained a chapter entitled “Quarterly Reports”. This chapter has been removed as it is no longer necessary for MWAs to submit the quarterly report, BWT-225 *Services to Workers Eligible for Assistance under TAA and NAFTA-TAA* (effective immediately).

Revisions to the Trade Manual have been made in Chapters 1, 3, 6, 8, 9, 10, 11, 12, 16, and 17.

Revisions include:

Chapter One, *TAA Program Overview* – addition of an Equal Opportunity statement (page 1) and information that further defines the TAA Performance Goals (page 2).

Chapter Three, *Funding* – additional clarification of training-related expenses (page 8).

Chapter Six, *Trade Readjustment Allowance (TRA) and Cooperation with the Unemployment Insurance Agency* - provides clarification on additional TRA policies (page 17).

Chapter Eight, *Application Deadlines* - provides information on the deadline to receive Additional TRA (page 20), clarification of the restriction on Job Search Allowance after receiving a Training Waiver (page 21) and clarification of the restriction on Relocation Allowance after receiving a Training Waiver (page 21).

Chapter Nine, *Training* - provides clarification on satisfactory participation (page 24), removal from training (page 26 and 27), Basic TRA payments (page 27), transportation payments (page 32) and the addition of parking to

the list of expenses that are not allowable under TAA (page 35). The chapter also includes reference to an additional option for training agreements (page 34).

Chapter Ten, *Training Waivers* – provides additional information on waiver review requirements (page 39), a referral to the new appeals policy (page 40), clarification of waiver extension requirements (pages 41-43), information on One-Stop Management Information System Exits (page 43) and clarification of waiver file requirements (page 44).

Chapter Eleven, *Job Search Allowances* – clarifies eligibility for Job Search Allowances (page 45).

Chapter Twelve, *Relocation Allowances* – clarifies eligibility for Relocation Allowances (page 49) and replaces the phrase “job search” with “relocation” in the Lodging and Meals Expenses section (page 50).

Chapter Sixteen, *Redeterminations and Appeals* – the entire chapter has been revised to include new state policy.

Chapter Seventeen, *Forms* – includes five new forms (BWT-306 *Notice of Redetermination*, BWT-336 *Training Agreement*, BWT-337 *TAA Notice of Determination*, BWT-706 *Request for Redetermination*, and BWT-801 *TAA Appeal To Administrative Law Judge*) and modifications to two existing forms (BWT-802 *Waiver of TAA Training Requirement* and BWT-881 *Institutional Training Contract*).

In addition, a Signed Equal Opportunity Form has been included in the file requirement list for each service category.

Action: MWA officials will utilize this guidance for the local operation of serving affected workers and providing benefits as provided under the TAA Program (Amendments to the Trade Act of 1974 enacted by the Trade Act of 2002), and ensure that it is disseminated to local Trade Program administrators and service providers.

This policy issuance is available for downloading from the Internet system. Please contact Ms. Teresa Keyton at (517) 335-7418, for details.

Inquiries: Questions regarding this policy issuance should be directed to Ms. Stephanie Beckhorn, Interim Manager, WIA/TAA Section, BWT, at (517) 335-5858.

The information contained in this policy issuance will be made available in alternative format (large type, audio tape, etc.) upon special request received by this office.

**Expiration
Date:**

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Enclosure

TAA MANUAL

Michigan Department of Labor & Economic Growth Bureau of Workforce Transformation

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Chapter I

TAA PROGRAM OVERVIEW

General Information

The Trade Act of 1974 created a program to assist individuals who become unemployed as a result of increased imports to return to suitable employment. The Trade Adjustment Assistance (TAA) program provides reemployment services and allowances for eligible individuals. The criteria for certification of eligibility to apply for adjustment assistance covers adverse effects either from increased imports or from a shift of production to certain countries. In accordance with federal regulations, each Michigan Works! Agency (MWA) shall provide a full range of re-employment services, including mandated services, to adversely affected workers. TAA services are delivered in coordination with other dislocated worker programs administered by MWAs to maximize program efficiency and prevent duplication of services.

As a required partner of the Workforce Investment Act (WIA) (20 CFR 652 et al.), MWAs operating the TAA program must comply with the nondiscrimination and equal opportunity provisions of WIA section 188 and its implementing regulations, codified at 20 CFR part 37.

Trade Act of 1974

The Trade Act of 1974 (Title 20 CFR, part 617, Chapter 2, Subchapter B) requires that each state provide adjustment assistance (i.e., counseling, testing, training, placement, and other supportive services) for individuals adversely affected by foreign competition. It directs the Secretary of Labor (Chapter 2, Subchapter C) to establish policies and procedures for carrying out the mandates of the act. Individuals covered by a certification of eligibility are eligible to apply for services including Trade Readjustment Allowance (TRA), training, job search allowances, relocation allowances, and other re-employment services. The 1981 Amendments (Title XXV of P.L. 97-35) made extensive changes in the program. Further changes were made in the 1984 Amendments (Sections 2671 and 2672, of P.L. 98-369) and the 1986 Amendments (Part I of Subtitle A of Title XIII of P.L. 99-272). Additional changes were made in the TAA Reform Act of 2002 (P.L. 107-210). The 2002 amendments emphasize coordination with programs and services under Title I of the Workforce Investment Act.

North American Free Trade Agreement (NAFTA) - Transitional Adjustment Assistance

The NAFTA-Transitional Adjustment Assistance resulted from 1995 Title V amendments to the Trade Act and provides services for individuals whose employment is adversely affected by the NAFTA with Mexico and Canada. Under this program, states were given the specific role of making a preliminary finding in response to all petitions filed by individual groups of firms. Also, NAFTA-Transitional Adjustment Assistance required that individuals certified as eligible to receive NAFTA-Transitional Adjustment Assistance are required to be in training within a prescribed time period to qualify for NAFTA-TRA payments. Waiver of the training requirement as a condition for TRA eligibility, now available to eligible individuals in the TAA program, is not available to individuals certified for NAFTA-Transitional Adjustment Assistance. Although the Trade Act of 2002 repealed NAFTA-Transitional Adjustment

Assistance, workers covered under certifications issued pursuant to NAFTA-Transitional Adjustment Assistance petitions filed on or before November 3, 2002, will continue to be covered under the provisions of the NAFTA-Transitional Adjustment Assistance program.

The Trade Act of 2002

The Trade Act of 2002 (P.L. 107-210) reauthorized the TAA program, in addition to adding amendments to the program. Amendments made by the Trade Act of 2002 include adjustments to the petition filing process, qualifying requirements and benefit periods for TRA, waiver requirements, job search allowances, and relocation allowances. The Trade Act of 2002 also created a Health Coverage Tax Credit and an Alternate Trade Adjustment Assistance benefit. The Trade Act of 2002 repealed NAFTA-Transitional Adjustment Assistance; however, it allows individuals certified under NAFTA-Transitional Adjustment Assistance to continue to be eligible to apply for benefits and services under NAFTA-Transitional Adjustment Assistance.

TAA Program Purpose

The TAA and NAFTA-Transitional Adjustment Assistance programs afford a full range of re-employment services to individuals displaced either by the importation of foreign-made goods or by the exportation of the work itself. The two programs have different eligibility rules but provide essentially the same services. Accompanying both TAA and NAFTA-Transitional Adjustment Assistance is a provision called the TRA. The TRA provides maintenance income benefits paid by the Unemployment Insurance Agency to qualifying individuals.

The primary objective of both TAA and NAFTA-Transitional Adjustment Assistance is to assist adversely affected workers in returning to suitable employment as soon as possible. While both programs provide a variety of training and supportive services, every effort should be made to place the individuals in jobs before spending TAA or NAFTA-Transitional Adjustment Assistance funds for training. The TAA and NAFTA-Transitional Adjustment Assistance participants are permitted to leave the program at any time to accept suitable employment without penalty or repayment of any TAA or NAFTA-Transitional Adjustment Assistance funds spent on their behalf.

Performance Goals

The Government Performance and Results Act of 1993 identified goals for the Trade Act program to improve program efficiency and effectiveness. The Fiscal Year (FY) 2008 Federal Performance Goals for TAA are 73 percent Reemployment Rate (Definition = Of those who are not employed at the date of participation: The number of participants who are employed in the first quarter after the exit quarter divided by the number of participants who exit during the quarter), 91 percent Retention Rate (Definition = Of those who are employed in the first quarter after the exit quarter: The number of participants who are employed in both the second and third quarters after the exit quarter divided by the number of participants who exit during the quarter), and 14,500 Earnings Rate (Definition = Of those who are employed in the first, second and third quarters after the exit quarter: [Total earnings in the second quarter plus total earnings in the third quarter after the exit quarter] divided by the number of participants who exit during the quarter). Updates to TAA performance goals can be obtained by visiting <http://www.doleta.gov/tradeact/performance.cfm>. MWAs will ensure complete and accurate

submission of Trade Act participant-related data through the One-Stop Management Information System (OSMIS). This data will allow the state to develop federal reports properly reflecting Michigan's efforts in achieving the described goals.

Merit Staffing

TAA program staff need not be merit staffed, except that employees of the State of Michigan who perform functions under both the TAA program and the Unemployment Compensation and/or Employment Service programs must be merit staffed. Merit staffing is not a requirement, unless they are performing services funded by Wagner-Peyser. If any career guidance, employability planning, etc., is funded by Wagner-Peyser staff, it must be merit based.

OSMIS

All information pertaining to TAA participants, including registration, activities, beginning and end dates, participant status, participant outcome data, and any other information required to be reported for all individuals who received services from the MWA must be entered on the OSMIS by MWA staff or contractor within two business days of the time the information is available for entry. Please refer to Policy Issuance 06-17 Trade Act Participant Management Information Guide for instructions on entering all TAA data in the OSMIS.

Buy American Notice

To the greatest extent practicable, all equipment and products purchased with funds under the Trade Program should be American-made.

Jobs for Veterans Act

The Jobs for Veterans Act, P.L. 107-288, requires that veterans be afforded priority in the provision of training, job search allowances, and relocation allowances.

Chapter II

GLOSSARY OF TERMS AND DEFINITIONS

Adversely Affected Employment

The term *adversely affected employment* refers to a situation that exists in a firm, or an appropriate subdivision of a firm, if individuals of such firm or appropriate subdivision are certified under the Act as eligible for Trade Adjustment Assistance (TAA) as being adversely affected.

Adversely Affected Worker

An *adversely affected worker* is one who has been totally or partially separated from employment in a firm or subdivision of a firm where adversely affected employment exists.

Agent State

The *agent state* is any state other than the state where the adversely affected employment occurs. Primary residence and/or training could occur in an *agent state*. The *agent state* is responsible for providing and paying for all re-employment services and the issuing, updating, and revocation of training waivers. Documents relating to training enrollment and waivers must be provided by the *agent state* to the liable state.

Alternative Trade Adjustment Assistance (ATAA)

The Trade Act of 2002 established *ATAA* as an alternative assistance program for older individuals certified eligible to apply for TAA. The *ATAA* is designed to allow adversely affected workers at least 50 years of age who obtain re-employment to receive a wage subsidy to help bridge the salary gap between their old and new employment.

Appropriate Week

The week in which the adversely affected worker's first separation occurred is referred to as the *appropriate week*.

Bona Fide Application for Training

An individual's signed and dated application (Bureau of Workforce Programs-923), containing the adversely affected worker's name, petition number, and specific occupational training filed with the Michigan Works! Agency administering the TAA training program is said to be a *bona fide application for training*.

Certification

A *certification* of eligibility to apply for TAA is issued under the Act with respect to a specified group of individuals of a firm or appropriate subdivision of a firm.

Certification Period

The *certification period* is the time during which total and partial separations from adversely affected employment within a firm or appropriate subdivision of a firm are covered by said certification.

Commuting Area

The *commuting area* as defined by 20 CFR 617 is “that in which an individual is expected to travel to and from work or training on a daily basis.” In Michigan, the commuting area is 50 miles one way from the adversely affected worker’s home.

Date of Separation

With respect to a total separation, the *date of separation*, for an *employed* individual, is the last day worked. For an individual on employer-authorized leave, the last day the individual would have worked had the individual been working is the date of separation. With respect to a *partial separation*, the date of separation is the last day of the week in which the partial separation occurred.

Family

A *family* consists of specific members of an adversely affected worker’s household whose principal place of residence is with the individual in a home the individual maintains or would maintain, but for unemployment. These members are (1) a spouse; and/or (2) an unmarried child, including a stepchild, adopted child, or foster child, under the age of 21, or of any age if incapable of self-support because of mental or physical incapacity.

Head of a Family

A *head of a family* is an individual who maintains a home if over half the cost of maintenance is furnished by the individual, or would be, but for unemployment.

Health Coverage Tax Credit (HCTC)

The Trade Act of 2002 created a federal tax credit, which subsidizes private health care coverage for adversely affected workers and for individuals receiving benefits from the Pension Benefit Guaranty Corporation. The tax credit covers 65 percent of the premium amount paid by eligible individuals for qualified health insurance coverage. This credit is referred to as the *HCTC*, and is administered by the Internal Revenue Service.

Impact Date

The *impact date* is the date stated in a certification issued under the Act on which total or partial separations began, or threatened to begin, in a firm or a subdivision of a firm.

Increased Imports

Imports that increased either absolutely or relatively to domestic production, compared to a representative base period, are referred to as *increased imports*. The representative base period is one year, consisting of the four quarters immediately preceding the date that is 12 months before the date of the petition.

Layoff

A *layoff* is a suspension of, or separation from, adversely affected employment by a firm for lack of work initiated by the employer and expected to be for a definite or indefinite period of not less than seven consecutive days.

Liable State

The *liable state* is the state where the adversely affected employment occurred or the state in which the worker's Unemployment Insurance claim is established. The *liable state* is responsible for eligibility determinations and payment of Trade Readjustment Allowance benefits.

Partial Separation

Partial separation occurs during a week ending on or after the impact date specified in the certification under which an adversely affected worker is covered. A partial separation occurs if hours of work are reduced to 80 percent or less of the individual's average weekly hours in adversely affected employment, and wages are reduced to 80 percent or less of the individual's average weekly wage in such adversely affected employment.

Remedial Training

Remedial Training means training in the elementary skills that every worker must have in order to achieve basic re-employability. Examples of remedial education are basic writing, basic mathematics, English as a Second Language, courses leading to a G.E.D., and basic computer courses.

Secondarily-Affected Workers

Secondarily-affected workers are those individuals who supply components to a firm whose workers are certified or workers who perform additional, value-added production and finishing operations for a firm whose workers are certified.

Separate Maintenance

Separate maintenance means maintaining a second residence, in addition to the adversely affected worker's primary place of residence, while attending a training facility outside the individual's commuting area.

Suitable Employment

Suitable Employment is work of a substantially equal or higher skill level than the adversely affected worker's past adversely affected employment, with wages no less than 80 percent of the individual's average weekly wage from the adversely affected employment. The first of the six training approval criteria is "No Suitable Employment is Available."

Suitable Work

The Trade Act allows payment of Job Search and Relocation Allowances to qualified adversely affected workers who interview for or accept offers of *suitable work* that are outside of the commuting area. The 20 CFR.3 (kk) states, "suitable work is defined by the local state law." According to Subsection 29 (6) of the Michigan Employment Security Act, work is suitable if the pay rate for that work is at least 70 percent of the gross pay rate the individual received immediately before becoming unemployed.

Total Separation

A *total separation* is a layoff of an individual from a firm, or a subdivision of a firm, in which adversely affected employment exists.

Chapter III FUNDING

Providing re-employment assistance to adversely affected workers is required. The following table covers the various mandated services and the funding source(s) that may be used:

RE-EMPLOYMENT SERVICE	FUNDING SOURCE
Employment Registration	Wagner-Peyser
Career Guidance	WIA Adult & Dislocated Worker Wagner-Peyser
Staff-Assisted Job Search	WIA Adult & Dislocated Worker Wagner-Peyser
Job Development	WIA Adult & Dislocated Worker Wagner-Peyser
Vocational Testing/Assessments	WIA Adult & Dislocated Worker Wagner-Peyser
Classroom Training	TAA WIA Adult & Dislocated Worker Pell Grant
On-The-Job Training	TAA WIA Adult & Dislocated Worker
Customized Training	TAA WIA Adult & Dislocated Worker
Training Related Costs (Transportation, subsistence, supplies, books, fees, tools, and other approvable expenses)	TAA WIA Adult & Dislocated Worker
Job Search Allowances	TAA
Relocation Allowances	TAA
Supportive Services	WIA Adult & Dislocated Worker

Chapter IV

PETITION and CERTIFICATION PROCESS

General Information

In order to determine if a group of workers is eligible for Trade Adjustment Assistance (TAA), a petition must be filed with the U.S. Department of Labor (USDOL), Division of Trade Adjustment Assistance (DTAA). The TAA & Alternative Trade Adjustment Assistance (ATAA) petition form is a federally prescribed form and must be used. When the Michigan Works! Agency (MWA) staff participates in Rapid Response conferences scheduled by the Michigan Department of Labor & Economic Growth, Rapid Response Section (RRS), the TAA program is introduced, petitions are provided as appropriate, and assistance in completion of the petitions is offered. Upon receipt USDOL/DTAA assigns each petition a unique identifying number used throughout the life of the certification for tracking and audit purposes. This petition number must be included on all employer and individual documents relating to the particular certification involved. TAA petitions are coded "TA-W-" plus five unique case numbers (Example: TA-W-32,880). North American Free Trade Agreement (NAFTA)-TAA petitions were coded "NAF" plus four unique case numbers (Example: NAF-7220). Petitions under the TAA Reform Act of 2002 are coded "TA-W-" and begin with 50,000 (Example: TA-W-50,001).

TAA & ATAA certifications are targeted to groups of individuals employed at an adversely affected company. Certifications have specific starting and ending dates and may limit eligibility to only certain groups of individuals within that employer's total workforce. Individuals employed at an adversely affected company who are employees of a temporary employment agency or who have been designated leased individuals by the adversely affected company may also be eligible if the employment agency is named in the certification by USDOL/DTAA. Certifications are limited to companies that produce an article. The beginning date of a certification is referred to as the impact date and the ending date is referred to as the expiration date. These dates are established by the DTAA and are specified in the certification document. Individuals certified under TAA or NAFTA-TAA is referred to as "adversely affected workers."

Procedures

The Employment and Training Administration (ETA), ETA 9042A, Petition for TAA or ETA 9042A-1 in Spanish, may be completed and submitted by three individuals, or on behalf of the individuals by the union, by the company, or by another duly authorized representative, including One-Stop operators, partners, or officials from the RRS, Unemployment Insurance Agency, or Bureau of Workforce Transformation (BWT).

TAA & ATAA Petition for Certification

The form and instructions may be accessed on the USDOL website at: <http://www.doleta.gov/tradeact/petitions.cfm#2>. Petitions are to be submitted simultaneously to the DTAA and the BWT. Unless it is apparent that the DTAA has already received the petition, to expedite the petition process, the BWT immediately transmits the petition to the DTAA. The BWT will also notify the administratively responsible MWA director and the RRS that the

petition has been filed. An MWA director is “administratively responsible” if the employment location is within that MWA’s service delivery area, even though some individuals may reside in other areas. If the petition is not received by the state and the DTAA on the same day, the DTAA will use the latter of the two receipt dates as the filing date. The DTAA will notify the BWT of each petition received.

Leased on-site workers can be included in a petition for certification by listing the company contact information for the employment agency or agencies on a separate sheet of paper. However, once a certification has been issued, leased on-site workers not identified in the original petition must file a separate petition in order to be considered.

The DTAA investigates to determine whether individuals qualify for certification.

A certification can be issued for the following reasons:

1. The investigator concludes that increases of imports of articles like, or directly competitive with, products produced by the subject firm contributed importantly to the decline in sales or production and to the total or partial separation of individuals of the subject firm,
2. The investigator rules that there has been a shift in production by the individual’s firm of like or directly competitive articles to certain foreign countries,
3. The firm produces and supplies component parts for another firm that are directly incorporated into articles that were the basis of certification for primary individuals at that firm,
4. The firm performs additional, value-added production processes directly for another firm for articles that were the basis of certification for the individuals of that firm.

Certifications can be issued to individuals at secondary firms under the following conditions only:

1. The individuals at the primary firm must have been certified,
2. Component parts produced for the primary firm accounted for at least 20 percent of the secondary firm’s production or sales,
3. The loss of business from the primary firm contributed importantly to the individual’s separations.

Secondary individuals who produced additional, value-added production processes directly for another firm for articles that were the basis for certification of individuals at that firm can also be certified, but only if the primary firm’s certification was based on increased imports from, or a shift in production to, Canada or Mexico.

In order to establish that petitioning individuals are eligible to apply for the ATAA program, the DTAA must first determine that all of the criteria for a regular TAA certification are met. In addition, the DTAA must find that three additional criteria are met for ATAA certification. These additional criteria are:

1. A significant number of adversely affected workers in the petitioning individual's firm are 50 years of age or older,
2. The adversely affected individuals in the petitioning individual's firm possess job skills that are not easily transferable to other employment, and
3. The competitive conditions within the affected individual's industry are adverse.

The DTAA has 40 days from the receipt of a petition to investigate and issue a certification or denial. If the DTAA investigator cannot determine facts supporting the increased imports, the petition is denied. The DTAA notifies the petitioners by mail of its findings and also notifies the BWT.

Upon receipt of a certification or negative determination from the DTAA, the BWT forwards a copy of that decision to all MWA directors, the RRS, and the Unemployment Insurance Agency-Trade Readjustment Allowances Unit. In the event that the petition is denied, instructions for appeal are included in the negative determination that is sent to the petitioners. Decisions are also available from the DTAA website: www.doleta.gov/tradeact/determinations.cfm.

Notification to Individuals

Upon receipt of a certification, the administratively responsible MWA must provide all affected individuals a written notice, via mail, advising them of the following:

1. The individual groups covered by the certification;
2. Name and address/location of the individual's firm;
3. Impact, certification, and expiration dates specified in the certification document;
4. Explanation of how to apply for benefits and service; and
5. When and where to apply and who to contact for additional information.

Form BWT-629 may be used for this purpose. The MWA may satisfy this requirement by obtaining from the firm, or other reliable source, the names and addresses of all individuals who were partially or totally separated from adversely affected employment before the certification was received by BWT and all individuals who are, thereafter, partially or totally separated within the certification period. The company list should include the reason for separation and the separation date.

When certification is received, the administratively responsible MWA must also publish notice of the certification in a newspaper of general circulation in areas in which the individuals involved reside. However, the newspaper notice is not required if the MWA can substantiate that all adversely affected individuals have received written personal notifications as provided above.

Within seven working days of the date of notification of certification, MWAs must notify DLEG/BWT of their scheduling of the TAA benefits orientation meeting for the affected employees of the certification. If an MWA is unable to schedule a meeting in those seven working days, MWAs must contact DLEG/BWT and provide the reasons for delay within that same time frame. MWAs will provide DLEG/BWT the specifics of each scheduled benefit orientation meeting, or the reason for delay, electronically to the following e-mail address:

Mr. Tim Ross, State Coordinator
DLEG/BWT, WIA/TAA Section
rosst1@michigan.gov

DLEG/BWT, WIA/TAA staff will attend all scheduled TAA benefit orientation meetings. This attendance will include meetings where there is no expectation of state staff to participate in or provide information during the meeting.

Any questions regarding WIA/TAA staff attendance for TAA benefit meetings or to inquire as to the availability of specific WIA/TAA staff for meeting participation, please contact:

Ms. Stephanie Beckhorn, Interim Manager
DLEG/BWT, WIA/TAA Section
(517) 241-4078
beckhorns@michigan.gov

Chapter V

ELIGIBILITY FOR TRADE ADJUSTMENT ASSISTANCE (TAA) SERVICES

General Information

To qualify for services under the TAA program, individuals must meet all of the following requirements:

- Be a member of an individual group certified by the Division of Trade Adjustment Assistance for assistance under TAA,
- Be partially or totally separated from adversely affected employment, and
- Have been separated for lack of work attributable to the employer.

An individual can qualify for TAA, even if he or she does not qualify for Trade Readjustment Allowances (TRA).

An individual whose last separation from the affected employer was for reasons other than lack of work may still qualify for services if he or she had a previous separation due to lack of work from the affected employer during the eligibility period of the certification.

Evidence of Qualification

To prove eligibility for TAA, the Michigan Works! Agency (MWA) must obtain one of the following types of documentation:

- Company lay-off/rapid response list (with lay-off date),
- Lay-off letter provided by the company or union (with lay-off date), or
- TRA Determination of Eligibility.

When an individual applies for TRA, the Unemployment Insurance Agency (UIA) obtains the necessary information to establish the individual's eligibility, including:

- Whether the individual has a qualifying separation;
- The individual's average weekly wage; and
- For an individual claiming to be partially separated, the average weekly hours and average weekly wage in adversely affected employment.

In some cases, the above information may not be available from UIA records or from any employer. For example, if:

- The employer is no longer in business;
- The individual is applying for TAA only, because his or her eligibility period for TRA has expired; or
- The individual has moved to Michigan and is claiming eligibility under an out-of-state certification.

In the absence of other proof, the MWA may require the individual to submit a signed statement setting forth such information as may be required in order to determine eligibility. The statement must be certified by the individual to be true to the best of his or her knowledge and belief and be supported by other evidence such as Form W-2, paycheck stubs, union records, income tax returns, or statements of fellow individuals, and must be verified by the employer if possible.

In situations where a company has a “partial” employee separation (i.e., not all employees are affected, just those who perform a particular function or produce a particular product), proof of Trade Act eligibility, identifying affected employees must be documented by a layoff/rapid response list from the employer or union, a notice of termination from the employer, a letter from the employer or union, or a verification statement from the employer. It is incumbent upon the employer to produce a list of employees affected by the petition and provide the list to local MWA officials.

Liabile State/Agent State

Situations may arise in which more than one state is responsible for providing TAA services to an individual, especially in cases where:

- The individual resides in one state and worked in a different state, or
- The individual has moved to Michigan and is claiming eligibility under an out-of-state certification.

In these cases, the following rules apply:

- The state the adversely affected employment occurred or, the state in which the individual’s UI claim was established is the liable state. The liable state is responsible for payment of all TRA benefits and for all eligibility determinations relating to the payment of TRA benefits,
- The agent state is any other involved state. The agent state is responsible for providing and paying for all re-employment services and/or the issuance of training waivers. Any documents relating to training waivers and/or training enrollments must be forwarded by the agent state to the liable state.

Buyout Recipients and Involuntary Retirements

Individuals who have accepted a buyout, an involuntary retirement, or participated in some other type of attrition plan, can qualify to receive benefits under TAA. In order to qualify for TAA

benefits, these individuals must appear on the provided lay-off or rapid response list. Individuals who do not appear on a lay-off or rapid response list must provide documentation from their certified former employer stating that their separation from employment, through the acceptance of a buyout or other similar program participation, was due to a lack of work. Eligibility determinations for TAA benefits are made independently from Unemployment Insurance (UI) and TRA determinations. Buyout recipients may still qualify for TAA benefits, even if they do not qualify for UI or TRA.

Chapter VI

TRADE READJUSTMENT ALLOWANCES (TRA) and COOPERATION WITH THE UNEMPLOYMENT INSURANCE AGENCY (UIA)

General Information

Trade Adjustment Assistance (TAA) for adversely affected workers includes TRA that can be paid to qualifying individuals after Unemployment Insurance (UI) benefits have been exhausted. While the UIA has its own rules and eligibility criteria for payment of TRA, certain areas of overlapping responsibility and shared information are necessary for efficient operation of the programs.

The Michigan Works! Agencies (MWAs) must advise the individual to apply for UI/TRA benefits at the time an application for TAA re-employment services is made. Refer to Chapter VIII, Application Deadlines. In turn, the UIA must advise the individual to apply for TAA re-employment services at the time an application for UI and/or TRA benefits is made. To collect TRA payments, individuals certified under TAA must be enrolled in approved training, have a written waiver of the training requirement, or have completed an approved training program. The MWAs are responsible for enrolling individuals in training, issuing and revoking waivers of training, and terminating individuals from training. The MWAs must notify UIA each time any of these actions are taken to ensure that individuals receive TRA as appropriate (see Chapter IX “Training”).

MWAs must inform the TRA/Special Programs Unit of any change in status that may affect an adversely affected worker’s eligibility for TRA benefits. For consistency, all MWAs shall use Bureau of Workforce Transformation-319 *Notice of TAA Participant Status*, rather than a form of local design. This form must be used to notify the TRA/Special Programs Unit when an adversely affected worker has successfully completed a training program or has dropped out of training, when training has been extended, when the adversely affected worker has returned to work, or any other change in the individual’s status that may affect eligibility.

To collect TRA payments, individuals not in training by reason of a waiver, or because training has been completed, must meet the requirements of the Extended Benefits Work Test. These requirements are as follows:

- Be able to work;
- Be available for work;
- Register for work and be available for referral or accept referral to suitable work by the MWA or the Department of Labor & Economic Growth/Field Services Division (DLEG/FSD) staff, formerly the Employment Service Agency;
- Apply for any suitable work the individual is referred to by the MWA or DLEG/FSD;

- Accept any offer of suitable work; and
- Actively engage in seeking work and furnish UIA with tangible evidence of three such efforts each week.
- MWA staff will notify the UIA of failure or refusal of the individual to meet these requirements.

TRA Payment Benefits

For individuals certified for petitions filed after November 3, 2002, entitlement to TRA maintenance income is divided into two segments: Basic TRA (which is an entitlement of 52 weeks of benefits, less state UI and any extended benefits available) and Additional TRA (up to 52 additional weeks available *only* to individuals actually attending TAA-approved training).

Example:

	<i>26 Weeks</i>	<i>State UI Benefits</i>
	<i>26 Weeks</i>	<i>Basic TRA (52 weeks of eligibility minus State UI Benefits and extensions)</i>
<i>+ up to 52 Weeks</i>		<i>Additional TRA (if enrolled in and attending TAA-approved training)</i>
	<i>104 Weeks</i>	
<i>+ up to 26 Weeks</i>		<i>Remedial TRA (one week of Remedial TRA for every week of MWA-approved Remedial education received)</i>
	<i>130 Weeks</i>	

Basic TRA is payable only during the 104-week eligibility period beginning with the week following the individual’s last qualifying separation (individuals must be enrolled in TAA-approved training or have received a waiver from the training requirement by the latter of the last day of the 16th week of the individual’s last qualifying separation, or the last day of the 8th week after the certification, with a 45-day MWA issued extension for extenuating circumstances). The eligibility period is extended to 130 weeks if remedial education has been approved. Eligibility for additional TRA requires enrollment in TAA-approved training within 30 days of the Monday following the last payable week on basic TRA. To be considered “enrolled” in training, an individual must have been approved for TAA training by the MWA and training must commence within 30 days. Payments of additional TRA will not begin until training has commenced. Additional TRA has a maximum entitlement of 52 weeks and an eligibility period of 52 consecutive weeks. However, additional TRA ends the week the individual completes TAA approved training, whether or not the maximum entitlement has been paid.

The last qualifying separation is the last separation *before* the expiration date of the certification for which the individual had at least 26 weeks of employment with wages of \$30 per week or more in the 52-week period, ending with the week of separation. These weeks are defined as “qualifying weeks”. A number of other weeks (e.g. approved leave, worker’s compensation, reservists called to active federal military duty) may also be used a qualifying weeks. Determination of meeting this deadline is the sole responsibility of UIA; although MWA staff may be requested to provide evidence to UIA that individuals were encouraged to immediately apply for training to protect their entitlements to TRA payments under TAA.

Chapter VII

INTAKE AND APPLICATION PROCESS

Individuals responding to notification letters or published notices of potential eligibility for Trade Adjustment Assistance (TAA) must provide program information and assistance in applying for those services.

The Michigan Works! Agencies (MWAs) may hold orientation meetings for groups of newly certified individuals where program information is provided, general questions answered, and individual applications accepted. While not mandated, these group orientations can be an efficient means of reaching large numbers of affected individuals in a timely manner.

Adversely affected workers must be provided individual intake and application services, as follows:

- MWA staff will provide the opportunity to register for employment and facilitation of registration as required.
- MWA staff will interview each adversely affected worker regarding suitable training.
- MWA staff will inform each individual of the requirement for participation in training, or a waiver of the training requirement, as a condition for receiving Trade Readjustment Allowance (TRA) compensation.
- MWA staff will provide each individual with an application for TRA compensation (TRA-920, *Request for Determination of Entitlement to TAA/TRA*).
- MWA staff will accept each individual's application for training (Bureau of Workforce Transformation-923 *TAA Training Application and Determination of Entitlement to Allowances*).
- MWA staff will provide information regarding the Health Coverage Tax Credit to each individual (See Chapter XIV).
- If the individuals of a firm are certified for Alternative Trade Adjustment Assistance (ATAA), individuals 50 years of age or older must be given information regarding ATAA.

The MWA may develop a form for use as a TAA Registration or utilize the TAA Registration Form contained in Chapter 1 of the TAA Participant Management Information Guide (Policy Issuance 06-17, issued October 16, 2006), for this purpose.

Because of the priority of service requirement for veterans contained in the Jobs for Veterans Act, veteran status must be verified when applicable, and proof of veteran status must be included in participant files. Acceptable source documentation for veteran status may be either a DD-214, or a locally designed form signed by local veteran staff, verifying dates and character of military service.

To maximize the use of limited funding, MWAs should enroll individuals in Workforce Investment Act, as appropriate.

The TRA-920 *Request for Determination of Entitlement to TAA/TRA* is required by the Unemployment Insurance Agency as the initial Request for Determination of Entitlement to TAA/TRA. Immediately after intake, the TRA-920 *Request for Determination of Entitlement to TAA/TRA* must be forwarded to the TRA/Special Programs Unit of the Unemployment Agency. Upon issuance, the BWT-802 *Waiver of TAA Training Requirement* and the BWT-923 *TAA Training Application and Determination of Entitlement to Allowances* must also be forwarded to the TRA Unit.

Chapter VIII

APPLICATION DEADLINES

Training

No specific filing deadlines for training are established in the Trade Adjustment Assistance (TAA) federal regulations.

Trade Readjustment Allowances (TRA)

In accordance with Unemployment Insurance Agency's rules, the deadline for applications, processing training enrollments, and/or waivers of training must be observed by the Michigan Works! Agency (MWA) staff to ensure TRA maintenance income.

To qualify for TRA payments, individuals certified under TAA petitions filed on or after November 4, 2002, must be either enrolled in training or issued a waiver of the training requirement by the latter of the last day of the 16th week of the individual's last qualifying separation, or the last day of the 8th week after the certification, with a 45-day MWA issued extension for extenuating circumstances.

To qualify for additional weeks of TRA payments beyond the basic TRA payments, all individuals must have filed a bona fide application for training (Bureau of Workforce Transformation-923) within 210 days of the later of the following:

- Date of certification covering the individual, or
- Date of the individual's most recent total or partial separation from affected employment in the certification period.

In addition, eligibility for additional TRA requires enrollment in TAA-approved training within 30 days of the Monday following the last payable week on basic TRA. To be considered "enrolled" in training, an individual must have been approved for TAA training by the MWA (contract or agreement is signed by the worker, the MWA and the training institution) and training must commence within 30 days. The TAA-approved training must begin within 60 days of the Monday following the last payable week on basic TRA to be eligible for additional TRA (30 days to be "enrolled" and 30 days to begin training).

The date of approval of training is the last signature date on the contract or agreement, and this date must be used on the BWT-923 *TAA Training Application and Determination of Entitlement to Allowances*.

Job Search Allowances

For job search applications under TAA, the individual must file within the later of:

- 365 days of the date of certification covering the individual, or
- 365 days of the individual's last qualifying separation

In addition, if an individual did not receive a waiver from the training requirement, he/she is allowed an additional 182 after the completion of a TAA-approved training program to receive Job Search Allowances. If an individual did receive a waiver, he/she is not eligible to use the additional 182 days after training completion, but may qualify for Job Search Allowances by using the prior deadlines.

Relocation Allowances

For relocation assistance applications under TAA, the individual must file within the later of:

- 425 days of the date of certification covering the individual,
- 425 days of the individual's last qualifying separation

In addition, if an individual did not receive a waiver from the training requirement, he/she is allowed an additional 182 after the completion of a TAA-approved training program to receive Relocation Allowances. If an individual did receive a waiver, he/she is not eligible to use the additional 182 days after training completion, but may qualify for Relocation Allowances by using the prior deadlines.

Alternative Trade Adjustment Assistance (ATAA)

For ATAA, the adversely affected worker must obtain new employment within 26 weeks of the last qualifying separation. The application for ATAA benefits must be filed within 104 weeks of the adversely affected worker's first day of re-employment.

Chapter IX

TRAINING

General Information

The purpose of an approved training program is to assist adversely affected workers obtain skills that will lead them to work that will use their highest skill levels, including those gained in the training program, and pay the highest wages given the workers' pre-existing skill levels and education and the condition of the labor market, and to do so as quickly as possible.

On August 3, 1998, full authority for the approval of training under the Trade Adjustment Assistance (TAA) and the North American Free Trade Agreement-TAA was transferred from the Michigan Jobs Commission-Employment Service Agency to the Michigan Works! Agencies (MWAs). In Michigan, authority for approval of training programs resides with the local MWA's Workforce Development Board (WDB). The WDB has authority to institute cost limits on individual training programs, based upon what is reasonable or customary in its area. In keeping with the primary Trade Program objective of assisting individuals in returning to suitable employment as soon as possible, emphasis should be on short-term training whenever possible. MWA officials must also take into consideration the guiding themes of the Trade Program: rapid re-employment, fiscal integrity, and coordination with the Workforce Investment Act (WIA).

Only one training program can be approved per certification, regardless of the funding source. The 20 CFR 617.22 (f)(2) states in part: "No individual shall be entitled to more than one training program under a single certification." This does not prohibit an MWA from writing more than one training agreement for an individual, where appropriate. If an adversely affected worker is enrolled in a WIA training program, every effort must be made to approve that training under TAA. If training was provided to an adversely affected worker through the WIA, TAA training must not be approved afterward unless the training meets all six TAA training approval standards. In most cases this will not occur due to the WIA training preparing the adversely affected worker for employment. The adversely affected worker would have to test the job market for a period of time before it could be determined that the training will not lead to employment.

There are two types of training programs in the TAA program: Classroom Training (CRT) and Employer-Based Training. CRT may include or be Remedial Training. Employer-Based training may consist of On-the-Job Training (OJT) or Customized Training.

Classroom Training

CRT that is approved under the TAA program covers tuition, course fees, required books and supplies, and other items/services deemed necessary for completion of the training program. The MWA, in determining whether to approve CRT, must determine the appropriateness of the length of training. The training must be of suitable duration to achieve the desired skill level to facilitate employment in the selected occupation in the shortest possible time. The maximum duration for any approvable training program is 104 actual weeks, and up to 26 additional actual weeks, as needed, for an individual to complete approved remedial education for a total not to

exceed 130 actual weeks. If a training program meets the duration requirements but will extend beyond the period in which Trade Readjustment Assistance (TRA) is available, the MWA must determine that the individual has sufficient personal resources to complete the training (this information should be documented in the adversely affected worker's file). All CRT programs must be full-time, as defined by the training institution.

In order for an individual to receive training, he/she must meet, and the MWA must document, that the six training approval standards for training have been met, based on a comprehensive assessment. The comprehensive assessment must expand upon the initial assessment (required for issuing a training waiver) regarding the individual's skills, aptitude, and abilities (including reading and math levels). The MWA should also determine, in the comprehensive assessment, the individual's interests as they relate to employment opportunities.

Remedial Training

Remedial training consists of any program of study designed to upgrade the basic knowledge of adversely affected workers through such courses as adult basic education, basic math and literacy, English-as-a-Second-Language, and high school equivalency. Basic computer courses (such as basic keyboarding) are also included in the definition of remedial training. If remedial training will cause the adversely affected worker to extend beyond the 104-week duration of CRT, up to 26 weeks of additional training may be approved for this purpose. Remedial training may be approved prior to or during CRT. Remedial training may extend beyond 26 weeks (and up to 130 weeks) in cases where this type of training is sufficient to allow the adversely affected worker to obtain suitable employment.

Application

An individual's signed and dated TAA Training Application (Bureau of Workforce Transformation [BWT]-923, *TAA Training Application and Determination of Entitlement to Allowances*), containing the individual's name, address, social security number, petition number, specific training information, and signature is a bona fide application for training. The TAA Training Application may be marked as pending in situations where specific training information is not available at the time of application. The MWA representative must sign this form upon receipt. Once training is approved, all training information must be included on form BWT-923, *TAA Training Application and Determination of Entitlement to Allowances*, and a copy of this form must be sent to the TRA Unit.

Distance Training

The U.S. Department of Labor (USDOL) has determined that distance learning may be considered CRT when the degree or certificate received is equivalent to that which would have been received if the training had been conducted on campus. This interpretation expands the types of approval training to include distance training, where a participant completes all or part of an educational or vocational program in a location far away from the institution hosting the training program. The final degree or certificate conferred must be equivalent in content and standard of achievement to the same program completed on campus or at an institutional training location. When the above condition is met, the USDOL will recognize that the training is of the

type that normally takes place in an interactive classroom setting; therefore, it satisfies the requirement of the regulations and statutes.

In addition, in order for distance learning to be approved, all six training approval standards must be met in the same way as in any other training program.

Distance learning may, in some cases, be more self-paced than institutional training, which usually requires physical attendance at specific classes. MWA officials and TAA staff will need to work with distance learning providers to understand the specific requirements or milestones of the distance learning program and to ensure that the training provider keeps the agency informed of the student's adherence to those requirements.

The regulations at 20 CFR 617.18(b)(2) make a worker ineligible for TRA for any week in which the worker "ceases to participate" in training without "justifiable cause." Paragraph (b)(2)(ii)(C) of 617.18 defines "justifiable cause" as "such reasons as would justify an individual's conduct when measured by conduct expected of a reasonable individual . . ." Paragraph (b)(2)(ii)(B) of that section defines "ceased participation" as when a worker "fails to attend all scheduled training classes and other training activities scheduled by the training institution in any week of the training program without justifiable cause." Thus, if an individual who is enrolled in a distance learning program is not meeting all of the training institution's requirements, he or she is considered to have ceased participation in training, and the individual is ineligible for TRA for that week, unless a reasonable individual in the worker's situation would have missed meeting the requirements.

Satisfactory Participation

In order to continue in training and to receive bi-weekly TRA benefits from the Unemployment Insurance Agency (UIA) while attending TAA approved training, an individual must demonstrate satisfactory participation in training. Satisfactory participation is defined as attending all scheduled classes and training activities. Any failure to attend can be excused only when there is a "justifiable cause." Absence caused by factors beyond the worker's control such as weather is excusable. Absences due to the worker's inability to participate, such as illness, are also excusable. Each case must be reviewed individually, keeping in mind the goal of training completion. For the purpose of TRA payments, the justifiable cause rule applies only to basic TRA. An individual must be attending training to receive additional TRA (there are no exceptions or justifiable causes to excuse absences).

Satisfactory participation in training is monitored by the TRA Unit using Form BWT-923-A, *Bi-Weekly Request for Allowances by Individuals in Training Under Trade Act of 1974 as Amended*. This form is attached (by the adversely affected worker) to Form UIA-1785-2, *Biweekly Claims by Mail*. These forms are used by the UIA/TRA Unit to determine eligibility for and process basic and additional TRA payments.

Satisfactory Progress

The MWA must also monitor satisfactory progress in training using a locally designed process. Requiring the adversely affected worker to turn in a copy of the BWT-923-A, *Bi-Weekly Request for Allowances by Individuals in Training Under Trade Act of 1974 as Amended*, every other

week along with copies of all grade and/or progress reports is an example of a suitable way to monitor satisfactory progress in training.

Scheduled Breaks in CRT

Title 20 CFR, Part 617.15(d), Duration of TRA, describes the conditions for continuation of payments to TRA claimants who experience a break in their schedule of training. An individual who is otherwise eligible continues to be eligible for basic and additional weeks of TRA during scheduled breaks in training, but only if a scheduled break is not longer than 30 days (in accordance with the Trade Act of 2002), *and* all of the following additional conditions are met:

- The individual was participating in training approved under Title 20 CFR, Part 617.22(a) immediately before the beginning of the break; and
- The break is provided for in the published schedule, or the previously established schedule of training issued by the training provider, or is indicated in the training program approved for the individual; and further
- The individual resumes participation in the training immediately after the break ends.

The following formula is used to determine an individual's eligibility for payment during a break:

- Begin with the day following the last day of scheduled training and count the days up to the last day of the break preceding the next scheduled day of training. Do *not* count the date of any weekend days on which training is not usually scheduled at the training facility. This means that for *some* facilities Saturday and Sunday will not be counted, and for some facilities only Sunday will not be counted. Do not count official state or federal holidays.
- If the number of days counted is 30 or less, the individual can be paid during the entire break period. If the number of days counted is more than 30, the individual cannot be paid basic or additional weeks of TRA during the full weeks of the break. This means that basic or additional weeks of TRA for individuals in approved training cannot be paid during summer breaks. However, an individual can be paid for any week during which at least one day of training is scheduled and attended.
- If a training facility closes before a scheduled break because of an emergency situation, any days of closing due to the emergency would not be counted as part of the break.
- If an individual attends classes only two or three days in a week, the break is counted in the same manner explained above. The counting of break days is dependent on the schedule of the training facility, and *not* the schedule of the participant in training.

Interruptions in Training

Generally, individuals in training must remain in training until it is completed. However, situations may arise in which it is absolutely necessary for an adversely affected worker to temporarily cease training. The manner in which interruptions of TAA-approved training is

handled depends on the reason for the interruption. In general, individuals who *voluntarily* remove themselves from training for any reason cannot re-enter training. However, some exceptions may apply, especially in cases where the reason for the interruption is due to health or other personal reasons that are beyond the control of the individual. Bearing in mind that the objective of TAA training is the attainment of marketable skills, and the goal is attainment of employment, individuals may be allowed to return to TAA-approved training under the following circumstances, *to be evaluated by the designated MWA staff person*:

- Whether the reasons for interrupting training can be remedied during a short period away from school, or
- Whether training can be completed within 104 actual training weeks.

Any changes in training program ending dates must be documented. The UIA also must be notified if the individual is receiving TRA benefits (or is not yet receiving TRA because Unemployment Insurance [UI] or extended benefits have not yet been exhausted). BWT-319, *Notice of TAA Participant Status*, must be used for this process. For individual training agreements, the ending dates must be modified.

Individuals who are receiving TRA benefits, or are not receiving TRA because UI or extended benefits have not yet been exhausted, should be told that a period of interruption in training will affect their benefits and may affect their eligibility for future training. The waiver of availability and seeking work, based on participation in approved training, will *not* apply during the dropout period. The individual may also lose weeks of TRA weekly benefit eligibility or benefits.

There is no maximum amount of days that an adversely affected worker can temporarily cease training, as long as the interruption of training is approved by the MWA.

Removal from Training

MWA staff, in close contact with the individual and training institution, may find that although the school indicates “satisfactory participation” when verifying training attendance, the individual’s progress will not allow achievement of a marketable skill level by the end of the training program. In addition, an individual may drop scheduled classes without approval. Although acceptable to the school, this may not meet standards for full-time training under the Trade Act. Other examples for removal from training include, but are not limited to, poor attendance without justifiable cause, failure to cooperate with the MWA, and falsifying attendance forms.

Bearing in mind that the objective of TAA training is the attainment of marketable skills, and the goal is attainment of employment, every effort should be made to assist individuals in completing their training programs. This includes approving tutoring or allowing an individual to repeat a course, if appropriate. However, if it becomes apparent that the individual, due to a lack of satisfactory progress or satisfactory participation, or other reasons, will be unable to complete training within the specified time limits, consideration may have to be given to removing the individual from training.

If the MWA determines that an individual must be removed from TAA-approved training for any reason, written notification must be issued to the individual. Form BWT-337 *Notice of Determination* may be used for this purpose. Notification can also be issued on a locally designed form, with a copy kept in the individual's file. Individuals may appeal a removal from training; therefore, appeal information must be included if using a locally designed form. The UIA/TRA Special Programs Unit must be immediately notified of a removal from training and the BWT-319, *Notice of Participant Status*, must be used for this purpose.

Special Component Training

MWAs must complete Form BWT-518, *Special Component Training*, in order to provide special component training and/or seminars to address a break in training of over 30 days, for individuals certified under petitions filed on or after November 4, 2002. Such training must adhere to the following guidelines:

1. Seminars or classes are consistent with the individual's training goals, as indicated on the training application and/or contract form.
2. Weeks during which seminars or classes take place are considered by the training facility to be weeks of full-time training.
3. The contract between the employment service provider and the training facility allows for these courses and are allowed for with funds under the Trade Act.

Basic TRA Benefits

An individual who completes training may draw any remaining balance of Basic TRA benefits if otherwise eligible. No training waiver is required for individuals who have completed training. However, individuals must meet the extended benefits work test requirements. The UIA/TRA Special Programs Unit must be notified of the completion of training and the BWT-319, *Notice of Participant Status*, must be used for this purpose.

The UIA/TRA Special Programs Unit is responsible for determining whether individuals who leave or are removed from TAA-approved training while drawing basic TRA benefits may draw the remainder of those benefits. Individuals who leave training without good cause will be held ineligible for the remainder of their basic TRA benefits. An individual who is removed from training due to failure, without good cause, to maintain satisfactory participation or satisfactory progress in training will also be held ineligible for basic TRA benefits.

Employer-Based Training

Employer-based training may consist of OJT or Customized Training.

OJT

OJT is training provided by an employer to an adversely affected worker who has been hired by the employer. OJT is conducted while the worker is engaged in productive work in a job that provides knowledge or skills essential to the full and adequate performance of the job.

OJT is provided under a contract with an employer in the public or private sector.

An MWA can enter into a contract (Form 891, *OJT Contract Under the Trade Act of 1974, as Amended*, may be used), to pay the employer not more than 50 percent of an individual's salary, paid in equal monthly installments, using TAA funds, for a maximum of 6 months or 1040 hours. The individual must be engaged in learning new skills during OJT. If the job does not require six months of training time, the contract is written for the appropriate amount of time required to learn the skills. The contract must include the job description, a breakdown of each of the training objectives, and the number of hours devoted to each component. The training program cannot be a replacement for any individual during a union action.

A certification that the following provisions have been met must be included with all OJT agreements. Form BWT-892, *Special Provisions for OJT Contracts*, can be used for this purpose.

1. No individual is on lay-off from the same, or any substantially equivalent job for which the OJT is offered.
2. The Contractor has not terminated the employment of any regular employee or otherwise reduced the workforce of the Contractor, with the intention of filling the vacancy so created by hiring the OJT trainees.
3. The job for which the OJT trainee is being trained is not being created in a promotional line that will infringe in any way upon the promotional opportunities of currently employed individuals.
4. The Contractor has not received payment from any other OJT program, which failed to meet the requirements described in Special Provisions 1 - 3 above, and in the provisions that are referred to in Clauses 13 and 15 of the OJT contract.

Customized Training

The TAA Reform Act of 2002 added Customized Training as an additional training option for individuals certified under petitions filed on or after November 4, 2002. Customized training is:

1. Designed to meet the special requirements for an employer or group of employers;
2. Conducted by a separate vendor, but with a commitment by the employer, or group of employers, to employ an individual upon successful completion of the training; and
3. For which the employer, or a group of employers, pays for a significant portion (but in no case less than 50 percent) of the cost of such training, as determined by the MWA.

Six Training Approval Standards

Training may be approved for an adversely affected worker if all six standards described below are met. Compliance with these standards must be certified by the MWA. Form BWT-312, *Training Approval Standards for Entitlement to TAA Training*, must be used for this purpose.

Each job seeker's training file must include the above form and evidence that all six training approval standards have been met, including results of assessments.

1. There is no suitable employment available for the adversely affected worker.

There is no suitable employment available for an adversely affected worker, either in the commuting area or outside the commuting area, in an area to which the worker desires to relocate with the assistance of a relocation allowance and there is no reasonable prospect of such suitable employment becoming available for the worker in the foreseeable future. Suitable employment means work of a substantially equal or higher skill level than the individual's past adversely affected employment and wages for such work at not less than 80 percent of the individual's average weekly wage. Notification of a specific recall to adversely affected employment by the worker's firm in the same or essentially the same job is considered suitable employment if the recall is expected to be permanent and the worker's application for training must be denied. Waivers of training are issued in these instances. Individuals who leave training to accept recalls to work will not receive a second training approval if subsequently laid off. If an application for training is denied under these criteria, the MWA must document the availability of suitable employment through local labor market information or job orders.

2. The adversely affected worker would benefit from appropriate training.

The training must enhance the individual's employability by providing vocational skills required by the stated occupational goal. Upon completion of training, the individual is job-ready. Training must be expected to improve the individual's chances of obtaining and retaining sustainable employment at higher wages than would have been obtained in the absence of training. Training programs must be vocationally driven, rather than academic, in substance. A specific vocational goal must be entered on the training contract. The vocational goal must be one that prepares the individual for full-time employment with an employer. Self-employment or commission-based employment cannot be the vocational goal.

3. There is reasonable expectation of employment following completion of training.

The sole purpose of TAA training is to help the individual obtain full-time employment. Therefore, there must be a reasonable expectation that the individual will find a job using skills acquired through training given the labor market conditions expected to exist at the time of training completion. A reasonable expectation of employment following completion of such training means that, given the job market conditions expected to exist at the time of the completion of the training program, a reasonable expectation exists that the worker is likely to obtain suitable employment. The job market conditions considered must be limited to those in the worker's commuting area or in an area where the worker desires to relocate with the assistance of a relocation allowance. When no apparent demand exists, and employment prospects are questionable, an individual can be asked to provide justification for training. For example, a letter from prospective employers on company letterhead stating a willingness to consider hiring the individual upon completion of the proposed training would constitute adequate justification for training approval.

4. Approved training is reasonably available from either governmental agencies or private sources.

Training should be reasonably accessible to the individual, at no cost to the individual, within the individual's commuting area, at any governmental, educational, or private training provider, including OJT and customized training. Emphasis must be given to finding accessible training for the individual, although this does not preclude training outside the commuting area. Whether the training is within or outside the commuting area, training must be available at a reasonable cost as outlined in item 6.

The hours in a day and days in a week of attendance in training shall be full-time in accordance with established hours and days of training of the training provider. This will normally be at least 3 days per week, with at least 12 clock hours of training per week, or at least 12 credit hours per full semester or term. If it is determined that an individual is not attending training full-time, the individual must be removed from TAA training.

Training at a facility outside of the local commuting area will be approved only if such training is not available within the commuting area. Individuals can attend training outside of Michigan under the aforementioned circumstance, or if the individual resides near the state line and the training is within the commuting area. However, the training facility must be licensed by the state in which it is located in order to be approvable.

5. The adversely affected worker is qualified to undertake and complete such training.

Evidence that the individual has the basic skills, aptitude, and financial resources to complete training must be documented on an Employability Plan or Individual Service Strategy (Form BWT-626, *Employability Plan* may be used for this purpose). Evaluation of the adversely affected worker's background must determine that the worker's knowledge, skills, abilities, educational background, work experience, and financial resources are adequate to undertake and complete the specific training program being considered. The MWA must consult the adversely affected worker's comprehensive assessment to determine whether the worker is qualified to undertake and complete the training.

The individual must have a plan to meet living expenses while in training. The MWA case manager only determines whether the individual's plan seems realistic. Staff need not request supporting evidence, such as financial records or affidavits from friends or family members that promise financial support. The fact that financial resources have been discussed is the only documentation needed on the form. When an adversely affected worker has inadequate financial resources to complete a selected TAA training program, regardless of whether it exceeds the duration of UI and TRA payments, then that training must not be approved and consideration must be given to other training opportunities or related workforce development programs' assistance available to the worker.

Individuals must maintain satisfactory progress toward the vocational goal. Copies of attendance and grade reports should be requested and reviewed on a regular basis. Failure by the adversely affected worker to maintain satisfactory progress can result in removal from the program.

6. Such training is suitable for the adversely affected worker and is available at a reasonable cost.

Suitable for the worker means that the training being considered meets the fifth training approval standard and that the training is appropriate for the worker given the worker's basic skills, aptitude, background, and experience.

If training of comparable quality is available at several institutions within the commuting area, the institution offering the most reasonable cost will be approved.

Training that is self-financed, in whole or in part, is not deemed reasonably available, and is therefore NOT approvable. Self-financed training includes any program or plan that might require the individual to pay any portion of training costs, no matter how small. Friends, relatives, and student loan programs are not acceptable sources. A fraternal organization is not an acceptable funding source, unless it operates an established program to fund training and does not require repayment. However, job seekers in self-financed training may apply for TAA approval beginning with the next school semester, or other future period, not paid by the individual.

Note: Self-financed training can still be approved, outside of the Trade Act, for a "Waiver of UI Eligibility Requirements" under state UI law without extension of TRA benefits, if the training meets the requirements for approval described in the UIA Policy. Please refer to BWT Policy Issuance 06-31 for more information.

Training not meeting all six training approval standards will be denied. The MWA staff must issue a written denial of training to the adversely affected worker. Form BWT-923, *TAA Training Application and Determination of Entitlement to Allowances*, may be used for this purpose. The adversely affected worker may appeal such denial.

Funding Sources for Training

In addition to TAA funds, funding sources for approvable TAA training can include any state or federal program (including WIA, Pell Grants, scholarships, etc.), an employer/union training fund, and any other sources, with the exception of self-financing and loans. Funding sources may be combined. MWAs may, but are not required to, use grants or scholarships paid directly to the training institution to reduce the cost of an individual's CRT program. However, the Trade Act prohibits the use of any grant or scholarship paid directly to the individual from being used to reduce the cost of a training program. In addition, grants or scholarships paid directly to the individual cannot be deducted from the individual's TRA benefits. Regardless of the funding source, the TAA program allows only one approved program of training per certification.

If funding is from a source other than the Trade Act, the source of training funds can be verified by using Form BWT-880, *Training Verification*. The MWA staff completes the top portion of the form, obtains the adversely affected worker's signature for release of information, and sends two copies to the training facility or funding source. One copy is retained in the applicant's file folder. The training facility or funding source completes the verification section, retains one

copy, and mails a copy to the local MWA. Upon receipt of the completed form, the MWA staff can then continue the training approval process.

Training Caps

Effective August 29, 2006, the cap on the amount of funding a local area can provide, annually, per participant, for all MWA approved training, is \$12,000. This means that if a worker began a training program on April 1, 2007, the annual period for this worker would be from April 1, 2007, through March 31, 2008. All exceptions must be approved by the director of the Department of Labor & Economic Growth (DLEG)/BWT. Transportation and subsistence payments are not considered in the calculation for keeping within the \$12,000 annual training cap.

Transportation and Subsistence Payments

MWAs determine eligibility for transportation or subsistence allowances, issue denials when appropriate, and make appropriate approved payments. Transportation or subsistence payments are not considered in the calculation for keeping within the \$12,000 annual training cost cap. The MWA must determine whether transportation to the training site, or subsistence to maintain a residence near the training site, is more economical and approve the lesser of the two.

Transportation

An individual is afforded supplemental assistance necessary to pay transportation expenses if the individual's training site is outside the commuting area. Fifty miles or more from the individual's home to the training facility is considered outside the commuting area. An individual may not receive transportation assistance if transportation expenses are covered under another federal law, if the individual is entitled to be paid or reimbursed for such expenses from any other source, or, if transportation is arranged as part of a group and paid for by another agency or organization.

If an individual is co-enrolled in WIA and qualifies for mileage under TAA, the full federal mileage rate (and not just the WIA amount) must be reimbursed. The two programs may share the cost. For example, if the current rate is .485 per mile, WIA may only pay .28 and TAA the remaining .205. The individual should not receive just the WIA amount unless he/she does not qualify for mileage under TAA according to state policy.

If approved for transportation allowances, individuals are to receive the actual cost for travel from the home to the training facility (if using public transportation) or the cost per mile (if using a private vehicle) at the prevailing mileage rate authorized by the federal travel regulations, whichever is less. Therefore, if an individual qualifies for mileage under TAA, the individual is to receive the full mileage amount from starting location to ending location. If the mileage is 55 and state policy is 50 miles, the individual must be reimbursed for all 55 miles.

Transportation allowance will be paid for travel:

- For the trip to and the return home from the separate maintenance location, in cases where a participant is receiving subsistence; or
- For daily commuting, in lieu of subsistence.

However, mileage payment may not exceed the amount otherwise payable as subsistence for each day of commuting. As a result, MWAs must calculate the amount that would be payable as subsistence in order to determine which of the two amounts is paid.

Applications for transportation payments are filed on forms furnished to individuals by the MWA. Payments may be made in advance. An adjustment is made if the amount of an advance is less, or more, than the amount to which the trainee is entitled under Paragraph (b) of Title 20 CFR, Part 617.28.

Form BWT-923, *TAA Training Application and Determination of Entitlement to Allowances*, may be used as the initial application for determination for transportation allowances.

Form BWT-923-A, *Bi-Weekly Request for Allowances by Individuals in Training Under Trade Act of 1974, as Amended*, must be completed and signed by the training facility on a bi-weekly basis before a transportation allowance is paid.

Subsistence

Individuals are afforded supplemental assistance necessary to pay costs of separate maintenance when the training facility is located outside the commuting area. To qualify for a subsistence allowance, the individual must maintain a regular residence in addition to a residence at the training site. The training site must be *outside* of the commuting area (50 miles or more). However, the individual may not receive supplemental assistance for any period for which he or she receives a payment under the WIA, or any other program. Furthermore, the individual may not receive payments for any day that a transportation allowance is payable, or to the extent the individual is entitled to be paid or reimbursed for such expenses from any other source. A subsistence payment will not be made to an individual for any day of absence from training as certified by the responsible training facility.

Payment may be made upon receipt of proof of attendance. Form BWT-923-A, *Bi-Weekly Request for Allowances by Individuals in Training Under Trade Act of 1974, as Amended*, may be used for this purpose. However, an MWA may determine an advance payment is necessary to enable an individual to begin training. An adjustment can then be made if the amount of the advance is less, or more, than the amount to which an individual is entitled.

Subsistence payments will not exceed the lesser of one of the following:

- The individual's actual expenses for subsistence, or
- Fifty percent of the prevailing per diem rate authorized under the federal travel regulations for the locale of the training.

The full per diem rate is used to determine 50 percent of the prevailing per diem rate authorized under the federal travel regulations. For example, if the lodging rate for a town is \$60 and meals and incidentals (or M&IE) is \$30, both amounts would make up the total per diem. Therefore, \$45 would be used as 50 percent of the prevailing per diem rate in this case.

Form BWT-923, *TAA Training Application and Determination of Entitlement to Allowances*, may be used as the initial application and determination for subsistence allowances.

Before approving transportation or subsistence payments for individuals, MWAs should ensure that they are paying individuals at the correct mileage and per diem rates. For information about the most current mileage and per diem rates, refer to the following: <http://www.gsa.gov>.

Training Contracts

The TAA Manual includes two form options for training contracts or agreements:

- BWT-881 *Institutional Training Contract* – includes detailed information regarding the training institution, courses to be provided, breakdown of expenses, and justification for approval of training
- BWT-336 *Training Agreement Form* – includes the minimum requirements for a TAA training agreement

An MWA may use either provided form, or create a locally developed TAA training contract or agreement. At a minimum, the MWA must have a training agreement in the case file that contains signatures of the adversely affected worker, the training institution, and the MWA. This is required with the use of a Debit Card System as well.

An MWA may write training contracts or agreements for the entire training period, but funds may only be obligated for one fiscal year at a time (see Form BWT-881, *Institutional Training Contract* for sample language on obligating for one fiscal year). Any such alternative agreement (including the use of a “CompCard”) must allow the MWA to pay for all tuition, books, tools, uniforms, academic fees, and any other expenses authorized under the TAA programs. Individuals cannot be required to pay for any of the aforementioned expenses. Therefore, the MWA must have a system in place to authorize and pay for these expenses in advance.

If BWT-881, *Institutional Training Contract* or BWT-336 *Training Agreement Form* is not used, the MWA must have a training agreement in the case file that contains signatures of the adversely affected worker, the training institution, and the MWA.

Supplies and Equipment

At times, items/services, such as those listed below, may be required in order to complete training. When these items/services are purchased directly from the training facility or employer, they may be included in the original training agreement, or added by using a modification. When required items cannot be purchased from the training institution or the employer directly, an agreement with an individual vendor may be entered into (Form BWT-900,

Supportive Service Agreement, may be used). Examples of items a supportive service agreement might be written to include are:

- General Equivalency Diploma exams prior to entrance into a vocational program;
- Physical exams and immunizations required for entrance into training programs;
- Calculators;
- Books;
- Tools;
- Uniforms; and
- Pens, pencils, paper, and notebooks.

The following items are not allowable under TAA:

- Car repairs,
- Childcare,
- Regular clothing,
- Parking,
- Personal computers, and
- Items not deemed essential to the completion of the training program.

Training Forms

While some TAA forms are required by DLEG/BWT for use by MWAs, many forms provided in this policy issuance are optional. An MWA may choose to use forms of local design in place of the optional forms. When creating forms locally, the following items should be kept in mind:

- Agreements are written in the name of the MWA and may be signed by the MWA director or the director's designee.
- A service provider may sign agreements if the MWA allows it to be the designee. The vendor also signs all agreements.
- Once an agreement is written, the MWA maintains accounting records to track all financial transactions related to each individual agreement.

Required Training Forms

- BWT-312, *Training Approval Standards for Entitlement to TAA Training*
- BWT-319, *Notice of TAA Participant Status* (when applicable)
- BWT-518, *Special Component Training* (when applicable)
- BWT-802, *Waiver of Training Requirement – Trade Act of 2002*
- BWT-923, *TAA Training Application and Determination of Entitlement to Allowances*
- BWT-923-A, *Bi-Weekly Request for Allowances by Individuals in Training Under Trade Act of 1974, as Amended*

Optional Training Forms

- BWT-197-A, *Sub-Agreement Modification and De-obligation Notice for Contract Funds*
- BWT-626, *Employability Plan*
- BWT-880, *Training Verification* (may be used when writing modifications to the original contract, or de-obligating unused funds)
- BWT-891, *OJT Contract*
- BWT-892, *Special Provisions for OJT Contracts Under the Trade Act of 1974, as Amended*
- BWT-900, *Supportive Service Agreement* (may be used to enter into an agreement with a vendor to purchase required supplies and/or equipment)
- BWT-901, *Applicant Certification for Training-Related Clothing, Equipment, or Tools* (may be used when it is necessary for adversely affected workers to certify items purchased are required for the training program and conditions for use)

File Requirements

CRT Participant

- Signed TAA Registration Form
- Signed Equal Opportunity Form
- TAA eligibility documentation (proof of qualifying separation)
- Petition certification
- Proof of Veteran status (if applicable)
- BWT-923, *TAA Training Application and Determination of Entitlement to Allowances*
- BWT-802, *Waiver of TAA Training Requirement – Trade Reform Act of 2002* (if applicable)
- Documentation of 30-day Waiver Reviews (if applicable)
- Assessments (Ability and Interest)
- Training Contract (BWT-881, *Institutional Training Contract* or BWT-336 *Training Agreement Form* may be used)
- Employability Plan or Individual Service Strategy (BWT-626, *Employability Plan* may be used)
- BWT-312, *Training Approval Standards for Entitlement to TAA Training*
- Documentation supporting approval of six training approval standards on BWT-312, *Training Approval Standards for Entitlement to TAA Training*
 - Suitable employment is not available (Labor Market Information [LMI] and/or Job Search documentation)
 - The worker would benefit from appropriate training (Assessments)
 - There is reasonable expectation of employment following completion of training (LMI or letters from prospective employers)
 - Training approved is reasonably available to the worker from either public or private sources, provided by a licensed facility, full time, within 104 weeks, and for the purpose of full time employment (Training Agreement and Employability Plan)
 - The worker has the basic skills, aptitude, and financial resources to undertake and complete training (Assessments and Employability Plan)

- Such training is suitable for the worker and available at a reasonable cost (Assessments and training contract)
- Financial tracking of all training expenses
- Verification of satisfactory progress (attendance and grade/progress reports)
- Documentation of completion or withdrawal of training program (if applicable)
- Exit documentation (if applicable)
- BWT-319, *Notice of TAA Participant Status* (if applicable)
- Outcome documentation for the three quarters after exit (if applicable)

OJT Participant

- Signed TAA Registration Form
- Signed Equal Opportunity Form
- TAA eligibility documentation (proof of qualifying separation)
- Petition certification
- Proof of Veteran status (if applicable)
- BWT-923, *TAA Training Application and Determination of Entitlement to Allowances*
- BWT-802, *Waiver of TAA Training Requirement – Trade Reform Act of 2002* (if applicable)
- Documentation of 30-day Waiver Reviews (if applicable)
- OJT Contract (BWT-891, *OJT Contract* may be used)
- Certification that all provisions for the OJT contract have been met (BWT-892, *Special Provisions for OJT Contracts* may be used)
- Verification of suitable reemployment
- Financial tracking of expenses
- Verification of satisfactory progress in the training
- Exit documentation (if applicable)
- Outcome documentation for the three quarters after exit (if applicable)

Customized Training Participant

- Signed TAA Registration Form
- Signed Equal Opportunity Form
- TAA eligibility documentation (proof of qualifying separation)
- Petition certification
- Proof of Veteran status (if applicable)
- BWT-923, *TAA Training Application and Determination of Entitlement to Allowances*
- BWT-802, *Waiver of TAA Training Requirement – Trade Reform Act of 2002* (if applicable)
- Documentation of 30-day Waiver Reviews (if applicable)
- Customized Training Contract
- Financial tracking of expenses
- Verification of satisfactory progress in the training
- Exit documentation (if applicable)
- Outcome documentation for the three quarters after exit (if applicable)

Chapter X

TRAINING WAIVERS

General Information

Under Trade Adjustment Assistance (TAA), if approved training will not start within 30 days, a training waiver must be issued by the Michigan Works! Agency (MWA) to preserve eligibility for Trade Readjustment Allowances (TRA) and the Health Coverage Tax Credit (HCTC) while not in training. The deadline imposed by the Trade Act of 2002 for enrollment into training or the issuance of a waiver is either the last day of the 8th week after the week of issuance of the certification of eligibility covering the individual, or the last day of the 16th week after the individual's most recent total qualifying separation, whichever is later. Bureau of Workforce Transformation (BWT) Form-802 *Waiver of TAA Training Requirement – Trade Act of 2002*, must be used to issue, continue, extend, revoke, and deny TAA Waivers.

Waivers must be issued for a six-month period of time allowed by the Act and reviewed at least once every 30 days until the waiver expires or is revoked. The waiver must be treated as an event triggered by initial assessment results with such results matched to one of the appropriate waiver categories. Waivers may be extended beyond the original six-month period of time in cases in which it is necessary to cover the worker's full entitlement to basic TRA.

Waiver reviews must also be the result of, and be consistent with, intake and assessment results. An initial assessment is required before the issuance of a waiver. The initial assessment includes a determination of the following:

- 1) The individual's need for employment services,
- 2) Whether suitable employment is available without training, and
- 3) Whether training is necessary and feasible. MWAs must complete a comprehensive assessment for each individual who seeks TAA approval for a training program. The comprehensive assessment must expand upon the initial assessment regarding the individual's skills, aptitude, and abilities (including reading and math levels). The MWA should also determine in the comprehensive assessment and the individual's interests as they relate to employment opportunities.

In order to verify a claimant's continued eligibility for TRA, the TRA Unit is allowed access to the One-Stop Management Information System (OSMIS) to ensure that waiver reviews are accomplished at least once every 30 days. MWA officials must ensure that new waivers and the results of waiver reviews are immediately entered into the OSMIS to enable TRA staff to confirm continuing eligibility. Beginning November 2006, a training waiver is an activity that commences participation in the TAA program. Entering a training waiver into the OSMIS for a pending TAA customer will convert the customer to a TAA participant. It is very important to note this change in the OSMIS, as it will affect exiting and outcomes. Individuals with only a training waiver will be included in performance calculations.

The waiver criteria for workers certified under petitions filed on or after November 4, 2002, are:

1. *Recall* – The individual has been notified that he/she will be recalled by the firm from which the separation occurred.
2. *Marketable Skills* – The individual possesses marketable skills for suitable employment (as determined pursuant to an assessment of the individual) and there is a reasonable expectation of employment at equivalent wages in the foreseeable future.
3. *Retirement* – The individual is within two years of meeting all requirements for entitlement to either:
 - insurance benefits under Title II of the Social Security Act (42 U.S.C. 401 et. seq.) (except for application therefore); or
 - a private pension sponsored by an employer or labor organization.
4. *Health* – The individual is unable to participate in training due to the health of the individual, except that a waiver under this subparagraph shall not be construed to exempt an individual from requirements relating to the availability for work, active search for work, or refusal to accept work under federal or state unemployment compensation laws.
5. *Enrollment Unavailable* – The first available enrollment date for the approved training of the individual is within 60 days after the date of the determination made under this paragraph, or, if later, there are extenuating circumstances for the delay in enrollment, as determined pursuant to guidelines issued by the MWA.
6. *Training Not Available* – Training approved by the MWA is not reasonably available to the individual from either governmental agencies or private sources (which may include area vocational education schools and employers), no training that is suitable for the individual is available at reasonable cost, or no training funds are available.

Denial of Waivers

If an adversely affected worker applies for a waiver beyond the 8th week after the week of issuance of the certification of eligibility covering the individual, or the last day of the 16th week after the individual's most recent total qualifying separation (or 45 days for extenuating circumstances), the waiver must be denied. Denial of a waiver must be documented on Form BWT-802 *Waiver of TAA Training Requirement – Trade Act of 2002*, and a copy must be provided to the adversely affected worker and the TRA Unit. Any adversely affected worker who is denied a waiver must be given the opportunity to appeal the determination (information on appeal rights is located on BWT-802 *Waiver of TAA Training Requirement – Trade Act of 2002*). Furthermore, all redeterminations and decisions by Administrative Law Judges regarding waivers must be provided to the TRA Unit. Refer to Chapter 17 for more information on the appeal process.

Effective Date, Deadline for Issuance, & Duration of Waivers

According to the Unemployment Insurance Agency (UIA)/TRA Unit, the effective date of a waiver is defined as the Sunday of the week the waiver indicates “Date Mailed or Personally Served.” For instance, if the waiver indicates the “Date Mailed or Personally Served” as Tuesday, March 16, 2004, the UIA/TRA Unit will determine the effective date to be Sunday, March 14, 2004.

In order for an individual to be eligible for TRA, the deadline imposed by the Trade Act of 2002 for enrollment into training or the issuance of a waiver is either the last day of the 8th week after the week of issuance of the certification of eligibility covering the individual, or the last day of the 16th week after the individual’s most recent total qualifying separation, whichever is later. In many cases, the 8/16-week deadline will be reached while the individual is still receiving Unemployment Insurance (UI). Some individuals are not aware that this deadline may apply before they exhaust their UI. Current regulations allow an additional 45 days to issue a waiver beyond the aforementioned dates for extenuating circumstances. Extenuating circumstances are unusual situations that are beyond the direct control of the adversely affected worker and that make enrollment within the otherwise applicable deadline impossible or impractical. An example of an extenuating circumstance is a case in which an adversely affected worker’s name did not appear on a lay-off list provided by the employer to the MWA.

If an individual is still on UI and seeking the HCTC, actions must be taken to ensure that all criteria for TRA eligibility are met, including that the individual is enrolled in an approved training program, has completed an approved training program, or has received a written waiver of the training requirement. The HCTC is only available for those months that an individual is eligible for or receiving TRA. This will allow the individual to access the HCTC benefit before receiving TRA. TRA eligible individuals who are drawing regular UI benefits must also have waiver reviews in order to maintain eligibility for HCTC.

Upon issuance of the waiver, a reason must be selected on BWT-802 *Waiver of TAA Training Requirement – Trade Act of 2002*, stating why training is not feasible or appropriate. Documentation for the reason of the issuance of the waiver must be included in the adversely affected worker’s case file.

The Trade Act of 2002 specifically limits the maximum duration of a waiver to six months. A waiver issued during the UI period often will not cover the entire entitlement to basic TRA. MWAs may extend a waiver beyond six months only in cases where it is necessary to cover the full entitlement to basic TRA if it is determined that training is not feasible or appropriate based on one of the six waiver reasons. The reason for the determination must be documented in the adversely affected worker’s case file and entered in the OSMIS in the comment section of the training waiver screen. The waiver extension may only be granted after the first six-month period has expired. The waiver may not be extended on the same day the waiver was issued. BWT-802 *Waiver of TAA Training Requirement – Trade Act of 2002* must be updated to reflect the beginning and ending dates of the extension. When a waiver has been extended beyond the original six-month duration, the extension must be entered in the OSMIS, and reviews must continue every 30 days until the waiver has expired or is revoked.

For individuals certified under *TAA petitions* filed on or after November 4, 2002, Form BWT-802 *Waiver of TAA Training Requirement – Trade Reform Act of 2002*, must be used for issuing, extending, and revoking waivers, and tracking waiver reviews.

When a waiver is issued, extended, revoked, or denied, a copy of the BWT-802 *Waiver of TAA Training Requirement – Trade Reform Act of 2002*, must be forwarded to the adversely affected worker. When a waiver is issued, revoked (due to any other reason other than the enrollment into TAA approved training or exhaustion of basic TRA), or denied, a copy of BWT-802 *Waiver of TAA Training Requirement – Trade Reform Act of 2002*, must be forwarded to the TRA Unit with an indication of the action taken.

Waiver Reviews

Waiver reviews are conducted to determine if the reason for the waiver issuance currently applies to the adversely affected worker. The review must include a determination of the adversely affected worker's training needs and whether the worker should be referred to training at that time. This determination must be documented in the case file.

Waiver reviews should continue until the reason for the waiver no longer exists. However, in no case may a waiver exist without 30-day waiver reviews. It is recommended that a waiver review plan be presented to the worker upon the issuance of the waiver.

Since waiver reviews must be the result of, and consistent with, the assessment process, reviews should consist of a face-to-face contact wherever possible. However, other forms of reviews are acceptable. These can include contacts by telephone, electronic mail, or letter. The use of postcards for waiver reviews are also acceptable in some instances, depending upon the criteria used for issuance of the waiver. Postcards are acceptable for the life of the original and/or extended waiver, if the waiver was issued under Criterion 3, "Retirement," or Criterion 4, "Enrollment Unavailable." For waivers issued under all other criteria, postcards are acceptable for up to two continuous reviews at any given point during the entire waiver review period. After two postcard reviews, contact must occur by a face-to-face meeting, telephone, electronic mail, or letter.

It is allowable to change the reason for the waiver during the waiver review process.

If an adversely affected worker returns to work, the waiver should not automatically be revoked. However, a waiver may only be continued if one of the six waiver reasons still applies. A review must include a determination of the adversely affected worker's training needs.

Just as with other individuals who have returned to work, waiver reviews can continue for National Guard personnel or military reservists who have been called to active duty. However, if it is not possible or feasible to continue reviews due to deployment overseas or other reasons, the waiver can be revoked. Upon return from active duty, military personnel who lost eligibility for TRA and/or TAA benefits due to deployment can qualify for Workforce Investment Act-National Emergency Grant needs-related payments and training assistance. (Refer to Training and Employment Guidance Letter 16-03, Change 1, issued August 18, 2004.)

If an individual moves out of the state of Michigan, the MWA can, but is not required to, continue waiver reviews for the individual. If the MWA chooses not to continue waiver reviews, the individual should be directed to contact TAA staff at the new location and arrange to do waiver reviews there. Staff at that location would also need to set up a system for notifying the TRA Unit when reviews have been done.

After each review, the staff person must enter the waiver activity in the OSMIS system and on BWT-802 *Waiver of TAA Training Requirement – Trade Reform Act of 2002*, to either continue, extend, or revoke the existing waiver.

Revocation and Expiration of Waivers

The MWA must revoke a waiver once an individual enrolls in TAA-approved training, and may revoke it if it determines for other reasons that the basis for the waiver is no longer applicable to the individual. However, once a waiver is revoked, it cannot be reissued unless the revocation is reversed by re-determination or appeal. Therefore, waivers should only be revoked after all other alternatives have been exhausted. If a waiver is revoked, both the individual and the TRA Unit must be notified in writing of this action.

A waiver must be revoked under the following circumstances:

- The reason for the waiver no longer exists (see Waiver Review Section),
- The adversely affected worker refuses to participate in waiver reviews (per local policy),
- Basic TRA benefits are exhausted, and/or
- The 104-week eligibility period for Basic TRA has expired.

However, under no circumstance should a waiver be revoked without giving the individual ample opportunity to participate in the review process. For example, a revocation should not occur without several attempts to contact the individual.

It is acceptable to allow a waiver to expire, but waiver reviews must continue until the expiration occurs.

An individual has the right to protest a waiver revocation, and must be advised of this right when being notified of the action. Notification can be done with the BWT-802 form, or with a locally designed document. If using a locally designed document, the notification must include the language relating to protest rights contained on the BWT-802 form. The BWT policy relating to TAA requests for re-determinations is contained in Policy Issuance 06-04, issued July 26, 2006.

If waivers reviews are not conducted, and no other services are provided to a TAA participant for 90 days, the One-Stop Management Information System (OSMIS) will “System Exit” the registration. This action is taken to exit the registration, but it does not constitute a determination of ineligibility. It is not permissible to allow a registration to System Exit on the OSMIS, but not take an action on the waiver. As stated in the Waiver Review section, in no case may a waiver exist without 30-day waiver reviews. The MWA is informed of upcoming System Exits, and must determine whether the waiver should be revoked. If a revocation is appropriate, the individual must be notified, in writing, and provided appeal information.

Additional Information

If an individual with an open TAA waiver was exited on the OSMIS, and it later becomes necessary to enter a new registration for that person, the same waiver can be continued in the new registration to preserve eligibility for Basic TRA. This applies to waivers that were not revoked or had not expired. It should be noted, however, that waivers should not have a period of no activity for 90 days (waiver reviews must occur every 30 days). This may be used in rare circumstances only to preserve eligibility for Basic TRA.

MWAs are encouraged to create a TAA Waiver policy that describes local procedures for issuing, reviewing, and revoking waivers.

File Requirements**Waiver Review Participant**

- Signed TAA Registration Form
- Signed Equal Opportunity Form
- TAA eligibility documentation (proof of qualifying separation)
- Petition certification
- Proof of Veteran status (if applicable)
- BWT-923 *TAA Training Application and Determination of Entitlement to Allowances*
- BWT-802 *Waiver of TAA Training Requirement – Trade Reform Act of 2002*
- Documentation of Waiver Reviews occurring at least once every 30 days
- Documentation of Waiver extension (if applicable)
- Exit documentation (if applicable)
- Outcome documentation for the three quarters after exit (if applicable)

Chapter XI

JOB SEARCH ALLOWANCES

General Information

Individuals determined to be adversely affected under the Trade Adjustment Assistance (TAA) may be eligible for job search allowances to help them secure suitable employment outside of the normal commuting area, by allowing partial reimbursement of pre-approved job interview expenses. Job Search Allowance payments are authorized by the Michigan Works! Agency (MWA) based on the eligibility factors listed below.

A totally or partially separated individual may submit a job search application for request for job search allowances (Bureau of Workforce Transformation [BWT]-925-A, *Request for Job Search Allowances*, or a locally designed form may be used) at any time, regardless of whether a certification covering the individual has been made. The job search may not be approved until after the individual is covered under a certification. Job search allowances include reimbursement for travel, meals, and lodging expenses. There is a \$1250 limit for individuals certified under petitions filed on or after November 4, 2002. MWAs determine eligibility for job search allowances, issue denials when appropriate, and make appropriate payments.

A Job Search allowance application may only be approved if submitted:

- Before the 365th day after the date of the certification *or* the 365th day after the date of the individual's last total adverse separation; whichever is later, or
- Before the 182nd day after the concluding date of TAA approved training (if the individual did not receive a TAA Training Waiver)

The following requirements apply to all requests for job search allowances and must be documented in the adversely affected worker's case file:

- The application is filed before the job interview takes place and within the designated time limits.
- The individual is totally separated from adversely affected employment at the time the job search begins.
- The individual is registered in the Michigan Talent Bank.
- The individual has no reasonable expectation of securing suitable employment within the commuting area and has a reasonable expectation of obtaining suitable, long-term employment in the area where the job search will be conducted.
- The job search must be completed within 30 days from the day on which an application was filed. A job search is completed when the individual either secures suitable employment or has interviewed with the employer(s) as planned.

- The MWA verifies interview(s) with employer(s) certified by the individual.

The total Job Search Allowance paid to an individual under a certification may not exceed \$1250 for individuals certified under petitions filed on or after November 4, 2002, regardless of the number of job searches undertaken. Job search allowance is reduced by any amount the individual is entitled to be paid or reimbursed for such expenses from any other source. MWAs may advance an individual up to 60 percent of the estimated amount of the job search allowance, up to \$360, within five days before commencement of the approved job search. Advances are deducted from payment of the total job search allowance. The individual certifies on forms furnished by the MWA that a job interview(s) occurred and to the amount expended daily for lodging and meals. Receipts must be submitted for meals and lodging.

Types of Job Search Allowances

Allowable expenses under Job Search Allowances are transportation, lodging, and meal expenses.

Transportation Expenses

Payment amount for travel allowance may not exceed the lesser of 90 percent of *one* of the following:

- The actual cost of a round trip by the most economical public transportation the individual can reasonably be expected to take from his or her residence to the area of the job search; or
- The prevailing mileage rate authorized by federal travel regulations for round-trip travel between the individual's residence and the area of the job search.

Lodging and Meal Expenses

Payment amount for lodging and meals may not exceed the lesser of 90 percent of *one* of these following:

- The actual cost to the individual for lodging and meals while engaged in the job search, or
- Fifty percent of the prevailing per diem allowance rate authorized under federal travel regulations for the locality where the job search is conducted. It is allowable to pay 50 percent of the prevailing per diem allowance rate in the absence of actual receipts.

For current mileage and per diem rates, refer to: <http://www.gsa.gov>.

Job Search Allowance Forms

- While some TAA forms are required by the Department of Labor & Economic Growth/BWT for use by MWAs, many forms provided in this policy issuances are optional. An MWA may choose to use forms of local design in place of the optional forms.

- The optional form for Job Search Allowances is BWT-925-A *Request for Job Search Allowances*.

File Requirements

Job Search Allowance Participant

- Signed TAA Registration Form
- Signed Equal Opportunity Form
- TAA eligibility documentation (proof of qualifying separation)
- Petition certification
- Proof of Veteran status (if applicable)
- BWT-923 *TAA Training Application and Determination of Entitlement to Allowances*
- BWT-802 *Waiver of TAA Training Requirement – Trade Reform Act of 2002* (if applicable)
- Documentation of 30-day Waiver Reviews (if applicable)
- Request for job search allowances (BWT-925-A *Request for Job Search Allowances* or local form)
- Verification that suitable employment is not available in commuting area
- Verification of all interviews (or job search activities) covered under Request for Job Search
- Verification that all interviews (or job search activities) are related to suitable employment
- Comparisons/quotes for costs related to job search
- Receipts related to expenses covered in Request for Job Search
- Financial tracking of expenses
- Exit documentation (if applicable)
- Outcome documentation for the three quarters after exit (if applicable)

Chapter XII

RELOCATION ALLOWANCES

General Information

Relocation allowances are provided for adversely affected workers certified under Trade Adjustment Assistance (TAA), enabling the individual and his/her family to relocate within the United States for suitable employment. Payments for relocation are authorized by the Michigan Works! Agency (MWA) based on the eligibility factors listed below.

A relocation allowance is paid to an individual only once under a given certification. It is not paid to more than one member of a family for a given relocation. Relocation allowances do not cover job search costs for which separate provisions exist. Also, relocation allowances cannot be denied or reduced due to prior payments of job search allowances. Before payment of relocation allowances can be approved, the MWA staff must verify the following:

- The individual has no reasonable expectation of securing suitable work in the commuting area.
- The individual obtained suitable work, or that the individual received a valid offer of suitable work in the relocation area.

The form and format of the verification is at the discretion of the local MWA director.

If an individual from another “liable” state chooses to relocate to a local MWA service area, the local MWA, as an “agent” for that liable state, must assist the incoming individual with the relocation process. This includes the filing of a relocation application (Bureau of Workforce Transformation [BWT]-925 *Request for Relocation Allowances* may be used), if required, providing a verification of employment, and any other information necessary to assist the liable state in approving and paying the appropriate relocation allowances to the incoming individual. Registration with the state agency providing the payment references, the “liable” state and/or “agent” state issue as addressed in the regulations at Title 20 CFR, Part 617.3 and Title 20 CFR, part 617.26. The liable state is the state in which the individual has current Unemployment Insurance entitlement and is typically the state that the individual is *leaving* in a relocation process.

A relocation allowance application may only be approved if submitted:

- Before the 425th day after the date of the certification *or* the 425th day after the date of the individual's last total adverse separation; whichever is later, or
- Before the 182nd day after the concluding date of TAA approved training (if the individual did not receive a TAA Training Waiver)

Note: Applications may be filed at any time, but are approved only after an individual has been certified under a TAA petition.

The following requirements apply to all requests for relocation allowances and must be documented in the adversely affected worker's case file:

- Total separation from adversely affected employment at the time relocation begins.
- No prior payment of a relocation allowance under the same certification.
- Relocation within the U.S. and outside the individual's commuting area.
- Registration with the state agency providing the payment of the relocation allowances.
- A determination that the individual has no reasonable expectation of finding suitable employment in the local area, but has obtained suitable employment outside the commuting area.
- Relocation will take place within a reasonable time after approval.

As it is not uncommon for both spouses to be employed by a single employer, and thus both becoming TAA certified, payment of relocation allowances is limited to only *one* of the individuals in a family unit to prevent duplication of payments for a single relocation. If both members apply, and both qualify, payment is made to the individual designated by them as head of household.

Relocations must be started and completed within a reasonable time. The MWA approves final payments of relocation allowances based on the determination that the relocation meets the "reasonable time" requirement. Factors considered by the MWA include:

- **Beginning:** The relocation must actually begin with the latter of the following: within 182 days after the application for relocation allowances was signed by the adversely affected worker, or 182 days after the completion of approved training.
- **Completion:** No specific time frames are required. The MWA may consider relevant factors such as the difficulty of obtaining suitable housing in the area of relocation, the difficulty of disposing of housing in the area being left, health conditions of family members, school enrollments of family members, etc., in making a determination if the relocation was completed in a timely manner.

Types of Relocation Allowances

Allowing that payments will be reduced by any amount the adversely affected worker is entitled to receive for relocation expenses from any other source, allowances may be paid as follows:

- Ninety percent of the travel expenses (transportation, lodging, and meals) of the individual and family members making the relocation; *and*
- Ninety percent of the expense of moving the household goods and personal effects of the individual and family; *and*

- A lump sum payment (not taxable income) equal to three times the individual's average weekly wage, not to exceed \$1250 for individuals certified under petitions filed on or after November 4, 2002.

Transportation Expenses

Payment amount for transportation may not exceed the lesser of 90 percent of one of the following:

- Public transportation, using the most cost-effective mode reasonably available in the area (bus, train, commercial air, etc.), or
- The cost per mile for travel by the individual's personal automobile (maximum of two) at the prevailing rate authorized by current federal travel regulations.

Travel expenses may be paid for family members traveling at separate times from the individual if health, school, or economic circumstances justify such separate travel. However, in no case may a travel allowance for the worker or family be paid more than once in connection with a single relocation.

Lodging and Meal Expenses

Payment amount for lodging and meals may not exceed the lesser of 90 percent of one of the following:

- The actual cost to the individual for lodging and meals while in travel status; **or**
- Fifty percent of the prevailing per diem allowance rate authorized under federal travel regulations for the locality where the relocation is conducted.

It is allowable to pay 90 percent of 50 percent of the prevailing per diem allowance rate in the absence of actual receipts.

For current mileage and per diem rates, refer to: <http://www.gsa.gov>.

Moving Expenses

Payment amount for moving expenses may not exceed the lesser of 90 percent of one of the following:

- **Relocation using commercial carrier services:** Costs for packing, moving, and unpacking of household goods and personal effects, to a maximum amount not exceeding the maximum net weight authorized by current federal travel regulations. This includes reasonable and customary accessorial charges, as well as insurance on goods up to actual cash value.
- **Relocation using a trailer:** If a privately owned trailer is pulled by the individual's personal vehicle, cost per mile at the prevailing rate authorized by current federal travel regulations. If the trailer is rented, rental of the trailer plus mileage costs for the towing vehicle at the

prevailing rate authorized by current federal travel regulations or, if hauled by commercial carrier, the actual costs of hauling.

- **Relocation using a rental truck:** If a rental truck is used, costs for the rental charges (including insurance surcharges) and necessary fuel paid for by the individual.
- **Relocation by moving a mobile home:** If a mobile home is used as the individual's residence before relocation, and will again be used in the area of relocation, costs of moving the mobile home may be paid. Such costs include commercial hauler charges, unblocking/blocking (set-up) charges, permits, tolls, charges incurred in the move, and insurance on the home and contents while in transit.

If temporary storage of household goods and personal effects is necessary, 90 percent of the costs of such storage may be paid for a period not exceeding 60 days.

Lump Sum Payments

A lump sum payment is allowable (not taxable income) equal to three times the individual's average weekly wage, not to exceed \$1,250 for individuals certified under petitions filed on or after November 4, 2002.

The MWA may pay the lump sum allowance when arrangements for the relocation are complete, but not more than ten days before the earlier of the following: the individual's departure to begin the relocation *or* the shipment of the individual's household goods and personal effects.

For purposes of determining the amount of lump sum allowance payable, the average weekly wage will be obtained by dividing the gross wages earned from the adversely affected employer in the 52 weeks preceding the individual's first qualifying separation, by the number of weeks worked in that 52-week period.

Time and Method of Payment to Individuals

Payment of relocation allowances may not be advanced, or paid, until all eligibility requirements are satisfied. The MWA must promptly determine eligibility for relocation allowances. Payments must be issued as promptly as possible upon determining that the adversely affected worker is eligible.

Travel expenses are paid in advance at 90 percent of the lowest allowable costs at the time the individual departs to begin the relocation or within ten days prior to the relocation. Amounts paid to family members for separate travel are paid to the individual within ten days prior to departure. On completion of the relocation, the individual must provide the MWA with receipts for all travel costs (meals, lodging, etc.). The MWA makes an adjustment if the amount advanced was more or less than the actual costs.

For commercial carriers, rental trailer or rental truck firms, and mobile home movers, the MWA may pay the service provider directly or pay the individual who in turn pays the service provider. Payments are 90 percent of the estimated or bid cost. In all cases, receipts must be returned to

the MWA. Advance payments may be made before the relocation begins by issuing a check to the individual and the rental agency for 90 percent of the estimated cost.

Relocation Allowance Forms

- While some TAA forms are required by the Department of Labor & Economic Growth/BWT for use by MWAs, many forms provided in this policy issuance are optional. An MWA may choose to use forms of local design in place of the optional forms.
- Optional forms for Relocation Allowances include BWT-925 Request for Relocation Allowances and BWT-925-S Claimant Instructions for Relocation Allowance.

File Requirements

Relocation Allowance Participant

- Signed TAA Registration Form
- Signed Equal Opportunity Form
- TAA eligibility documentation (proof of qualifying separation)
- Petition certification
- Proof of Veteran status (if applicable)
- BWT-923 *TAA Training Application and Determination of Entitlement to Allowances*
- BWT-802 *Waiver of TAA Training Requirement – Trade Reform Act of 2002* (if applicable)
- Documentation of 30-day Waiver Reviews (if applicable)
- Request for relocation allowances (BWT-925 *Request for Relocation Allowances* or local form)
- Verification that suitable employment is not available in commuting area
- Verification of obtained suitable employment outside of commuting area
- Comparisons/quotes for costs related to relocation
- Receipts related to relocation expenses
- Financial tracking of expenses
- Exit documentation (if applicable)
- Outcome documentation for the three quarters after exit (if applicable)

Chapter XIII

ALTERNATIVE TRADE ADJUSTMENT ASSISTANCE

(ATAA)

General Information

The Trade Act of 2002 established ATAA as an alternative assistance program for adversely affected older workers. This program is effective for petitions filed on, or after, August 6, 2003. The ATAA program is designed to allow adversely affected workers for whom retraining may not be appropriate and who find re-employment, to receive a wage subsidy to help bridge the salary gap between their old and new employment. To receive the ATAA benefits, individuals must be both Trade Adjustment Assistance (TAA) and ATAA certified.

Under the ATAA program, individuals in an eligible worker group who are at least 50 years of age, and who obtain different, full-time employment within 26 weeks of separation from adversely affected employment at wages less than those earned in the adversely affected employment, may receive up to half of the difference between their old wage and new wage. In Michigan, full-time employment is defined as what is customary by the industry or is defined by the employer. The wage subsidy may be paid up to a maximum of \$10,000 during a two-year eligibility period. To be eligible for the ATAA program, individuals may not earn more than \$50,000 per year in the new employment. Individuals who begin receiving payments under the ATAA program cannot receive other TAA benefits except for the Health Coverage Tax Credit (HCTC). Determination of eligibility for ATAA benefits is the responsibility of the Michigan Works! Agency (MWA). Payments made to eligible individuals under ATAA are made by the Unemployment Insurance Agency/Trade Readjustment Allowances (UIA/TRA) Unit.

Guiding Principle for ATAA Implementation

It is essential that local MWAs, One-Stop Service Center partners, and other partners work together to move adversely affected workers into new jobs as quickly and effectively as possible. To this end, the primary focus of ATAA re-employment benefits and services is toward rapid, suitable, and long-term employment for adversely affected older individuals served by the program.

The ATAA program is an integral part of an enhanced menu of re-employment services and assistance available to eligible individuals through the Act. Local TAA program staff should be working closely with Rapid Response teams, and other local One-Stop Career Center system partners, to ensure the dissemination of information regarding all aspects of the Trade Act program, including ATAA, both prior to, and following, the notification of layoffs, petition filings, and certifications. It is essential that timely and accurate information about the program be provided to adversely affected workers to facilitate more informed decision-making and to expedite their return to employment.

Investigation and Determination Process

In order to establish that petitioning individuals are eligible to apply for the ATAA program, the U.S. Department of Labor (USDOL) must first determine that all of the criteria for a regular TAA certification, as described in Chapter IV, are met. In addition, USDOL must find that three additional criteria are met for ATAA certification. These additional criteria are:

1. A significant number of adversely affected workers in the petitioning individual's firm are 50 years of age or older,
2. The adversely affected workers in the petitioning individual's firm possess job skills that are not easily transferable to other employment, and
3. The competitive conditions within the adversely affected worker's industry are adverse.

Obtaining data and other information necessary to determine that all three of these criteria are satisfied will be part of the normal petition investigation process conducted by the Division of Trade Adjustment Assistance (DTAA). Individuals may transmit data with their petition for any or all of these criteria, which will be considered by DTAA in making its determination.

Criterion 1: Information will be obtained by telephone communication with the appropriate company official from the subject firm as part of DTAA's investigation. For this purpose, the term "significant number" means 5 percent of the adversely affected workforce, or 50 individuals, whichever is less, or at least 3 individuals in a firm with less than 50 adversely affected individuals.

Criterion 2: The necessary information will also be obtained through telephone communication with the appropriate company official from the subject firm. Specifically, the company official will be asked to confirm that the worker group for whom a petition has been filed possesses job skills that are not easily transferable to other employment, with a focus on what skills the individual possesses. Should the company official be unable to provide information as to whether the skills are easily transferable, the MWA (or other appropriate unit) will be asked to furnish the assessment.

Criterion 3: Information will be collected from government and industry association sources as part of DTAA's investigation process. Specifically, the information collected will be used to determine if: (a) the number of firms in the industry is declining; (b) the conditions (such as declining production and/or employment) in the industry are such that the affected individuals are not likely to find new employment within the industry; or (c) aggregate U.S. imports of products like, or directly competitive with, those produced in the industry are increasing.

Determinations of eligibility to apply for the ATAA program and for regular TAA, reached under the same petition, will be issued together in the same determination document.

Determinations of eligibility to apply for regular TAA and for the ATAA program, issued under the same petition, will apply to the same identifiable worker group. The determination document issued at the conclusion of the investigation will clearly state whether or not the petitioning individuals are eligible to apply for the ATAA program. This statement will appear directly after the statement of eligibility to apply for regular TAA.

Requests for reconsiderations and/or judicial review of ATAA determinations are the same as under the regular petition process for TAA.

Eligibility Requirements

After the issuance of a certification of eligibility to apply for TAA and ATAA and when the adversely affected worker is fully informed of the benefits and services available under the TAA and ATAA programs, the individual will need to consider the choice of benefits and services under one program or the other. If the individual's preferred option is the ATAA program, he/she should be encouraged to take advantage of re-employment services and assistance with the goal of returning to work within 26 weeks of his/her qualifying separation in order to be eligible for ATAA. In making this choice, individuals should avail themselves of assistance from local Trade Act coordinators and Workforce Investment Act employment managers.

While an adversely affected worker is seeking employment to qualify for the ATAA program, actions must be taken to ensure regular TAA deadlines are met and options are preserved.

All individuals must be informed that, if they anticipate not being able to obtain a job within 26 weeks of their qualifying separation, they should contact their local One-Stop Career Center immediately and consider seeking the TAA benefits, including training, to which they may be entitled. While ATAA participants are eligible for HCTC, they are only eligible once they are participating in the ATAA program and receiving a benefit under the program. Thus, if individuals considering ATAA are in need of HCTC, the MWA should assess whether a training waiver might be appropriate under the aforementioned criteria. Waivers issued must be reviewed every 30 days to determine continued applicability. In cases where the waiver is no longer appropriate, it must be revoked.

To be eligible for ATAA, an individual must meet the following conditions at the time of re-employment:

1. Be at least age 50 at time of re-employment. The individual's age can be verified with a driver's license or other appropriate documentation.
2. Obtain re-employment *by the last day of the 26th week after the individual's qualifying separation from the TAA/ATAA certified employment*. This re-employment may be verified with a copy of the job offer letter or a check stub.
3. Must not be expected to earn more than \$50,000 annually in gross wages (excluding overtime pay) from the re-employment. If a paycheck has not been issued at the time of application, the employer must submit a supporting statement to the MWA indicating that annual wages will not exceed \$50,000. (Does not include overtime wages.)
4. Be re-employed full-time as defined by the state law where the individual is employed. The verification will be conducted in the same manner as is used for determining unemployment benefits.

5. Cannot return to work to the employment from which the individual was separated. Thus, the individual cannot return to the same division/facility that he or she was separated from, nor can the individual do the same or similar work for the employer that he or she was separated from in another division/facility.

The application for ATAA (BWT-244, *ATAA Application and Determination of Entitlement to Benefits*) must be filed within two years of the first day of qualifying re-employment. For purposes of this application, and in order to establish the ATAA payment, wages at separation are defined as the annualized hourly rate at the time of the most recent separation, which is set forth in the section of this chapter titled “ATAA Payments.” Wages at re-employment are defined as the annualized hourly rate at the time of re-employment, which is also set forth in “ATAA Payments.” In addition, the individual must indicate that a “choice” has been made and that she/he understands that she/he cannot subsequently switch to the TAA program once she/he begins receiving the ATAA supplement. Form BWT-243, *ATAA Declaration of Choice*, may be used for this purpose. Receipt of the initial ATAA payment represents the individual’s decision with respect to choosing ATAA and voids the participant’s rights to training, job search and relocation allowances, and TRA. Correspondingly, once an individual has enrolled in training, the individual forfeits his/her right to ATAA participation.

The MWA must issue a written determination informing the ATAA applicant of eligibility for ATAA payments within five working days of receiving the individual’s application for such benefits. Form BWT-244, *ATAA Application and Determination of Entitlement to Benefits*, must be used for this purpose. If approved, the MWA must also forward a copy of Form BWT-244 to the UIA/TRA Unit. The ATAA applicant has the right to appeal a determination that denies ATAA benefits in the same manner as provided for other TAA determinations.

MWAs must send the following items to the UIA/TRA Unit:

1. Completed Form BWT-244,
2. Copy of the individual’s check stub from his or her *last full week* of work, and
3. Proof of qualifying reemployment (this may be verified with a copy of the job offer letter or a check stub).

In addition, in order for the TRA Unit to establish a framework for ATAA payments, an Unemployment Claim must have been filed within the past 12 months.

For purposes of the ATAA program, the eligibility determination date, which establishes the two-year period during which ATAA benefits can be paid, will be the date of the first qualifying re-employment.

ATAA Payments and Continuing Eligibility

Once approved for the ATAA program, individuals who continue to meet the eligibility criteria are paid ATAA benefits until a total of \$10,000 in benefits has been received, or a period of two years has elapsed since their first qualifying re-employment, whichever occurs first. This does not preclude an individual from working for different employers within this two-year period. Further, employment is not required to be consecutive. However, ATAA benefits are not

payable during periods of unemployment (i.e., one full week without wages). Changes in employment that do not encompass a period of unemployment will be handled during the UIA's ongoing review of each individual's ATAA status, as described below. In the event of a period of unemployment, individuals will need to complete a new Form BWT-244, *ATAA Application and Determination of Entitlement to Benefits*, upon re-employment. The individual would be eligible for the remaining ATAA benefits to which he/she is entitled. The two-year eligibility period continues to run from the date of first qualifying re-employment.

In the event the individual has more than one job, the employment must, at a minimum, meet the definition of full-time work as defined by state law. If additional job(s) are obtained, the wages from this employment will be included in the calculation to determine whether the individual is expected to reach the \$50,000 annual limit for re-employment wages.

The Trade Act of 2002 requires that each adversely affected older worker visit a local MWA Service Center in person to provide information and determine initial individual eligibility for ATAA. If the individual is determined to be eligible for ATAA, the UIA/TRA Unit will assess continuing eligibility for the ATAA program. The individual will mail verification of employment and wages that will be used to determine continuing eligibility for ATAA benefits to the UIA/TRA Unit, on forms provided to the individual by the UIA/TRA Unit.

Once the UIA/TRA Unit approves the above information, an equivalent payment will be issued to the individual for the preceding month. Because the individual will receive the ATAA wage subsidy for the preceding period for which he or she has demonstrated eligibility, the individual will not receive payment until after the initial month's wages have been verified by the UIA/TRA Unit.

With respect to HCTC, the UIA/TRA Unit is required to report ATAA recipients (individuals who are receiving the ATAA wage subsidy) to the Internal Revenue Service in the manner described in Unemployment Insurance Program Letter 24-03, dated April 14, 2003.

It is the responsibility of the MWA, when calculating the ATAA payment, to annualize the recipient's wages on a monthly basis to assure that the recipient's annual wages do not exceed \$50,000. Annual wage calculations will include all jobs in which the individual is employed and constitute at least full-time employment as defined by the state. This may include any combination of full and part-time work that meets or exceeds full-time employment.

Annualized wages at separation are defined as *the annualized hourly rate at the time of the most recent qualifying separation*. The annualized wages are computed by multiplying the individual's hourly rate received during the last full week of his/her employment by the number of hours the individual worked during the last full week of employment and *multiplying* that number by 52. Overtime wages and hours are excluded from the calculation. Annualized wages at re-employment are defined similarly to annualized wages at separation, except that the hourly rate and hours worked must reflect those of the first full week of re-employment.

The calculated monthly allotment will be derived as follows:

Wage Calculation Methodology =

- Annualized Separation Wages **minus** Annualized Re-employment Wages **divided by 2 equals** 50 percent of the difference between the 2 periods of wages.
- Fifty percent of the difference between the 2 periods of wages **divided by 12 equals** the monthly ATAA wage subsidy.

If, as a result of the monthly verification exercise, the individual's hourly wage and/or hours are determined to have changed in such a way as to affect the ATAA wage subsidy, the above calculation will be repeated, and the ATAA payment will be adjusted accordingly.

ATAA payments shall cease in the event of one of the following:

- The individual's annualized wage, excluding the ATAA wage subsidy, is projected to exceed \$50,000 a year;
- The individual has received \$10,000 in ATAA benefits; or
- The individual has reached the end of the two-year eligibility period.

When applicable, MWAs will follow the interstate arrangement specified in Training and Employment Guidance Letter 02-03, Change 1, Question 51, regarding the liable state/agent state relationship for the filing of ATAA claims.

The determination of "annualized wages" is made prospectively. An individual is deemed to have met the "earns not more than \$50,000 a year in wages from re-employment" requirement set forth in Section 246 for a given month if the monthly determination of annualized wages is accurate and complete at the time it is made. No overpayment determinations need be made for that month based on projections for the yearly annual wage that later changed based on information that was not available at the time that the monthly determination was made. Monthly payments derived from the annualized wage projection based on complete and accurate information at the time will be considered valid payments that the individual was entitled to, and are not considered overpayments.

In instances where there are overpayments, due to error or fraud, the TRA Unit may adhere to the overpayment provisions of the Trade Act regulations at 20 CFR 617.55.

No benefit payments may be made by the UIA after the date that is five years from the date August 6, 2003 (the "termination date"), except for individuals who are receiving payments under the ATAA program at the time of the termination date. Such individuals will continue to receive payments throughout the individual's 2-year eligibility period.

ATAA Forms

- While some TAA forms are required by Department of Labor & Economic Growth/BWT for use by MWAs, many forms provided in this policy issuance are optional. An MWA may choose to use forms of local design in place of the optional forms.
- BWT-244 *ATAA Application and Determination of Entitlement to Benefits* is a required ATAA form. BWT-243 *ATAA Declaration of Choice* is an optional ATAA form.

File Requirements**ATAA Participant**

- Signed TAA Registration Form
- Signed Equal Opportunity Form
- TAA eligibility documentation (proof of qualifying separation)
- Petition certification
- Veteran status (if applicable)
- BWT-923 *TAA Training Application and Determination of Entitlement to Allowances*
- BWT-802 *Waiver of TAA Training Requirement – Trade Reform Act of 2002* (if applicable)
- Documentation of 30-day Waiver Reviews (if applicable)
- ATAA Declaration of Choice (Form BWT-243 or local form)
- BWT-244 *Alternative Trade Adjustment Assistance (ATAA) Application and Determination of Entitlement to Benefits*
- Last pay stub at TAA-certified company
- Verification of full-time reemployment (paying less than \$50,000 annually) within 26 weeks of qualifying separation
- Verification of age (50 years or older) at time of reemployment
- Exit documentation (if applicable)
- Outcome documentation (if applicable)

Chapter XIV

HEALTH COVERAGE TAX CREDIT (HCTC)

General Information

The Trade Act of 2002 created a federal tax credit to assist Trade Adjustment Assistance (TAA) and Alternative Trade Adjustment Assistance (ATAA) certified workers, and Pension Benefit Guaranty Corporation recipients pay for health insurance. The HCTC covers 65 percent of the premium amount paid by eligible individuals for qualified health insurance coverage.

The HCTC is administered by the IRS and is available during each month the individual is receiving ATAA or Trade Readjustment Allowance (TRA) benefits, or meets all requirements for TRA, but is not yet receiving TRA because Unemployment Insurance (UI) or extended benefits have not yet been exhausted. Once an adversely affected worker's monetary eligibility for TRA is established, the Unemployment Insurance Agency (UIA) transmits the name of the eligible worker to the IRS. Those individuals whose health insurance coverage qualifies can receive the credit. Qualified health insurance coverage includes:

- COBRA continuation provision;
- A spouse's group health plan for which the employer pays less than 50 percent of the cost;
- Non-group health insurance that begins at least 30 days prior to the individual's job separation; and
- A state-qualified health plan. A state-qualified plan has been developed for Michigan through Blue Cross/Blue Shield of Michigan (BCBSM). The BCBSM Customer Service telephone number is 1-800-848-5101.

Michigan Works! Agency (MWA) Responsibilities

The HCTC regulations require that One-Stop Service Centers handle basic inquiries about the HCTC program as the first line of communication with HCTC candidates and assist with assessing information through the website: www.irs.gov, Keyword: HCTC.

MWA officials must ensure that each local One-Stop Service Center has staff appropriately trained to handle basic inquiries relating to the HCTC program. The MWA officials and service providers are also responsible for:

- Notifying TAA certified individuals of the HCTC either individually and/or through group orientation sessions,
- Making available sufficient copies of the HCTC Fact Sheet (downloading available at www.michigan.gov/uia), and

- Developing a process to ensure that required forms are completed for each newly TAA certified individual and forwarded immediately to the UIA/TRA Unit.

In order for adversely affected workers to receive the maximum benefit under the HCTC, MWAs must ensure that individuals *immediately* complete all forms required by the UIA to determine TRA and/or ATAA eligibility. This includes:

- TRA-920, *Request for Determination of Entitlement to TAA/TRA* - required for *all* individuals. (This form is included in this manual or can be obtained by contacting the UIA/TRA Unit at 1-866-241-0152, extension 245.)
- BWT-244, *ATAA Application and Determination of Entitlement Benefits* - required for individuals who are eligible for, and wish to receive, ATAA benefits.
- BWT-923, *TAA Training Application and Determination of Entitlement to Allowances* - Required for individuals who are enrolled in or have a pending application for MWA approved TAA training.
- BWT-802, *Waiver of TAA Training Requirement* - required for individuals certified under petitions filed on or *after* November 4, 2002, who plan to, but have not yet, entered training, or whose training requirement has been waived by the MWA, utilizing an approved waiver criteria.

In addition, individuals must apply for and be eligible for regular unemployment benefits.

Forms must be faxed or mailed to the UIA/TRA Unit, to the following address:

TRA/Special Programs Unit
 P.O. Box 11080
 Detroit, Michigan 48211-0080
 Fax: 313-456-3694
 TRA/Special Programs toll-free number is 1-866-241-0152

In accordance with clarification issued in Training and Employment Guidance Letter 11-02, Change 2, to be considered an “eligible TAA recipient” for HCTC purposes, a worker must meet all TRA requirements, except that the extended benefits work test does not apply to those workers who have not yet exhausted their regular state UI.

HCTC Enrollment Information

There are two ways to receive the tax credit:

1. **Monthly** – register for the monthly HCTC and receive assistance paying for health plan premiums as they become due. An adversely affected worker applies by filling out the HCTC Monthly Registration Form, which is mailed with the HCTC Program Kit about 4-6 weeks after paperwork cited above is completed (and the adversely affected worker is determined eligible for TRA and begins receiving an unemployment or TRA payment) and forwarded to the TRA Unit. Once an adversely affected worker submits the HCTC

Monthly Registration Form, HCTC program staff reviews the application and if he/she is eligible, enrolls him/her in the monthly HCTC program.

The HCTC Unit of the IRS will send an invoice once the adversely affected worker is enrolled. He/she is then responsible for paying 35 percent of the health insurance premium by the due date each month. The HCTC program then adds 65 percent to your payment and sends a check for 100 percent of the premium to the health plan.

2. **Yearly** - pay the qualified health plan directly throughout the year, claim eligible premium amounts on a federal tax return, and receive the HCTC as a tax refund or a credit against taxes owed.

For more information on the HCTC, visit www.irs.gov, Keyword: HCTC.

Chapter XV

Michigan Works! Agency (MWA) and OUT-OF-STATE TRANSFERS

General Information

It is sometimes necessary to transfer a Trade Adjustment Assistance (TAA) customer's account to another MWA or state, or receive a transferred account from an MWA or state. MWAs must follow the following instructions when completing these transfers.

Transfers Between MWAs

Although the Bureau of Workforce Transformation (BWT) does not stipulate restrictions due to residency, or any residency requirement, it is the expectation that all adversely affected workers will receive services in the geographic area in which they apply. If an adversely affected worker, who has not applied for TAA services, chooses to utilize a different MWA, he/she should be referred to the appropriate location for services.

When transferring an individual who has applied for TAA services and who is a participant in the One-Stop Management Information System to another MWA, procedures in BWT Policy Issuance 06-30 must be followed.

Transfers Between States

The liable state is the state where the adversely affected employment occurred or the state in which the worker's Unemployment Insurance claim is established. The liable state is responsible for eligibility determinations and payment of Trade Readjustment Allowance (TRA) benefits. The agent state is any state other than the state where the adversely affected employment occurs. Primary residence and/or training could occur in an agent state. The agent state is responsible for providing and paying for all TAA services including the issuance, updating, and revocation of training waivers. Documents relating to training enrollment and waivers must be provided by the agent state to the liable state.

When an adversely affected worker plans to relocate to another state, he/she should obtain a copy of the following and take to the agent state:

- TAA petition certification
- Proof of qualifying separation
- Signed BWT-923, *TAA Training Application and Determination of Entitlement to Allowances*
- Signed BWT-802, *Waiver of TAA Training Requirement – Trade Reform Act of 2002*

In addition, the worker should be given contact information for the agent state's TAA and/or TRA coordinator. Contact information can be obtained at: <http://www.doleta.gov/tradeact/contacts.cfm>.

Contact should be maintained with the adversely affected worker until he/she has established a new TAA case manager in the agent state.

When an adversely affected worker relocates to Michigan from another state and requests TAA services, the case file should be requested from the liable state. The MWA will be responsible for providing all TAA services. Information regarding the adversely affected worker's waiver and training status must be provided to the liable state so that TRA eligibility can be established and payments can be made.

Chapter XVI

Redeterminations and Appeals

General Information

The following policy and procedures shall apply to grievances, requests for redeterminations, and requests for appeals to an Administrative Law Judge (ALJ) pertaining to Trade Act program training, waivers, job search allowance, relocation allowance, Alternative Trade Adjustment Assistance (ATAA), or any other Trade Adjustment Assistance (TAA) eligibility decision made by the Michigan Works! Agencies (MWA), pursuant to the TAA program regulations 20 CFR 617.50 and 617.51.

There are a series of levels of the TAA appeal process:

1. A determination is issued to a TAA applicant. A determination is a written statement by the MWA regarding TAA services. If denied, the applicant may protest the determination and request a redetermination from the MWA.
2. A redetermination is a written statement by the MWA, which affirms, modifies, or reverses a prior determination. The applicant may appeal a redetermination by requesting a hearing before an ALJ. A request for a hearing before an ALJ is accepted by the MWA and forwarded to the Bureau of Workforce Transformation (BWT) for processing. The BWT examines all documents for accuracy and forwards to the State Office of Administrative Hearings and Rules (SOAHR).
3. The ALJ will issue a ruling on the appeal after the information has been presented at a hearing. If the applicant or MWA disagrees with the ALJ decision, the decision may be appealed to the Board of Review (BOR).
4. The BOR will issue a decision based on facts introduced at the ALJ hearing. If the applicant or MWA disagrees with the decision issued by the BOR, the decision may be appealed to the Circuit Court and then to higher courts.

MWAs are responsible for developing, maintaining, and making available to participants, subgrantees, subcontractors, service providers, employees, one-stop partners, providers of training services, and other interested parties a procedure, consistent with this policy, for grievances/complaints which involve TAA. All determinations made by the MWA for TAA services must be provided to the applicant in writing. In addition, appeal rights and timelines must be included with TAA denials of service. The following forms contain appeal information and may be used to issue a denial of a TAA service:

BWT-923 TAA Training Application and Determination of Entitlement to Allowances

BWT-802 Waiver of TAA Training Requirement

BWT-925-A Request for Job Search Allowances

BWT-925 Request for Relocation Allowances

BWT-244 ATAA Application and Determination of Entitlement

Form BWT-337 *TAA Notice of Determination* may also be used to issue any TAA determination.

Requests for Redeterminations

Applicants may request a redetermination where there is disagreement with an initial determination made by the MWA. An applicant may submit a Request for Redetermination on Form BWT-706, *Request for Redetermination* or submit a written request to the MWA. These requests must include a copy of the initial determination.

If the written request is not on Form BWT-706 *Request for Redetermination*, it is not required that it specifically mention or contain the term “protest,” “appeal,” “request for redetermination,” etc. The written communication will be considered as a request for redetermination, if it accomplishes *either* of the following:

- Expresses disagreement or dissatisfaction with the previously issued determination, from which an intent to request a redetermination can be implied, or
- Presents a state of new facts and/or contentions that are contrary to the facts and/or contentions cited in the determination previously issued.

A request for redetermination must be filed within 30 calendar days after the date the original determination was mailed or personally served. When the 30th day after the mailing date or personally served date falls on a Saturday, Sunday, or a legal holiday, the 30-day protest period will be extended to include the next day which is not a Saturday, Sunday, or legal holiday. This applies even though the MWA office may be open on that holiday. There may also be certain days of the year that are not holidays, on which MWA offices are closed for other reasons. Since these days are not legal holidays, the 30-day protest period will be extended to include the next day that is neither a Saturday, Sunday, nor a legal holiday.

If the request for redetermination is received within the 30-day time limit previously described, the designated staff person of the MWA reviews and reconsiders the entire file, including the initial determination and any new additional facts, and promptly issues a notice of redetermination on Form BWT-306 *Notice of Redetermination*. However, if the request for redetermination is received *after* expiration of the 30-day time limit, the designated staff person of the MWA first must ascertain whether good cause exists to reconsider the initial determination. When the 30th day falls on a day on which the local MWA office is closed and the request for redetermination is not received prior to that day, a redetermination can be issued only if good cause is found to exist. An applicant, who attempts to file a request for redetermination but is prevented from filing because the MWA office is closed, will be found to have good cause for late filing if the protest is received on the next day on which the MWA office is open. A redetermination will then be issued.

“Good cause” will include, but not be limited to, the following situations:

- When an interested party has newly discovered material facts that through no fault of his/her own were not available at the time of the initial determination, a request for redetermination made after the expiration of the statutory 30-day period (but within one

year of the date the determination was mailed or personally served) would require a finding of “good cause.”

- When the MWA has additional or corrected information.
- When an administrative clerical error has been discovered.

When the request for redetermination is received after expiration of the 30-day protest period and does not state why the protest is late, the designated staff person of the MWA contacts the applicant to request this information. If the request for a redetermination is received after expiration of the 30-day period and good cause for reconsideration is not established, the request for redetermination shall be denied and the designated staff person of the MWA records the facts and reasons for denying the request on Form BWT-306 *Notice of Redetermination*. If the request for redetermination is received *after* expiration of the 30-day period and *good cause* for reconsideration is established, the redetermination must detail the good cause. The notice of redetermination is then prepared on Form BWT-306 *Notice of Redetermination*.

When mailing or personally serving a notice of redetermination, a copy of Form BWT 801 *TAA Appeal To Administrative Law Judge* may be included to assist in filing an appeal to an ALJ if the applicant chooses to do so.

Requests for Appeal to an ALJ

After receiving a redetermination (or denial of a request for redetermination due to untimely request and lack of good cause), an applicant may submit an appeal on Form BWT-801 *TAA Appeal to Administrative Law Judge*, to the MWA within 30 calendar days after the mailing date or personally served date of the redetermination or denial, to request a hearing before an ALJ. If the written request is not on Form BWT-801 *TAA Appeal to Administrative Law Judge*, it is not required that it specifically mention or contain the term “protest,” “appeal,” “request for appeal to an ALJ,” etc. The written communication will be considered as a request for an ALJ if it accomplishes *either* of the following:

- Expresses disagreement or dissatisfaction with the previously issued redetermination, from which an intent to request an appeal to an ALJ can be implied, or
- Presents a state of new facts and/or contentions that are contrary to the facts and/or contentions cited in the redetermination previously issued.

Upon receipt of an appeal to an ALJ, the MWA will include the following information (or fill out Section B if the appeal is requested on Form BWT-801 *TAA Appeal to Administrative Law Judge*):

- Location where appeal to the ALJ filed (MWA Name)
- Date the appeal to the ALJ filed
- Individual receiving appeal to ALJ
- Redetermination/Denial of Redetermination information
- Date Redetermination/Denial of Redetermination mailed or personally served
- MWA issuing Redetermination/Denial of Redetermination

- Address of MWA issuing Redetermination/Denial of Redetermination
- Name of Director of MWA
- Signature of MWA Representative

The designated staff person of the MWA must forward the appeal and all related documentation, within seven days, to:

Mr. Tim Ross
Michigan Department of Labor & Economic Growth
Bureau of Workforce Transformation
Victor Office Center
201 N. Washington Square, 5th Floor
Lansing, MI 48913
Fax: (517) 335-7418

All documentation from previous decisions and any additional material must be presented to the ALJ. The appeal package should include the determination, request for redetermination, redetermination (or denial of redetermination), request for appeal to an ALJ, and all supporting documents used in making the determination and/or redetermination. Such documents may include TAA Worker Benefit Orientation sign-in sheets, Notice of Certification letters, records of services provided or contact with applicants, letters to applicants, or other applicable documents.

The BWT staff will review the document(s) for accuracy and completeness, and forward the appeal to be processed. If there is a need for revision to the document(s), BWT will return the appeal documents to the designated staff person at the MWA and request modifications and/or additional information. If the MWA wishes to change its designated staff person, please contact Mr. Tim Ross at (517) 335-5858.

The applicant and MWA will receive written notice of the hearing, detailing the date, time, location and telephone number of the hearing. The record made at the hearing constitutes the official record of the appeal. The ALJ will afford all interested parties a reasonable opportunity for a fair hearing and, unless the appeal is withdrawn, make a finding as to the facts, apply the law to those facts, and issue a decision as to the case. The parties will be notified as to the ALJ's decision, setting forth the findings of fact upon which the decision is based, together with the reasons for the decision. If the applicant or MWA disagrees with the decision of the ALJ, either may request an appeal to the Board of Review, in accordance with the instructions provided with the ALJ's decision, within 30 days of the ALJ decision. An appeal to the Board of Review is governed by Sections 34 and 35 of the Michigan Employment Security Act, MCL 421.1 et seq., and corresponding administrative rules.

Effective immediately, MWAs shall establish and maintain procedures in accordance with this policy.

Questions/inquires regarding these procedures should be directed to Mr. Tim Ross at (517) 335-5858.

Chapter XVII

FORMS

All forms referenced in this manual are listed below and contained within this chapter:

BWT-197-A	Sub-Agreement Modification and De-Obligation Notice for Contract Funds
BWT-243	Alternative Trade Adjustment Assistance (ATAA) Declaration of Choice
BWT-244	Alternative Trade Adjustment Assistance (ATAA) Application and Determination of Entitlement to Benefits
BWT-306	Notice of Redetermination
BWT-312	Training Approval Standards for Entitlement to Trade Adjustment Assistance (TAA) Training
BWT-319	Notice of TAA Participant Status
BWT-336	Training Agreement Form
BWT-337	TAA Notice of Determination
BWT-518	Special Component Training
BWT-626	Employability Plan
BWT-629	Notice of Certification
BWT-706	Request for Redetermination
BWT-801	TAA Appeal to Administrative Law Judge
BWT-802	Waiver of TAA Training Requirement-Trade Reform Act of 2002
BWT-880	Training Verification
BWT-881	Institutional Training Contract
BWT-891	On-the-Job Training (OJT) Contract
BWT-892	Special Provisions for On-the-Job Training (OJT) Contracts Under the Trade Act of 1974, as Amended
BWT-900	Supportive Services Agreement
BWT-901	Applicant Certification for Training-Related Clothing, Equipment, or Tools
BWT-923	TAA Training Application and Determination of Entitlement to Allowances
BWT-923-A	Bi-Weekly Request for Allowances by Workers In Training Under Trade Act of 1974, as Amended
BWT-925	Request for Relocation Allowances
BWT-925-A	Request for Job Search Allowances
BWT-925-S	Claimant Instructions for Relocation Allowance
ETA-9042A	Petition for TAA & ATAA and Instructions for Completing
TRA-920	Request for Determination of Entitlement to TAA/TRA

BWT-243
(12/2008)

**ALTERNATIVE TRADE ADJUSTMENT ASSISTANCE (ATAA)
DECLARATION OF CHOICE**

Name: _____

Petition Number: _____

Date of Birth: _____

Date of Qualifying Separation: _____

I hereby certify that I am choosing to apply for benefits under the ATAA program. I understand that I must secure employment and begin work not later than the last day of the 26th week after my qualifying separation date.

I further understand that to qualify for ATAA benefits, I must be at least 50 years of age at the time I begin employment. I acknowledge that receipt of initial payment under ATAA voids my rights to training, job search and relocation allowances, and trade readjustment allowances.

Signature

Date

**ALTERNATIVE TRADE ADJUSTMENT ASSISTANCE (ATAA)
APPLICATION and DETERMINATION OF ENTITLEMENT TO BENEFITS**

Authority: Trade Act of 1974, as amended

Name: _____
Address: _____

SS#: _____
Date of Birth: _____

Petition Number: _____

Name of Employer: _____

Date of Certification: _____

Date of Certification: _____

Qualifying Separation Date: _____

Hourly wage at time of last full week of work with affected employer: \$ _____

Number of hours worked (less overtime) in last full week of employment: _____

Worker Certification: I am requesting ATAA benefits because I have obtained a job with the employer listed below. I certify that I am, or will be, at least 50 years of age as of the starting date of employment. I understand that receipt of an ATAA wage subsidy voids all future rights to training, job search and relocation allowances, and trade readjustment assistance. If request involves more than one employer, list (and attach) additional employers on a separate page.

Name of Employer: _____
Address: _____

Job Title: _____
Starting Date: _____
Hourly Wage: _____

Number of hours worked (less overtime) in first full week of re-employment: _____

Signature of Worker: _____ Date: _____

Annualized Separation Wages:

- a. Hourly wage (prior employment) _____
- b. Number of hours worked (less overtime) in last full week of prior employment: _____
- c. Annualized separation wages (a times b, times 52): _____

Annualized Re-employment Wages:

- a. Hourly wage (new employment): _____
- b. Number of hours worked (less overtime) in first full week of re-employment: _____
- c. Annualized re-employment wage (a times b, times 52): _____

Determination:

- _____ You are eligible to receive ATAA benefits.
 - _____ You are not eligible to receive ATAA benefits because:
-
-

ATAA Benefits Calculation:

- a. Annualized Separation Wage (from page 1): _____
- b. Annualized Re-employment Wage (from page 1): _____
- c. Difference (a minus b): _____
- d. 50% of item c (c divided by 2): _____
- e. Monthly ATAA wage subsidy (item d divided by 12): _____

Note: The Unemployment Agency/TRA Special Programs Unit will make the final computation of ATAA benefits.

Once approved for the ATAA program, individuals who continue to meet the eligibility criteria are paid ATAA benefits until a total of \$10,000 in benefits has been received, or a period of two years has elapsed since their first qualifying re-employment, whichever occurs first.

Appeal Rights

Individuals may appeal a determination, in person or by mail, if there is a disagreement with a decision made by the MWA. A hearing before an Administrative Law Judge (ALJ) may be requested, in person, by mail, or by fax, if the individual is in disagreement with the MWA issued re-determination. An individual who disagrees with the decision of an ALJ may request an appeal to the Board of Review. Refer to the procedure provided by the MWA.

Requests for appeal must be received by the Michigan Works! Agency by the 30th day after the date mailed or personally served, if the 30th day is a Saturday, Sunday, or legal holiday, by the next day which is neither a Saturday, Sunday, or legal holiday.

___ Determination ___ Redetermination

Date Mailed or Personally Served:	Michigan Works! Agency:
-----------------------------------	-------------------------

Signature of MWA Representative: _____

TAA NOTICE OF REDETERMINATION

MWA: _____ Address: _____

Contact Name: _____ Telephone: _____

Applicant: Name: _____ Address: _____ City, State, Zip Code: _____ Social Security Number: _____	Employer Involved: Name: _____ Address: _____ City, State, Zip Code: _____ Petition Number: _____
---	--

1. **FOR THE DETERMINATION ISSUED ON:** _____, the following issue(s) are involved (attach a separate page if necessary): _____ (Date)

2. **REVIEW OF 30 DAY APPEAL PERIOD REQUIREMENT AND EVIDENCE OF GOOD CAUSE:**

a. The Request for Redetermination was received on _____ (Date)

b. The Request for Redetermination was received within 30 days of the date the determination was mailed or personally served. Yes No

If yes, go to step 3 and complete the Redetermination. If no, go to step 2c.

c. The MWA may, for good cause, reconsider a prior determination after the 30 day period has expired, provided such reconsideration is made within one year from the date the original determination was mailed or personally served. The reason for good cause is as follows (attach a separate page if necessary):

Is a reason for good cause provided? Yes No

If yes, continue on with step 3. If no, the redetermination is denied.

3. **FINDING OF FACT, REASON, and REDETERMINATION:**

The one-year period has not elapsed and an investigation has established that the request was submitted within the 30-day period or good cause exists (if not submitted within the 30 day period) for the MWA to reconsider its prior determination.

REDETERMINATION (or denial of Redetermination):

Designated staff of the MWA has reexamined the facts and determined this case as follows:

RIGHT OF APPEAL: Any appeal from this redetermination (or denial of redetermination) must be filed in person or by mail, and must be received within 30 calendar days after dated mailed or personally served (as indicated below), or if such 30th day is a Saturday, Sunday, or legal holiday, by the next day which is neither a Saturday, Sunday, or legal holiday.

Date Mailed	Date Personally Served

Signature of Designated Staff of the MWA

The Michigan Department of Labor & Economic Growth, in compliance with applicable federal and state laws, does not discriminate in employment or in the provision of services based on race, color, religion, sex, national origin, age, disability, height, weight, marital status, arrest without conviction, political affiliation or belief, and for beneficiaries only, citizenship or participation in any federally assisted program or activity.

TRAINING APPROVAL STANDARDS FOR ENTITLEMENT TO TRADE ADJUSTMENT ASSISTANCE (TAA) TRAINING

The following TAA Approval Criteria Standards have been met:

Yes No

1. **Suitable employment is not available.**

(For the adversely affected worker whom approval for training is being considered under this section, no suitable employment was available at that time for that worker either in the commuting area, as defined in 20 CFR Section 617.3[k], or outside the commuting area as defined in 20 CFR Section 617.22[a][1][I].)

Justification:

Yes No

2. **The worker would benefit from appropriate training.**

(There is a direct relationship between the needs of the adversely affected worker for skills training or remedial education and what would be provided by the training program under consideration for the worker, 20 CFR Section 617.22[1][2].)

Justification:

Yes No

3. **There is reasonable expectation of employment following completion of training.**

(For that adversely affected 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, 20 CFR Section 617.22[1][3].)

Justification:

Yes No

4. **Training approved is reasonably available to the worker from either public or private sources.**

(Training is reasonably accessible to the adversely affected worker within the commuting area at any governmental or private training provider, including on-the-job training, 20 CFR Section 617.22 [a][4].)

Justification:

Yes No

5. **The worker has the basic skills, aptitudes, and financial resources to undertake and complete training.**

(The adversely affected worker has the mental and physical capabilities to undertake, make satisfactory progress in, and complete the training, 20 CFR Section 617.22[1][3].)

Justification:

Yes No

6. **Such training is suitable for the worker and available at a reasonable cost.**

(In determining whether the costs of a particular training program are reasonable, first consideration must be given to the lowest cost training, which is available within the commuting area. When training substantially similar in quality, content and results, is offered at more than one training provider, the lowest cost training shall be approved, 20 CFR Section 617.22[iii][B].)

Justification:

I certify that I have reviewed the six training standards for TAA training for:

Applicant Name:

Social Security Number:

The _____ training program is appropriate for this applicant not appropriate for this applicant.

MWA Signature:

Date:

MWA Office Location:

The Michigan Department of Labor & Economic Growth, in compliance with applicable federal and state laws, does not discriminate in employment or in the provision of services based on race, color, religion, sex, national origin, age, disability, height, weight, marital status, arrest without conviction, political affiliation or belief, and for beneficiaries only, citizenship or participation in any federally assisted program or activity.

Notice of Trade Adjustment Assistance (TAA) Participant Status

Participant's Name _____ SS# _____

Petition # _____

The above named participant successfully completed the Michigan Works! Agency (MWA)-approved training program, effective _____.

The above named participant's training has been extended to (date) _____
for the following reason(s): _____

The above named participant did not successfully complete the MWA-approved training program, due to the following reason(s):

Ending Date of Training _____

The above named participant has returned to work, effective (date) _____

Employer _____ City/State _____

Comments/Other – Please Specify:

Signed – MWA Authorized Representative _____ Date _____

MWA Name _____ Location _____

A copy of this completed form must be kept in the participant file and faxed to the TRA/Special Programs Unit at 313.456.3694.

The Michigan Department of Labor & Economic Growth, in compliance with applicable federal and state laws, does not discriminate in employment or in the provision of services based on race, color, religion, sex, national origin, age, disability, height, weight, marital status, arrest without conviction, political affiliation or belief, and for beneficiaries only, citizenship or participation in any federally assisted program or activity.

BWT-336
(12/2008)

TRAINING AGREEMENT FORM

Customer Name: _____		Unique Identifier: _____
Address: _____	City: _____	Zip: _____
Training Institution: _____		
Address: _____	City: _____	Zip: _____
Training Program: _____		
Total Credit Hours: _____	Actual # of Training Weeks: _____	
Start Date: _____	End Date: _____	

Associates Degree Certificate Other _____

Total Tuition: _____ **Total Fees:** _____ **Cost of Books & Supplies:** _____

If training will take longer than 12 months to complete, start dates and costs Must be provided for EACH 12 month period of training.	1st 12 Months Start Date	2nd 12 Months Start Date
Total Tuition and Fees		
Cost of Required Books and Supplies		
Total Training Cost per 12 Month Period	\$ -	\$ -
Estimated PELL		
Other Financial Aid (excluding loans or expected Michigan Works! funds)		
Financial Aid Total	\$ -	\$ -
Balance = financial aid total subtracted from total training cost for 12 month period	\$ -	\$ -

I certify that the information presented above is correct and the above program.

Signature: Training Institution Representative _____ Date _____

Signature: Student Candidate _____ Date _____

Signature: Michigan Works! Agency Representative _____ Date _____

Section II (completed by Michigan Works! Representative)

	1st 12 Months	2nd 12 Months
Total Training Costs/Requested Trade Funds = Balance from above table (If more than \$12,000 per 12 month period, training cost is not reasonable, request will be denied)		

Number of miles from residence to training location if training location > 50 miles from residence: _____
(Attach documentation)

Petition Number _____

Occupation Upon Training Completion: _____

ONET Code: _____

Signature of Michigan Works! Agency Representative _____ Date _____

TAA NOTICE OF DETERMINATION

MWA: _____ Address: _____

Contact Name: _____ Telephone: _____

Applicant: Name: _____ Address: _____ City, State, Zip Code: _____ Social Security Number: _____	Employer Involved: Name: _____ Address: _____ City, State, Zip Code: _____ Petition Number: _____
---	--

A determination has been made by the above named Michigan Works! Agency (MWA) regarding the following Trade Adjustment Assistance (TAA) services

_____:

DETERMINATION:

REASON FOR DETERMINATION:

DATE OF DETERMINATION: _____

APPEAL RIGHTS:

Individuals may appeal a determination, in person or by mail, if there is a disagreement with a decision made by the MWA. A hearing before an Administrative Law Judge (ALJ) may be requested, in person, by mail, if the individual is in disagreement with the MWA issued redetermination. An individual who disagrees with the decision of an ALJ may request an appeal to the Board of Review. Refer to the procedure provided by the MWA.

Requests for appeal must be received by the Michigan Works! Agency by the 30th day after the date mailed or personally served, if the 30th day is a Saturday, Sunday, or legal holiday, by the next day which is neither a Saturday, Sunday, or legal holiday.

Date Mailed	Date Personally Served

Signature of Designated Staff of the MWA

SPECIAL COMPONENT TRAINING

In order to provide special component training and/or seminars to address a break in training of over 30 days, for workers certified under petitions filed on or after November 4, 2002, sessions will be conducted for the weeks/dates of:

_____ through _____ for:

Name _____

Social Security Number _____

Petition Number _____

I certify that the training/seminar approved and provided by the contracted training facility for the above named trainee meets the following Unemployment Insurance Agency requirements:

1. Seminars or classes are consistent with the trainee's training goals, as indicated on the training application and/or contract form.
2. Weeks during which seminars or classes take place are considered by the training facility to be weeks of full-time training.
3. The contract between the employment service provider and the training facility allows for these courses and are allowed for with funds under the Trade Act.

Signature - MWA Authorized Representative: _____

MWA Name _____ Location _____

Date: _____

NOTICE OF CERTIFICATION

MWA Name: _____

Address: _____

Name & Address of Certified Worker: _____

The U.S. Department of Labor has issued a certification of eligibility for workers to apply for adjustment assistance under the Trade Act of 1974, as amended, as specified below:

Petition Number:	Impact Date:
Employer:	Certification Date:
Location:	Expiration Date:

Workers Certified: _____

Trade Adjustment Assistance (TAA) and Trade Readjustment Allowances (TRA) are provided to workers who have been separated from employment due to lack of work on or after the impact date and on or before the expiration date as shown above. You have been identified as potentially eligible for such benefits.

If you wish to apply for TAA/TRA benefits, please report at the time and place specified below and bring this form with you.

Date:	Time:
Place:	

If the above location is not in your local area, please report to your local Michigan Works! Service Center. If you are outside of Michigan, you should report to the nearest state Employment Security office.

Failure to file for benefits within required time limits, the latter of 8 weeks from the certification date, ***or*** 16 weeks from your last qualifying separation, *and* 210 days from the latter of your layoff date and the certification date, will result in loss of entitlement to some benefits.

For additional information on this certification, call _____

The Michigan Department of Labor & Economic Growth, in compliance with applicable federal and state laws, does not discriminate in employment or in the provision of services based on race, color, religion, sex, national origin, age, disability, height, weight, marital status, arrest without conviction, political affiliation or belief, and for beneficiaries only, citizenship or participation in any federally assisted program or activity.

TAA REQUEST FOR REDETERMINATION

MWA: _____ Address: _____
Contact Name: _____ Telephone: _____

Applicant: Name: _____ Address: _____ City, State, Zip Code: _____ Social Security Number: _____	Employer Involved: Name: _____ Address: _____ City, State, Zip Code: _____ Petition Number: _____
---	--

SECTION A
On _____, the attached determination was (check as appropriate):
(Date)

Mailed or
 Personally Served
on an application for (check as appropriate):

Training **Waiver of TAA Training** **Job Search Allowances** **Relocation Allowances**
 Alternative Trade Adjustment Assistance **Other**
filed by the above named applicant, holding that:

SECTION B
I request a redetermination for the following reason(s):

Do you wish to appear in person to present further information pertaining to the claim involved?
 Yes No

If you choose to rely on written information rather than appear in person or by representative, be sure to include all additional information possible to support this request (attach separate page if necessary). The information submitted will be given full consideration in making the redetermination. It is essential that the MWA named above have all available facts relevant to the claim on which to base its redetermination.

SECTION C (to be completed if request for redetermination is filed more than 30 calendar days after the date of mailing or personal service)

This request was not filed within 30 calendar days from the date mailed or personally served because:

TAA APPEAL TO ADMINISTRATIVE LAW JUDGE

MWA: _____ Address: _____
Contact Name: _____ Telephone: _____

Applicant: Name: _____ Address: _____ City, State, Zip Code: _____ Social Security Number: _____	Employer Involved: Name: _____ Address: _____ City, State, Zip Code: _____ Petition Number: _____
---	--

SECTION A (to be filled out by the Applicant):

1. Provide a summary of issues involved (attach additional page if necessary):

2. State the specific reasons for the appeal to an Administrative Law Judge (attach additional page(s) if necessary):

3. Signature of Applicant _____

SECTION B (to be filled out by the Michigan Works! Agency):

1. Location where Appeal to ALJ was filed: _____
Michigan Works! Agency Name

2. Date the Appeal to ALJ was filed: _____

3. Received By: _____

4. Redetermination/Denial of Redetermination Information:
Applicant is appealing a (check one) Redetermination _____ Denial of Request for Redetermination _____
Mailed on _____
Date
By: _____
Michigan Works! Agency Representative
Located at _____
Address (Street, City, State & Zip)

5. Director of Michigan Works! Agency _____

6. Signature of Michigan Works! Agency Representative _____

MWA Instructions: Immediately upon receipt of the appeal, forward this form and all related documentation to:

Mr. Tim Ross
Michigan Department of Labor & Economic Growth
Bureau of Workforce Transformation
201 N. Washington Square
Victor Office Center, 5th Floor
Lansing, Michigan 48913
rosst1@michigan.gov
Fax: (517) 335-7794

All questions or inquires regarding these procedures should be directed to Mr. Tim Ross, WIA/TAA Section, Bureau of Workforce Transformation, at (517) 335-5858.

The Michigan Department of Labor & Economic Growth, in compliance with applicable federal and state laws, does not discriminate in employment or in the provision of services based on race, color, religion, sex, national origin, age, disability, height, weight, marital status, arrest without conviction, political affiliation or belief, and for beneficiaries only, citizenship or participation in any federally assisted program or activity.

**WAIVER OF TAA TRAINING REQUIREMENT- TRADE REFORM ACT OF 2002
(Petitions Certified on or after November 4, 2002)**

Claimant's Name: _____ SS#: _____

Petition #: _____ MWA: _____ MWA Staff: _____

MWA Street, City, State, and Zip: _____

The Trade Act of 2002 requires that individuals certified under TAA petitions filed on or after November 4, 2002 be enrolled in training or issued a waiver of the training requirement by the latter of the last day of the 8th week after the certification, or the last day of the 16th week of the individual's qualifying separation, with a 45-day MWA issued extension for extenuating circumstances.

Petition Certification Date: _____ Claimant Separation Date: _____

This waiver is issued for the following 6-month period: Effective: _____ Expiration: _____

Are there extenuating circumstances that permit an extension of up to 45 days? Yes _____ No _____

Explanation of extenuating circumstance: _____

The Training requirement is waived because training is not feasible or appropriate for the following reason(s):

1. _____ Claimant has been notified in writing that he/she will be recalled to work by firm from which qualifying separation occurred.
2. _____ Claimant possesses marketable skills for suitable employment, (as determined by the local Michigan Works! Agency), and there is a reasonable expectation of employment at equivalent wages in the foreseeable future.
3. _____ Claimant is within two years of meeting all requirements for entitlement to retirement benefits under either: a) Title II of the Social Security Act, OR b) A private pension sponsored by an employer or labor organization.
4. _____ Claimant is unable to participate in training due to health reasons. (However, claimant must be able, available for, and actively seeking fulltime work in order to qualify for TRA benefits).
5. _____ There has been a delay in the beginning date of training. (However, the first available enrollment date must be within 60 days of the date of this determination, unless there are extenuating circumstances).
6. _____ No training funds are available under TAA or other Federal programs, or training is not available at a reasonable cost.

Justification: _____

CLAIMANT CERTIFICATION: I understand the Trade Act requires a review of this waiver every 30 days and that failure to report to the MWA every 30 days for this review may result in the disruption or denial of further Trade Act benefits. I further understand that this waiver will be revoked at any time that feasible or appropriate training becomes available.

Signature of Claimant: _____ Date: _____

MWA CERTIFICATION:

Waiver Approved _____ Waiver Denied _____ (Reason: _____)

Signature of MWA Staff: _____ Date: _____

Redetermination _____

Signature of MWA Staff: _____ Date: _____

Date Mailed or Personally Served: _____

This (Re)Determination approves or denies a waiver of the training requirement based solely on the criteria of 19 USC 2291(c)(1). Independently, the Unemployment Insurance Agency (UIA) will issue a determination of eligibility for TRA under 19 USC 2291(a)(5), which will examine whether the waiver was issued within the 8/16 week training deadline periods or, for extenuating circumstances, within a 45-day period thereafter. Waiver denials must be sent to the TRA Unit of the UIA.

MWA APPROVED EXTENSION: This waiver may be extended beyond the original 6-month period in cases where it is necessary to cover the claimant's full entitlement to basic TRA. The extension may only be for the subsequent 6 month period. Enter the beginning and ending date of the extension:

Signature of MWA Staff: _____ Date: _____

Extension #2. The extension may only be for the subsequent 6 month period. Enter the beginning and ending date of the extension:

Signature of MWA Staff: _____ Date : _____

Extension #3. The extension may only be for the subsequent 6 month period. Enter the beginning and ending date of the extension:

Signature of MWA Staff: _____ Date: _____

REVOCACTION: Effective Date _____

1. ____ Waiver is revoked because claimant is enrolled in approved training beginning _____.
2. ____ Waiver is revoked for the following reason: _____.

Signature of MWA Staff: _____ Date: _____

CLAIMANT RIGHTS: Individuals may appeal a determination, in person or by mail, where there is disagreement with a decision made by the MWA. A hearing before an Administrative Law Judge (ALJ) can be requested, in person or by mail, if the individual is in disagreement with the MWA issued re-determination. An individual who disagrees with the decision of an ALJ may request an appeal to the Board of Review. Refer to the procedure provided by the MWA.

Request for appeal must be received by the local office in the state in which you are filing, or by this agency, by the 30th day after the date mailed or, if such 30th day is a Saturday, Sunday, or legal holiday, by the next day which is neither a Saturday, Sunday, or legal holiday.

30-DAY WAIVER REVIEW ACTION:

<input type="checkbox"/> Continue	<input type="checkbox"/> Extend	<input type="checkbox"/> Revoke	Reason _____	Date _____	Initial _____
<input type="checkbox"/> Continue	<input type="checkbox"/> Extend	<input type="checkbox"/> Revoke	Reason _____	Date _____	Initial _____
<input type="checkbox"/> Continue	<input type="checkbox"/> Extend	<input type="checkbox"/> Revoke	Reason _____	Date _____	Initial _____
<input type="checkbox"/> Continue	<input type="checkbox"/> Extend	<input type="checkbox"/> Revoke	Reason _____	Date _____	Initial _____
<input type="checkbox"/> Continue	<input type="checkbox"/> Extend	<input type="checkbox"/> Revoke	Reason _____	Date _____	Initial _____
<input type="checkbox"/> Continue	<input type="checkbox"/> Extend	<input type="checkbox"/> Revoke	Reason _____	Date _____	Initial _____
<input type="checkbox"/> Continue	<input type="checkbox"/> Extend	<input type="checkbox"/> Revoke	Reason _____	Date _____	Initial _____
<input type="checkbox"/> Continue	<input type="checkbox"/> Extend	<input type="checkbox"/> Revoke	Reason _____	Date _____	Initial _____
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<input type="checkbox"/> Continue	<input type="checkbox"/> Extend	<input type="checkbox"/> Revoke	Reason _____	Date _____	Initial _____
<input type="checkbox"/> Continue	<input type="checkbox"/> Extend	<input type="checkbox"/> Revoke	Reason _____	Date _____	Initial _____
<input type="checkbox"/> Continue	<input type="checkbox"/> Extend	<input type="checkbox"/> Revoke	Reason _____	Date _____	Initial _____

(Continue on additional page if needed)

The Michigan Department of Labor & Economic Growth, in compliance with applicable federal and state laws, does not discriminate in employment or in the provision of services based on race, color, religion, sex, national origin, age, disability, height, weight, marital status, arrest without conviction, political affiliation or belief, and for beneficiaries only, citizenship or participation in any federally assisted program or activity.

TRAINING VERIFICATION

Claimant:	SSN:	Date:
Petition Number:	MWA Office Location:	

REQUEST BY MICHIGAN WORKS! AGENCY

The claimant noted above states that he/she is enrolled in _____ training under the _____ program, and has applied to the MWA for training approval. The MWA is attempting to verify that the claimant is enrolled in training and the funding source. This individual may be eligible for Trade Readjustment Allowance (TRA) benefits while in training. Please provide the following information and return to:

MWA Staff Person: _____
 Address: _____
 Phone Number: _____

The worker's signed waiver for release of information appears below. You may retain a copy of this form for your records.

WAIVER FOR RELEASE OF INFORMATION

I hereby authorize the training facility or program to release the information requested below by the MWA. This information is only for the purpose of obtaining TRA benefits and will be kept confidential.

Claimant's Signature: _____ Date: _____

VERIFICATION BY TRAINING FACILITY OR PROGRAM

The above named individual ___ is ___ is not enrolled in training.

Name of Training Facility: _____
 Address of Training Facility: _____
 Type of Training: _____
 Beginning Date of Training: _____ End Date of Training: _____

The above named individual is in training full time: ___ Yes ___ No
 (Full time is defined by the training facility)

Training costs are paid by: _____
 (program or funding source)

Specify any portion of training costs not paid by the above source: _____

Training Facility/Program Authorized Signature: _____ Date: _____
 Name (printed) : _____ Title: _____
 Phone: _____

Do NOT return this form to the claimant.

Mail the completed form to the MWA address given above.

The Michigan Department of Labor & Economic Growth, in compliance with applicable federal and state laws, does not discriminate in employment or in the provision of services based on race, color, religion, sex, national origin, age, disability, height, weight, marital status, arrest without conviction, political affiliation or belief, and for beneficiaries only, citizenship or participation in any federally assisted program or activity.

INSTITUTIONAL TRAINING CONTRACT

Petition No.	Contract No.
--------------	--------------

Filing of this form is voluntary; however, it must be completed for involvement in Institutional Training.

1. Sponsor MWA Name, Address, & Phone Number: Name & Address: Phone Number:	2. Contractor Name, Address & Phone Number: Name & Address: Phone Number:
---	---

3. Training Beginning & Ending Dates:

This contract is entered into between _____ hereinafter called the Sponsor under the Trade Act of 1974, as amended, and _____, hereinafter called the Contractor. The parties agree the Contractor will train the person as named below and provide all specified training services. In consideration for the services to be provided by the Contractor for the period of time indicated above, the Contractor will receive an amount not to exceed the total shown below.

Such amount will be paid pursuant to terms and conditions set forth in this contract.

Claimant Full Name & Address: Degree/Certificate:	Social Security Number: Phone Number: E-mail:
--	---

- 4. Total Training Cost: \$
- 5. Name & Location of Training Facility:
(if different than Contractor's)

The Michigan Department of Labor & Economic Growth, in compliance with applicable federal and state laws, does not discriminate in employment or in the provision of services based on race, color, religion, sex, national origin, age, disability, height, weight, marital status, arrest without conviction, political affiliation or belief, and for beneficiaries only, citizenship or participation in any federally assisted program or activity.

6. Provide a brief description of training to be provided and a justification for chosen occupation. It is understood that the trainee will be employable upon completion of the training.

Trainee Name	Occupation	ONET Code	Credit Hrs	Hrs per Week	No. of Actual Training Weeks

7. **Course Description:** Provide the full training curriculum. The Sponsor MWA will not pay for classes that are not specified in this clause. (Attach additional pages, if necessary.) The Sponsor MWA will not make funds available for reimbursement of training-related costs paid for by any other funding source.

8. Program Costs Table:

Tuition	Amount
Tuition	
Application Fees	
Registration Fees	
Course Fees	
Books and Instructional Supplies	
Tools and Equipment	
Other (Specify in No.10)	
TOTAL	\$

A contract may be written for either tuition or fixed costs. Once the contract is signed, it cannot be modified regarding this choice.

9. Fiscal and Budgetary Controls: Payment by the Sponsor (MWA) to the Contractor will be as follows:

- A. Reimbursement by the MWA will be made for costs not covered by another source. If payment is made by another source after the MWA payment is received, reimbursement will be made to the MWA of all duplicate payments, within 14 business days.
- B. The Contractor shall submit to the Sponsor MWA two copies of the invoice detailing costs, according to the schedule indicated below.
- C. The Contractor agrees to complete and submit a monthly evaluation report for each trainee.
- D. The Contractor shall submit its final invoice within 90 days from the ending date of the contract or the completion of performance, whichever comes first. If the invoice is late, good cause must be provided for the delay. If not provided, the account will be closed and all remaining monies deobligated.
- E. If, at the conclusion of this contract, it is determined that payments were made in excess of actual allowable charges, the Contractor shall reimburse the MWA for the amount of overpayment.

- F. Tools and equipment specified in this contract and provided to the trainee, shall remain the property of the MWA until satisfactory completion of the training program.
- G. **Funding Agreement:** Under Federal appropriation law, the MWA may not enter into any agreement that legally obligates Federal funds that have yet to be appropriated, awarded, and allocated to the Michigan Department of Labor and Economic Growth.

The Sponsor MWA hereby obligates the following funds for training expenses in the amount of _____
For the Fiscal Year (FY) of October 1, 2005-September 30, 2006 = \$ _____

Future obligation of TAA training funds is contingent upon dollars being available from the Michigan Department of Labor and Economic Growth:

For the FY of October 1, 2006-September 30, 2007 = \$ _____

For the FY of October 1, 2007-September 30, 2008 = \$ _____

Acceptance of Funding Agreement (Please initial)

Trainee _____ Contractor _____ Sponsor _____

- 10. Describe additional contractual agreements, as required. (Specify any attendance or grade reports required.)

Attendance and/or grade reports must be made available upon request of the Sponsor.

- 11. Contract Negotiated by: _____

- 12. Sponsor MWA Certification: (Concurrence with occupational training objective)

<u>MWA Director or Designee</u>	
Signature _____	Date _____
Typed Name: _____	

- 13. Equal Employment Opportunity Provision: By participating in this contract, the Contractor agrees to abide by the General Provisions contained in the contract in regards to Civil Rights and Equal Employment Opportunities.

14. Signatures of Agreement: I have received, reviewed, and agree to comply with all provisions of this contract.

MWA Sponsor

MWA Name

Director/Designee Typed Name

Director/Designee Signature

Date

Contractor

Contractor Name

Contractor/Designee Typed Name

Contractor/Designee Signature

Date

Trainee

Trainee Signature

Date

GENERAL PROVISIONS: INSTITUTIONAL TRAINING PROGRAM

1. COMPLIANCE WITH APPLICABLE LAWS

The Contractor will perform its duties in accordance with the laws cited in this contract and the regulations, procedures, and standards promulgated there under. The Contractor will comply with all applicable Federal, State, and local laws, rules, and regulations that deal with, or are related to, the performance of this contract. This contract does not relieve the Contractor of responsibility for compliance with the provisions of the Fair Labor Standards Act, as amended.

2. SPONSOR DEFINITION

It is mutually agreed that whenever the terms Secretary, Contracting Officer, Sponsor, or Government are used in the General Provisions, they shall for the purpose of this contract be construed to mean the Department of Labor and Economic Growth unless the contract clearly indicates otherwise.

3. RESTRICTION OF INDEPENDENT AGENT

The Contractor represents: (a) that it has not employed or retained any company or person (other than a full-time bona fide employee working solely for the Contractor) to solicit or secure this contract; and (b) that it has not paid or agreed to pay any company or person (other than a full-time bona fide employee working solely for the Contractor) any fee, commission, percentage or brokerage fee, contingent upon or resulting from the award of this contract; and agrees to furnish information relating to (a) and (b) above as requested by the MWA. For breach or violation of this warranty the Government shall have the right to annul this contract without liability or in its discretion to deduct from the contract price or consideration, or otherwise recover, the full amount of such commission, percentage, brokerage, or contingent fee.

4. RETENTION OF RECORDS

The Contractor shall preserve and make available records until the expiration of three years from the date of final payment under the contract, or for such longer period, if any, as is required by applicable statute, or by other clauses of this contract. If the contract is partially terminated, the records relating to the work terminated shall be preserved and made available for a period of three years from the date of any resulting final statement. The Contractor agrees to grant the Sponsor access for the purpose of periodic onsite reviews of program operation and of the records thereof during the life of the contract and for three years after completion.

5. CONFIDENTIALITY

The Contractor agrees to maintain the confidentiality of any information regarding MWA applicants or their immediate families, which may be obtained through trainee forms, interviews, tests, reports from public agencies or counselors, or any other source. Applicant information may not, under any circumstance, be shared with any outside party.

6. TERMINATION OF TRAINEE

Trainees will not be terminated without prior notice to the individual(s) and the Sponsor. Reasonable opportunity must be given for correction or improvement of performance.

7. EQUAL EMPLOYMENT OPPORTUNITIES

In connection with the performance of work under this contract, the Contractor agrees as follows:

- a. The Contractor will not discriminate against any employee or applicant for employment because of race, religion, color, national origin, age, height, weight, handicap, marital status, or sex. The Contractor will take affirmative action to ensure that applicants are employed, and employees are treated during employment, without regard to their race, religion, color, national origin, age, height, weight, handicap, marital status, or sex. Such actions shall include, but not be limited to, the following: employment, upgrading, demotion or transfer, recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship.
- b. The Contractor will comply with the civil rights and equal opportunities provisions of:
 - (1) Titles VI and VII of the (federal) Civil Rights Act of 1964,
 - (2) The (federal) Age Discrimination in Employment Act,
 - (3) Section 504 of the (federal) Rehabilitation Act of 1973,
 - (4) The (Michigan) Elliot-Larsen Civil Rights Act,
 - (5) The (Michigan) handicappers Civil Rights Actor any other applicable legislation.

8. CONTRACT MODIFICATIONS

The Sponsor may from time to time expand, diminish, or otherwise modify the scope of services to be performed by the Contractor, including any increase or decrease in the amount of Contractor compensation pursuant to this contract, provided such changes or modifications are mutually agreed upon by and between the Sponsor and the Contractor. Such changes shall be incorporated in written modification to this contract.

9. NON-COMPLIANCE

In case of delay, non-performance, or partial performance on the part of the Contractor in meeting contract requirements, including contract performance or financial reporting:

- a. Within seven (7) days from the discovery of a violation, the Sponsor will give notice to the Contractor of such violations.
- b. The Contractor will be allowed seven (7) days from receipt of written notice in which to correct said violation or negotiate a solution acceptable to the Sponsor and Contractor.

- c. If, after seven (7) days, said violation has not been rectified to the satisfaction of the Sponsor, the Sponsor may take whatever action is necessary to terminate this contract as outlined in Section 10 of these provisions.

10. TERMINATION OF CONTRACT

The Sponsor may, by giving reasonable written notice through certified mail, specifying the effective date, terminate this agreement in whole or in part for cause. Reasonable notice shall be at least thirty (30) days. Cause shall include:

- a. Failure for any reason of the Contractor to fulfill in a timely and proper manner its obligations under this contract and any changes thereto mutually agreed upon, and failure to correct said problems as set forth under Section 9 of these provisions, except delays beyond the control of the Contractor;
- b. Submission by the Contractor to the Sponsor of reports that are incorrect or incomplete in any material respect, if the same are not corrected as set forth in Section 9 of these provisions;
- c. Improper use of funds provided under this Contract; and
- d. Whenever for any reason the Sponsor shall determine that such termination is in the best interest of the Government.

If the Contractor is unable or unwilling to comply with any additional conditions as may be lawfully applied by the Sponsor, the Sponsor shall terminate the contract by giving reasonable written notice as defined above signifying the effective date thereof. If the contract is terminated pursuant to this section, the Contractor shall have 60 days from the date of said termination to present expense reports to the Sponsor for its consideration and payment.

ON-THE-JOB TRAINING (OJT) CONTRACT

Project or Petition No.:	Contract No.:
--------------------------	---------------

Filing of this form is voluntary; however, it must be completed for involvement in On-The-Job Training.

1. MWA Name, Address, & Phone Number	2. Contractor Name, Address & Phone Number
--------------------------------------	--

3. Contract Beginning and Ending Dates: _____
Training Beginning and Ending Dates: _____
IRS ID No.: _____ UA Employer No.: _____

This contract is entered into between the, _____ hereinafter called the Sponsor under the Trade Act of 1974 as amended, and, _____ hereinafter called the Contractor. The parties hereto agree that the Contractor shall employ employee as named below and provide all the OJT services. In consideration for the services to be provided by the Contractor for the period of time indicated above, the Contractor will receive an amount not to exceed the total shown below. Such amount will be paid pursuant to terms and conditions set forth in this contract.

Individual: _____ Social Security Number: _____

Address: _____ City: _____ State: _____ Zip: _____

4. Cost Summary:

In-Kind	OJT Cost	\$ _____
	Other Costs (see clause 11)	\$ _____
	Total Training Cost	\$ _____

5. Location of Training Facility: _____

6. Contractor Representative in Charge of Training/Supervision: _____

9. Program Cost Table:

ONET Code	Wage per Hour	Contract Rate	No. Hours per Trainee	Training Cost per Trainee	No. of Trainees	Total Cost per Code
Total Training Cost						

10. Fiscal and Budgetary Controls: Payment by the Sponsor to the Contractor under this contract will be as follows:
- A. Reimbursement is made for the extraordinary costs incurred in the process of training the OJT employee(s). Reimbursement is based on the actual number of regular hours worked during a given month multiplied by up to 50 percent of the paid wage but is not construed as reimbursement of wages.
 - B. The Contractor shall submit to the Sponsor office, on a monthly basis, two copies of the OJT billing invoice detailing costs; i.e., all OJT hours worked per individual, times the rate of reimbursement.

The Contractor agrees to complete and submit a monthly OJT Trainee Progress Report.
 - C. The Contractor shall submit its final invoice within 90 days from the ending date of the contract, or the completion of performance, whichever comes first. If the invoice and information providing good cause for a delay is not provided, the account will be closed and remaining monies deobligated. Subsequent invoices will be paid.
 - D. If, at the conclusion of this contract, it is determined that payments were made in excess of the actual allowable charges, the Contractor shall reimburse the Sponsor for the amount of overpayment.

11. Additional Information: This clause may be used for additional contractual agreements, as required:

12. Contract Negotiated by: _____

MWA Representative

13. Concurrence of the Collective Bargaining Agent: Is the occupation(s) in which training and employment to be offered subject to a bargaining agreement? YES [] NO []. If YES, there must be concurrence by the appropriate bargaining representative as to the OJT program and the rates of pay associated therewith. This concurrence has been obtained from:

Signature: _____ Typed Name: _____

Date: _____ Title: _____ Union Affiliation: _____

14. Equal Employment Opportunity Provision: By participating in this contract, the Contractor agrees to abide by the General Provisions contained in the contract in regards to Civil Rights and Equal Employment Opportunities. I certify that I have read, understand, and will abide by the specified provisions:

Contractor's Responsible Officer:

Signature: _____ Date: _____

Typed Name: _____ Title: _____

15. Displacement of Workers: The Contractor certifies that the OJT employment will not displace regular employees because this is work not previously performed, or that the work has been expanded to provide additional needed services.

16. Verification of Contractor: I, _____ certify that I am the _____ of the public agency, corporation, committee, commission, or association named as Contractor herein, that who signed this contract in Clause 18 on behalf of the Contractor, is of said organization by authority of its governing body and is within the scope of its ___ Corporation ___ Association ___ Commission ___ Committee ___ Public Agency powers.

Signature: _____ Date: _____

I, _____ certify that the individual who signed this contract in Clause 18 is the owner or a partner of the organization.

Signature: _____

17. Office Certification: (recommending approval of contract)

MWA Director of Designee: Typed Name: _____

Signature: _____ Date: _____

18. Signatures of Agreement: I have received, reviewed and agree to comply with all provisions of this contract.

MWA Director or Designee Name: _____ Title: _____

Signature: _____ Date: _____

Contractor Name: _____ Title: _____

Signature: _____ Date: _____

GENERAL PROVISIONS: OJT PROGRAM

1. **COMPLIANCE WITH APPLICABLE LAWS:** The Contractor will perform its duties in accordance with the law cited in this contract and the regulations, procedures, and standards promulgated there under. The Contractor will comply with all applicable federal, state, and local laws, rules, and regulations, which deal with, or are related to, the performance of this contract. This contract in no way relieves the Contractor of responsibility for compliance with the provisions of the Fair Labor Standards Act, as amended.
2. **SPONSOR DEFINITION:** It is mutually agreed that whenever the terms Contracting Officer or Sponsor are used in the General Provisions, they shall, for the purpose of this contract, be construed to mean the Michigan Works! Agency unless the contract clearly indicates otherwise.
3. **RESTRICTION OF INDEPENDENT AGENT:** The Contractor represents: (a) that it has not employed or retained any company or person (other than a full-time bona fide employee working solely for the Contractor) to solicit or secure this contract; and (b) that it has not paid or agreed to pay any company or person (other than a full-time bona fide employee working solely for the Contractor) any fee, commission, percentage or brokerage fee, contingent upon or resulting from the award of this contract; and agrees to furnish information relating to (a) and (b) above as requested by the MWA. For breach or violation of this warranty the Government shall have the right to annul this contract without liability or in its discretion to deduct from the contract price or consideration, or otherwise recover, the full amount of such commission, percentage, brokerage, or contingent fee.
4. **RETENTION OF RECORDS:** The Contractor shall preserve and make available records until the expiration of three years from the date of final payment under the contract, or for such longer period, if any, as is required by applicable statute, or by other clauses of this contract. If the contract is partially terminated, the records relating to the work terminated shall be preserved and made available for a period of three years from the date of any resulting final statement. The Contractor agrees to grant the Sponsor access for the purpose of periodic onsite reviews of program operation and of the records thereof during the life of the contract and for three years after completion.
5. **NEPOTISM:** MWA applicants may not be hired into an OJT component if they are members of the employer's immediate family or if a member of the immediate family is engaged in an administrative capacity for the employing agency. Immediate member of the family includes wife, husband, son, daughter, mother, father, brother, sister, mother-in-law, father-in-law, brother-in-law, sister-in-law, aunt, uncle, niece, nephew, stepparent, and stepchild. A person in an administrative capacity includes those persons who have direct or indirect administrative responsibility for or influence on employee/trainees in the place of employment. This includes all elected or appointed officials who have any responsibility for the obtaining or approval of MWA training contracts. Other officials who have influence or control over the administration of the MWA-sponsored training program, and persons who have selection, hiring, placement, or supervisory responsibilities for OJT trainees are also included.
6. **CONFIDENTIALITY:** The Contractor agrees to maintain the confidentiality of any information regarding MWA applicants or their immediate families which may be obtained through trainee forms, interviews, tests, reports from public agencies or counselors, or any other source. Without the permission of the applicant, such information shall be divulged only as necessary for purposes related to the performance or evaluation of the contract and to persons having responsibilities under the contract, including those furnishing services to the project under subcontract.

7. **TERMINATION OF TRAINEE**: Trainees will not be terminated without prior notice to the individual(s) and the Sponsor. Reasonable opportunity must be given for correction or improvement of performance.
8. **EXISTING TRAINING**: The Contractor-sponsored level of training in existence prior to initiation of this project shall be continued and shall not be reduced in level of effort in any way as a result of this contract, except for re-education unrelated to the provisions purpose of this contract.
9. **EQUAL EMPLOYMENT OPPORTUNITIES**: In connection with the performance of work under this contract, the Contractor agrees as follows:
 - a. The Contractor will not discriminate against any employee or applicant for employment because of race, religion, color, national origin, age, height, weight, handicap, marital status, or sex. The Contractor will take affirmative action to ensure that applicants are employed, and employees are treated during employment, without regard to their race, religion, color, national origin, age, height, weight, handicap, marital status, or sex. Such actions shall include, but not be limited to, the following: employment, upgrading, demotion or transfer, recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship.
 - b. The Contractor will comply with the civil rights and equal opportunities provisions of:
 - (1) Titles VI and VII of the (federal) Civil Rights Act of 1964,
 - (2) The (federal) Age Discrimination in Employment Act,
 - (3) Section 504 of the (federal) Rehabilitation Act of 1973,
 - (4) The (Michigan) Elliot-Larsen Civil Rights Act,
 - (5) The (Michigan) handicappers Civil Rights Act, or
 - (6) Any other applicable legislation.
10. **CONTRACT MODIFICATIONS**: The Sponsor may from time to time expand, diminish, or otherwise modify the scope of services to be performed by the Contractor, including any increase or decrease in the amount of Contractor compensation pursuant to this contract, provided such changes or modifications are mutually agreed upon by and between the Sponsor and the Contractor. Such changes shall be incorporated in written modification to this contract.
11. **NON-COMPLIANCE**: In case of delay, non-performance, or partial performance on the part of the Contractor in meeting contract requirements, including contract performance or financial reporting:
 - a. Within seven (7) days from the discovery of a violation, the Sponsor will give notice to the Contractor of such violations.
 - b. The Contractor will be allowed seven (7) days from receipt of written notice in which to correct said violation or negotiate a solution acceptable to the Sponsor and Contractor.

- c. If, after seven (7) days, said violation has not been rectified to the satisfaction of the Sponsor, the Sponsor may take whatever action is necessary to terminate this contract as outlined in Section 12 of these provisions.

12. **TERMINATION OF CONTRACT**: The Sponsor may, by giving reasonable written notice through certified mail, specifying the effective date, terminate this agreement in whole or in part for cause. Reasonable notice shall be at least thirty (30) days. Cause shall include:

- a. Failure for any reason of the Contractor to fulfill in a timely and proper manner its obligations under this contract and any changes thereto mutually agreed upon, and failure to correct said problems as set forth under Section 9 of these provisions, except delays beyond the control of the Contractor;
- b. Submission by the Contractor to the Sponsor of reports that are incorrect or incomplete in any material respect, if the same are not corrected as set forth in Section 11 of these provisions;
- c. Improper use of funds provided under this Contract; and
- d. Whenever for any reason the Sponsor shall determine that such termination is in the best interest of the Government.

If the Contractor is unable or unwilling to comply with any additional conditions as may be lawfully applied by the Sponsor, the Sponsor shall terminate the contract by giving reasonable written notice as defined above signifying the effective date thereof. If the contract is terminated pursuant to this section, the Contractor shall have two (2) months from the date of said termination to present expense reports to the Sponsor for its consideration and payment.

**SPECIAL PROVISIONS FOR
ON-THE-JOB TRAINING (OJT) CONTRACTS
UNDER THE TRADE ACT OF 1974, AS AMEMDED**

The Contractor certifies the following, related to Section 236(d) of the Trade Act of 1974, as amended:

1. No individual is on lay-off from the same, or any substantially equivalent job for which the on-the-job training (OJT) is offered.
2. The Contractor has not terminated the employment of any regular employee or otherwise reduced the workforce of the Contractor with the intention of filling the vacancy so created by hiring the OJT trainees.
3. The job for which the OJT trainee is being trained is not being created in a promotional line that will infringe in any way upon the promotional opportunities of currently employed individuals.
4. The Contractor will continue to employ the OJT employee for at least 26 weeks after completion of the OJT program if the OJT employee desires to continue such employment and the Contractor does not have just cause to terminate such employment. (For workers certified under petitions filed on or before November 3, 2002, only.)
5. The Contractor has not received payment from any other OJT program, which failed to meet the requirements described in Special Provisions 1 - 3 above and in Clauses 13 and 15 of the OJT contract. This pertains to OJT programs provided by the Contractor under the Trade Act of 1974, amended 1986.
6. The Contractor has not taken, at any time, any action which violated the terms of any certification under Special Provision #4 above. This pertains to OJT programs provided by the Contractor under the Trade Act of 1974, amended 1986.

We certify that the above certifications are true to the best of our knowledge:

Contractor: **(Individual who signed the OJT contract in clause 18, BWT-891 form)**

Name (Typed): _____

Signature: _____ Date: _____

MWA Representative: **(Individual identified in OJT contract Clause 18, BWT-891 form)**

Name (Typed): _____

Signature: _____ Date: _____

Performance of Work, the Subcontractor agrees as follows:

- A. The Subcontractor will not discriminate against any employee or applicant for employment because of race, religion, color, national origin, age, sex, or handicap. The Subcontractor will take affirmative action to ensure that applicants are employed and that employees are treated during employment without regard to their race, religion, color, national origin, age, sex, or handicap. Such action shall include, but not be limited to, the following: employment, upgrading, demotion, or transfer; recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship.
- B. The Subcontractor will, in all solicitations and advertisements for employees placed by or on behalf of the Subcontractor, state that all qualified applicants will receive consideration for employment without regard to race, religion, color, national origin, are, sex, or handicap.
- C. The Subcontractor designates _____ (or such other individual(s) as it may name in writing with notice to the Sponsor) as the individual in charge of the administration of its promises, duties, and obligations under this contract.
- D. The Sponsor designates _____ (or such other individuals as it may name in writing with notice to the Subcontractor) as its Project Director.

10. Subcontractor:	11. Michigan Works! Agency
Firm Name:	Office Location:
Typed Name:	Typed Name:
Title:	Title:
Signature:	Signature:
Date:	Date:

The Michigan Department of Labor & Economic Growth, in compliance with applicable federal and state laws, does not discriminate in employment or in the provision of services based on race, color, religion, sex, national origin, age, disability, height, weight, marital status, arrest without conviction, political affiliation or belief, and for beneficiaries only, citizenship or participation in any federally assisted program or activity.

BWT-901
(12/2008)

**APPLICANT CERTIFICATION FOR TRAINING-RELATED
CLOTHING, EQUIPMENT, OR TOOLS**

Name: _____	SSN: _____
Address: _____ _____	

In conjunction with:

Training Contract/Sub-Agreement Number: _____
Supportive Services Agreement Number: _____

DESCRIPTION OF EQUIPMENT, TOOLS, OR CLOTHING

Description	No.	\$ Unit	\$ Total
TOTAL COST			

I CERTIFY THAT I have received the clothing, tools, or equipment described above and that the required item(s) is for my training. I will retain the property in good condition in my possession and I understand that I may be required to return all tools and equipment, or the cost thereof, if I drop out or terminate my training program. (Clothing does not need to be returned.)

Signature of Applicant	Date	Signature of MWA Staff	Date
------------------------	------	------------------------	------

The Michigan Department of Labor & Economic Growth, in compliance with applicable federal and state laws, does not discriminate in employment or in the provision of services based on race, color, religion, sex, national origin, age, disability, height, weight, marital status, arrest without conviction, political affiliation or belief, and for beneficiaries only, citizenship or participation in any federally assisted program or activity.

<p>Michigan Department of Labor & Economic Growth Bureau of Workforce Programs TAA TRAINING APPLICATION and DETERMINATION OF ENTITLEMENT TO ALLOWANCES</p> <p style="font-size: small;">Authority: Trade Act of 1974, as amended. Filing of this form is voluntary; however, form must be complete for involvement in training</p>	<p>MWA Office Location</p> <hr/> <p>Petition Number</p>
<p>Worker Name (Last, First, Middle)</p>	<p>Social Security Number</p>
<p>Address (Number, Street, City or County, State, Zip Code)</p>	

A. APPLICATION AND REQUEST FOR ALLOWANCES

1. Training under the _____ program is requested or arranged as follows:

Name and Address of Training Facility:			
Type of Training:		Remedial ____ Classroom ____	Training Facility Contact Person: (Name & Phone Number)
Beginning Date:	Ending Date:	Number of actual training weeks _____ Total Hours Per Week ____	Weekly Schedule (circle training days below) M T W Th F
Name and Address of Training Facility:			
Type of Training:		Remedial ____ Classroom ____	Training Facility Contact Person: (Name & Phone Number)
Beginning Date:	Ending Date:	Number of actual training weeks _____ Total Hours Per Week ____	Weekly Schedule (circle training days below) M T W Th F

2. I request subsistence and/or transportation allowance payments for attending training outside commuting area of my regular place of residence. (To qualify for a subsistence allowance, it must be necessary to maintain your regular residence in addition to a residence at the training site. The training site must be outside of the commuting area.)

<input type="checkbox"/> Subsistence and Transportation	No. Miles from Regular Place of Residence to Training Facility	Date of Departure	Time of Departure
---	--	-------------------	-------------------

Will you move to the Training facility area? ___YES ___NO	If YES, will you also maintain your regular place of residence while in training? ___YES (explain below) ___NO
---	--

Daily Transportation (To qualify for daily transportation allowance, the training site must be outside of the commuting area.)

3. I request Advance Payment for:
 ___ Subsistence Allowance
 ___ Transportation Allowance

I authorize deduction from my future allowance payments until the advance is repaid.
 I will repay any amount not deducted.

4. Worker Certification:
 This information is provided to support my request for entitlement to allowances while in training under the Trade Act of 1974, as amended. The information contained in this request is correct and complete to the best of my knowledge.

I understand that the amount of TRA payable with respect to a week in which I am undergoing training, shall be reduced for each day of absence without good cause and further, that failure, without good cause, to enroll, continue, and satisfactorily progress in training to which I have been referred, will result in ineligibility for TRA until such training is resumed and satisfactory progress is established.

Signature of Worker	Date	Signature of MWA Staff	Date
---------------------	------	------------------------	------

B. APPROVAL BY MICHIGAN WORKS! AGENCY

Verified adversely affected worker
 Training approved
 Training not approved (Reason): _____
 This worker is not able to enter training without advance payment(s).

Signature of MWA Manager or Designee:	Date
---------------------------------------	------

C. APPROVAL BY MICHIGAN WORKS! (Required only for training under a Michigan Works! Agency master contract)

Training approved Training not approved (Reason) _____

Signature of MWA Manager or Designee	Date
--------------------------------------	------

D. DETERMINATION OF ENTITLEMENT TO ALLOWANCES

ADVANCE PAYMENTS APPROVED

You are entitled to subsistence allowance at the rate of \$ _____ per day – Total advance payment approved \$ _____

You are entitled to transportation allowance at the rate of \$ _____ per day – Total advance payment approved \$ _____

Signature of MWA Manager or Designee	Date
--------------------------------------	------

E. APPEAL RIGHTS

Individuals may appeal a determination, in person or by mail, where there is disagreement with a decision made by the MWA. A hearing before an Administrative Law Judge (ALJ) can be requested, in person or by mail, if the individual is in disagreement with the MWA issued re-determination. An individual who disagrees with the decision of an ALJ may request an appeal to the Board of Review. Refer to the procedure provided by the MWA.

Request for appeal must be received by the local office in the state in which you are filing, or by this Michigan Works! Agency, by the 30th day after the date mailed or, if such 30th day is a Saturday, Sunday, or legal holiday, by the next day which is neither a Saturday, Sunday, or legal holiday.

Determination ____ Redetermination ____

Date Mailed or Personally Served: _____

Signature - Michigan Works! Agency Representative: _____

The Michigan Department of Labor & Economic Growth, in compliance with applicable federal and state laws, does not discriminate in employment or in the provision of services based on race, color, religion, sex, national origin, age, disability, height, weight, marital status, arrest without conviction, political affiliation or belief, and for beneficiaries only, citizenship or participation in any federally assisted program or activity.

Michigan Department of Labor & Economic Growth Bureau of Workforce Programs BI-WEEKLY REQUEST FOR ALLOWANCES BY WORKERS IN TRAINING UNDER TRADE ACT OF 1974, AS AMENDED Authority Trade Act of 1974, as amended. Completion of this form is required to qualify for benefits	MWA Office Location		
	Petition Number		
Claimant Name (Last, First, Middle) Address (Number, Street, City or County, State, Zip Code)	Training Weeks		
		Beginning Date	Ending Date
Social Security Number	1st Week		
	2nd Week		

A. TRADE READJUSTMENT ALLOWANCE (To Be Completed By Worker)
EXPLAIN ALL YES ANSWERS

1. Have you previously received a Trade Readjustment Allowance or any other Training Allowance for the weeks shown above? <input type="checkbox"/> YES <input type="checkbox"/> NO	Name of Program: Date Received : Amount Received \$:	First Week	Second Week

B. WORKER CERTIFICATION

I authorize deduction for advances made to me, if appropriate. I give this information to support my request for allowances. The information contained in this request is correct to the best of my knowledge. I understand that penalties are provided for willful misrepresentation made to obtain allowances to which I am not entitled.

Claimant Signature	Date
--------------------	------

C. PARTICIPATION AND ATTENDANCE IN TRAINING (To Be Completed By Training Facility)
EXPLAIN ALL NO ANSWERS

1. From the beginning of training and through the training weeks shown above, has this worker satisfactorily participated in training? <input type="checkbox"/> YES <input type="checkbox"/> NO If NO, did good cause exist for worker's unsatisfactory participation? <input type="checkbox"/> YES <input type="checkbox"/> NO	Reason for unsatisfactory participation: Date Terminated: Last Hour and Date Attended:
2. Did you provide lodging and meals to this worker during the training weeks shown above? <input type="checkbox"/> YES <input type="checkbox"/> NO	If YES, Charge Per Day \$: Number of Days Provided:

3. Attendance Record: Enter **P** - for each day the worker was present.
NT - for each day the training facility did not conduct training.
E - for each day the worker was absent with good cause (Excused), and
A - for each day the worker was absent without good cause.

	SUN.	MON.	TUES.	WED.	THURS.	FRI.	SAT.	No. Days Training Scheduled
First Week								
Second Week								

D. TRAINING FACILITY

The answers in Part C are in accordance with our records. Statements made by the claimant appear to be complete and correct to the best of my knowledge.		
Name of Training Facility	Signature of Training Official	Date
Name and Telephone Number of Person to Contact if Questions Arise Regarding This Form:		

GIVE ORIGINAL TO STUDENT

The Michigan Department of Labor & Economic Growth, in compliance with applicable federal and state laws, does not discriminate in employment or in the provision of services based on race, color, religion, sex, national origin, age, disability, height, weight, marital status, arrest without conviction, political affiliation or belief, and for beneficiaries only, citizenship or participation in any federally assisted program or activity.

REQUEST FOR RELOCATION ALLOWANCES TRADE ACT OF 1974

Claimant Name (Last, First, Middle)	Social Security No.
Address (Street, City or County, State, Zip Code): _____	
Address for Checking Mail (if different) _____	

A. WORKER APPLICATION FOR RELOCATION ALLOWANCES

1. Were you totally separated from adversely affected employment? YES NO
 2. Are you currently employed? YES NO
- (If "YES," complete the information concerning your present employment below:)

Name and Address of Firm	Date Employment is Expected to End
--------------------------	------------------------------------

3. Is this your first request for relocation allowances under the Trade Act of 2002 under this petition? YES NO
(If "NO", explain:)
4. Have you obtained suitable employment, or do you have a bona fide offer of employment? YES NO
(If yes, provide the following information:)

Name and Address of firm:	Job Title	Starting Date
	City and State of Relocation	Expected Date of Move

B. REQUEST FOR TRAVEL ALLOWANCES

TRAVEL IDENTIFICATION	NO. PERSONS	TRAVEL DATES		TRAVEL BY AUTO		TRAVEL BY COMMERCIAL CARRIER		
		From	To	Mileage	Cost	Type	No. Passengers	Actual Cost
Claimant Car No.								
Spouse Car No.								
Children*								
Other Family Members*								
Absent Children or Family Members*								
*NAMES OF TRAVELERS		AGE	RELATIONSHIP		JUSTIFICATION (Other family members late departure)			

C. REQUEST FOR TRANSPORTATION OF HOUSEHOLD GOODS

COMMERCIAL CARRIER			TRAILER HAULED BY AUTO			COMMERCIAL CARRIER AND/OR TRUCK RENTAL		
Service Type	No. Miles	Est. Charges	Service Type	No. Miles	Est. Charges	Service Type	No. Miles	Est. Charges
Moving			Trailer Rental			Trailer Hauled by Commercial Carrier		
Accessorial			Non-rented Trailer					
Insurance						Truck Rental		
TOTAL			TOTAL			TOTAL		

NAME AND ADDRESS OF COMMERCIAL CARRIER AND/OR RENTAL COMPANY: _____

D. REQUEST FOR LUMP SUM PAYMENT

Average weekly wage \$ _____
Multiplied by (x) 3= \$ _____

E. REQUEST FOR ADVANCE PAYMENTS

___ I request advance payment ___ Travel Allowance
___ Lump Sum Payment ___ Transportation of Household Goods

F. CLAIMANT CERTIFICATION

I give this information to support my request for relocation under the Trade Act of 1974, as amended. The information contained in this request is correct and complete to the best of my knowledge. I understand that penalties are provided for willful misrepresentation made to obtain allowances to which I am not entitled. I further certify the funds will be used for the intended purpose and that I will provide proof of such expenditures as required. (See form BWT-925-S for instructions.) I will repay any amount overpaid.

Claimant Signature: _____ Date: _____

G. DETERMINATION

1. ___ You are ELIGIBLE to receive Relocation Allowances under Section 238 of the Trade Act of 1974, Amended in 1981.
2. ___ You are NOT ELIGIBLE to receive Relocation Allowances under Section 238 of the Trade Act of 1974, Amended in 1981, because:
 - a. ___ You were not totally or partially separated from adversely affected employment.
 - b. ___ You did not apply for Relocation Allowances **prior** to moving.
 - c. ___ You did not apply for Relocation Allowances within 425 days of the date you were certified as eligible to apply for Trade Adjustment allowances or within 425 days of the date of your first separation from adversely affected employment or within 182 days after the date you completed training to which you were referred the Michigan Works! Agency.
 - d. ___ You were not totally separated from employment when your relocation began.
 - e. ___ You can reasonably be expected to obtain suitable employment in the area in which you reside.
 - f. ___ You have not obtained suitable employment or a bona fide offer of suitable employment in the area of intended relocation.
 - g. ___ Your relocation did not occur within 182 days from the date your application was filed or within 182 days after the date you completed training to which you were referred by Michigan Works! Agency.

3. ___ Relocation Allowances are approved for payment of the following costs:

- a. ___ TRAVEL EXPENSE at \$ _____ computed 90% of the total of:
 - (1) \$ _____ at _____ per mile for _____ privately owned automobiles for _____ miles.
- b. ___ LODGING AND MEALS of \$ _____ computed at 90% of the lesser of:
 - (1) \$ _____ of actual expenses, or
 - (2) 50% of federal daily living allowances.

- c. ___ MOVING ALLOWANCE of \$ _____ computed at 90% of:
 - (1) \$ _____ for cost of commercial carrier or trailer hauled by commercial carrier or rental trailer, or truck.
 - (2) \$ _____ computed by
 - \$ _____ per mile for
 - \$ _____ miles for trailer or house trailer hauled by automobile.
- d. ___ LUMP SUM of \$ _____ computed at 3 X \$ _____ (average weekly wage) not to exceed \$800. (Or \$1250 if worker certified under petition filed on or after 11/4/02.)

Final Adjustments: _____

TOTAL AMOUNT PAID \$ _____
Date of Payment _____

Signature of Michigan Works! Agency Manager or Designee	Date
---	------

H. APPEAL RIGHTS

Individuals may appeal a determination, in person or by mail, where there is disagreement with a decision made by the MWA. A hearing before an Administrative Law Judge (ALJ) can be requested, in person or by mail, if the individual is in disagreement with the MWA issued re-determination. An individual who disagrees with the decision of an ALJ may request an appeal to the Board of Review. Refer to the procedure provided by the MWA.

Request for appeal must be received by the local office in the state in which you are filing, or by this agency, by the 30th day after the date mailed or, if such 30th day is a Saturday, Sunday, or legal holiday, by the next day which is neither a Saturday, Sunday, or legal holiday.

Determination ___ Redetermination ___

Date Mailed or Personally Served: _____

Michigan Works! Agency: _____

The Michigan Department of Labor & Economic Growth, in compliance with applicable federal and state laws, does not discriminate in employment or in the provision of services based on race, color, religion, sex, national origin, age, disability, height, weight, marital status, arrest without conviction, political affiliation or belief, and for beneficiaries only, citizenship or participation in any federally assisted program or activity.

BWT-925-A
(12/2008)

MWA: _____

Date of Request: _____

**APPLICATION FOR JOB SEARCH ALLOWANCE
TRADE ACT OF 2002**

Claimant Name: _____

SSN: _____

Address (Street, City or County, State, Zip Code): _____

Date of Last Total Separation: _____ Petition # _____

A. WORKER REQUEST

Is this your first request for a job search allowance under the Trade Act of 2002 under this petition? YES NO

If "NO," explain:

Interview Information: If more than two interviews are scheduled, attach a second page.

1) Name & Address of Firm Where Interview Scheduled:

_____	Date & Time of Interview:	Job Title Interviewed for:
_____	_____	_____
_____	Departure Date:	Return Date:
_____	_____	Estimated Number of Miles Traveled
_____	_____	_____

Contract Person Name & Phone Number:

2) Name & Address of Firm Where Interview Scheduled:

_____	Date & Time of Interview:	Job Title Interviewed for:
_____	_____	_____
_____	Departure Date:	Return Date:
_____	_____	Estimated Number of Miles Traveled
_____	_____	_____

Contact Person Name & Phone Number:

B. CLAIMANT CERTIFICATION

Claimant Signature _____ Date _____

C. DETERMINATION

1. Claimant has applied for Relocation Allowance within 365 days of certification or lay-off OR has completed training within the past 182 days? YES NO
2. Certification of suitable employment on file? YES NO
3. Job Search will begin on: _____ and must be completed on or before _____.

To Be Completed by Michigan Works! Agency: Job Search allowance is approved for advance payment based on the following estimated costs:

	<u>Estimated Cost</u>	<u>OR</u>	<u>Federal Per Diem Rate (PDR)</u>	<u>50% of the Federal PDR</u>	<u>90% of the 50% PDR or estimated cost</u>	<u>60% Advance</u>
___ Travel Expense Commercial Carrier	\$ _____		\$ <u>NA</u>	\$ <u>NA</u>	\$ _____	\$ _____
Privately owned automobile No. of Miles _____ round-trip	\$ _____		\$ <u>NA</u>	\$ <u>NA</u>	\$ _____	\$ _____
___ Lodging Cost No. Nights _____ @ Actual Daily Rate Not to exceed 50% of Federal per diem	\$ _____		\$ _____	\$ _____	\$ _____	\$ _____
___ Meals No. Days _____ @ Actual Daily Co Not to exceed 50% of Federal per diem	\$ _____		\$ _____	\$ _____	\$ _____	\$ _____
Totals	\$ _____		\$ _____	\$ _____	\$ _____	\$ _____

Final reimbursement amount for Travel Allowance is 90 percent of: the actual cost of a round trip by the most economical means, or the prevailing mileage rate by federal travel regulations. Payment for Lodging & Meals is 90 percent of the lesser of the actual cost to the individual, or 50 percent of the prevailing per diem allowance rate authorized under federal travel regulations. (Refer to: <http://www.gsa.gov>) Total reimbursement per worker per certification is limited to \$1250.

The application for Job Search Allowance was submitted by the individual within the time limits specified in 20 CFR 617. 31(c), TEGL 11-02 and subsequent changes and BWT Policy Issuance 05-22. The interviews with the above-named employers have been certified and this application is hereby approved.

Signature of Michigan Works! Agency Staff	Date
---	------

D. ADVANCE PAYMENT INFORMATION

I request advance payment of:		
\$ _____ Travel Expenses	\$ _____ Lodging Cost	\$ _____ Meals
I understand the total amount of Job Search Allowance to be reimbursed will be reduced by the amount of the allowance advanced. I will repay any amount overpaid.		

F. VERIFICATION

	<u>Actual Cost</u>	<u>OR</u>	<u>Federal Per Diem Rate (PDR)</u>	<u>50% of the Federal PDR</u>	<u>90% of the 50% PDR OR Actual Cost</u>
___ Travel Expense Commercial Carrier	\$ _____		\$ NA	\$ NA	\$ _____
Privately owned automobile No. of Miles ___ round-trip	\$ _____		\$ NA	\$ NA	\$ _____
___ Lodging Cost No. Nights _____ @ Actual Daily Rate Not to exceed 50% of Federal per diem	\$ _____		\$ _____	\$ _____	\$ _____
___ Meals No. Days _____ @ Actual Daily Cost Not to exceed 50% of Federal per diem	\$ _____		\$ _____	\$ _____	\$ _____

This Job Search was completed and the individual has certified that the job interview(s) occurred and the amounts expended daily for lodging and meals have been verified via the submission of actual receipts.

___The total reimbursement costs have been calculated and the job searcher is due \$ _____.

___The total reimbursement costs have been calculated, the advance payment deducted, and the job searcher is due an additional \$ _____.

___The total reimbursement costs have been calculated, the advance payment deducted, and the job searcher has remitted payment of \$ _____.

Signature of MWA Staff: _____

Date: _____

E. APPEAL RIGHTS

Job Search Allowance is denied for the following reasons(s) _____

Signature of Michigan Works! Agency Staff	Date
---	------

Individuals may appeal a determination, in person or by mail, where there is disagreement with a decision made by the MWA. A hearing before an Administrative Law Judge (ALJ) can be requested, in person or by mail, if the individual is in disagreement with the MWA issued re-determination. An individual who disagrees with the decision of an ALJ may request an appeal to the Board of Review. Refer to the procedure provided by the MWA.

Request for appeal must be received by the local office in the state in which you are filing, or by this agency, by the 30th day after the date mailed or, if such 30th day is a Saturday, Sunday, or legal holiday, by the next day which is neither a Saturday, Sunday, or legal holiday.

Determination: _____ Redetermination _____

Date Mailed or Personally Served: _____

Michigan Works! Agency: _____

The Michigan Department of Labor & Economic Growth, in compliance with applicable federal and state laws, does not discriminate in employment or in the provision of services based on race, color, religion, sex, national origin, age, disability, height, weight, marital status, arrest without conviction, political affiliation or belief, and for beneficiaries only, citizenship or participation in any federally assisted program or activity.

CLAIMANT INSTRUCTIONS FOR RELOCATION ALLOWANCE

Time Limit

You must begin your relocation within 182 days after you apply for a relocation allowance (or within 182 days after you complete training).

Final Statement Required

A relocation will be completed when you, your family, and your household goods and personal effects have actually been moved to the area of relocation and you have established a residence.

When relocation has been completed, you must submit to the Michigan Works! Agency (MWA) a final statement covering the following:

- A. Name, dates, and mode of transportation of each member of your family who actually relocated: "Family" includes the following members of your household whose principal residence is with you in a home that you would have maintained but for your unemployment: (1) spouse, (2) unmarried children, including step-children or adopted children, under 21 years of age (or any age if incapable of self-support because of mental or physical incapacity), and (3) any other person for whom you would be entitled to a deduction for income tax under the Internal Revenue Code of 1954. (When a family member plans to move after the other members of your family have actually relocated, a final statement regarding that family member's travel must also be submitted.)
- B. Actual cost of lodging and meals for you and each family member while traveling to your new residence. Submit receipts for meals and each night's lodging.
- C. Actual cost of transporting your household goods: Upon completion of the transportation of household goods, promptly submit to the MWA:
 1. Commercial carrier: Submit the original or certified copy of the bill of lading prepared by the carrier and the receipt showing payment. You are also required to submit a check covering the amount of any advance payment made to you that exceeds 90% of the actual amount charged for transportation of your household goods.
 2. Trailer or house trailer hauled by commercial carrier: Submit an itemized bill showing payment of the actual rental charges. You are also required to submit a check covering the amount of any advance payment made to you that exceeds 90% of the actual hauling charges.
 3. Rented trailer or truck: Submit an itemized bill showing payment of the actual rental charges. You are also required to submit a check covering the amount of any advance payment made to you that exceeds 90% of the actual amount charged for trailer or truck rental. Also submit receipts for fuel for rental truck.
- D. If temporary storage for household goods and personal effects was necessary, submit a bill from the storage company showing payment of the storage costs. (Limit of 60 days storage.)
- E. State the date you actually entered employment with the employer shown in Part A, Item 4 of Form BWT-925. If you failed to enter employment with this employer, explain why. If you are currently employed by another employer, provide name, address, and the date you entered such employment.

PRINT YOUR NAME, NEW ADDRESS, AND SOCIAL SECURITY NUMBER ON YOUR FINAL STATEMENT.
SEND YOUR FINAL STATEMENT AND DOCUMENTATION TO:

Michigan Works! Agency _____

Address _____

IF YOU WERE OVERPAID (SEE ITEM C OF THIS FORM), ENCLOSE A CHECK FOR THE FULL AMOUNT PAYABLE TO THE MICHIGAN WORKS! AGENCY, AND SUBMIT WITH YOUR FINAL STATEMENT. IF YOU WERE UNDERPAID (ACCORDING TO ITEM C), YOU WILL RECEIVE AN ADJUSTMENT CHECK FROM THE MWA.



**Instructions for Completing the
Petition for Trade Adjustment Assistance (TAA) and
Alternative Trade Adjustment Assistance (ATAA)**

Instructions

The Trade Act of 1974 (19 USC § 2271 et seq.), as amended, established Trade Adjustment Assistance (TAA) to provide assistance to workers in companies affected by imports from foreign countries, shifts in production to certain foreign countries, and to certain secondary workers. The program provides affected workers with both rapid and early assistance and the opportunity to engage in long-term training while receiving income support. **These benefits are provided at no expense to employers.**

Alternative Trade Adjustment Assistance (ATAA) for older workers is an alternative to TAA for trade affected workers 50 years of age or older. ATAA encourages qualified trade affected workers to quickly obtain full-time employment by providing a wage subsidy in lieu of training and income support. Submission of a completed Petition Form signifies a desire to file for both TAA and ATAA. If certified for both programs, workers will have the option of applying for TAA benefits and services and, if reemployment occurs within 26 weeks of the worker's separation, may be eligible to receive ATAA instead of TAA, if the worker desires.

- A worker group (minimum of three workers), union official or other authorized representative, state or local agency representative in a local One Stop Career Center, or knowledgeable firm official must complete this Petition Form, by answering all questions before submitting it to the Department.
- Persons are not required to respond to this collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. Public reporting burden for this collection is estimated to average 20 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Department of Labor at the address provided below (Paperwork Reduction Project 1205-0342).

Filing Directions

- **You must date and submit the Petition Form within 1 YEAR from the date on which the workers were separated or had their hours/wages reduced, but no more than 60 days before layoffs are scheduled or expected to begin.**
- You must file the Petition Form with both the Department of Labor in Washington, DC **and** the TAA coordinator or the dislocated worker office of the state where the firm/subdivision is located.
 - **To file with the Department of Labor**, use one of the methods below (electronically submit or fax for quicker processing):
Electronically submit the Petition Form online at <http://www.doleta.gov/tradeact/petitions.cfm> **OR**
Fax the completed Petition Form to 202-693-3584 or 202-693-3585, **OR**
Mail the completed Petition Form to the Department of Labor address provided below.
 - **To file with the TAA coordinator or the dislocated worker office of the state:**
 Use the contact information below to find the appropriate filing address. If this petition includes firms/subdivisions in different states, copies of this completed Petition Form must be filed in each state where firms/subdivisions are located.

Toll-Free Helpline:
Internet:

1-877-US2-JOBS (TTY) 1-877-889-5627
<http://www.servicelocator.org>

- **Questions? Contact the Department of Labor at:**

U.S. Department of Labor
Division of Trade Adjustment Assistance
Room C-5311
200 Constitution Ave., N.W.
Washington, DC 20210

Phone 202-693-3560
Fax 202-693-3584, 3585
Internet <http://www.doleta.gov/tradeact>

**Petition for Trade Adjustment Assistance (TAA) and
Alternative Trade Adjustment Assistance (ATAA)**



Information in all sections should be printed or typed.

1. Provide petitioner information below. Workers completing this Petition Form must fill in all three columns. Other petitioners must fill in at least the Petitioner 1 column.

	Petitioner 1	Petitioner 2	Petitioner 3
a) Name	_____	_____	_____
b) Title	_____	_____	_____
c) Street Address	_____	_____	_____
	_____	_____	_____
City	_____	_____	_____
State, Zip	_____	_____	_____
d) Phone – Main	_____	_____	_____
e) Phone– Alternate	_____	_____	_____
f) Email	_____	_____	_____
g) Worker Separation Date	_____	_____	_____
h) Petitioner Type: (please check one)	Three Workers <input type="checkbox"/> State Workforce Office <input type="checkbox"/>	Company Official <input type="checkbox"/> One-Stop Operator/Partner <input type="checkbox"/>	Union Official <input type="checkbox"/> Other Authorized Representative <input type="checkbox"/>

2. Provide information on the firm or appropriate subdivision employing the worker group. Workers completing this petition should provide information for the subdivision/location where they work. All other petitioner types may apply on behalf of more than one subdivision; if you choose to do so, attach additional sheets as necessary.

a) Name of Firm/Subdivision _____

b) Street Address _____

City _____

State, Zip _____

c) Phone _____

d) Website (if appropriate) _____

e) Federal Employer Identification Number (If known) _____

f) What (if any) articles are produced at subject firm? _____

If none are produced, what do workers do? _____

g) How many workers have been or will be laid off? _____

h) Is the plant closing? _____ If yes, when? _____

3. Provide contact information for two knowledgeable officials familiar with the trade effects at each firm/subdivision.

	Firm/Subdivision Official 1	Firm/Subdivision Official 2 (if known)
a) Name	_____	_____
b) Title	_____	_____
c) Phone – Work	_____	_____
d) Phone – Alternate	_____	_____
e) Fax	_____	_____
Email	_____	_____

4. Is the worker group (check the boxes that apply):

- a) Employed by a firm/subdivision that produces an article(s)
- b) Contracted to perform work for a firm/subdivision that produces an article(s)

Petition for Trade Adjustment Assistance (TAA) and Alternative Trade Adjustment Assistance (ATAA)



Information in all sections should be printed or typed.

5. In your opinion, does the worker group work at a firm or subdivision that has: (check appropriate box(es) below)

- a) [] Increased imports of like or directly competitive article(s) from a foreign country(s)
[] Shifted production of the article(s) to a foreign country(s)
[] Customers that have increased imports from a foreign country(s)
b) [] Supplied component parts for articles produced by a firm with a currently TAA certified worker group
c) [] Assembled or finished articles provided by a firm with a currently TAA certified worker group

6. If you checked Question 5(b) or 5(c) above, provide the following information for the firm with a currently TAA certified worker group:

- a) Firm Name _____
b) Street Address _____
City _____
State, Zip _____
c) Phone _____
d) Article(s) Produced _____
e) Certification Number and Date (If known) _____

7. Provide the reasons why you believe the worker group is eligible for TAA and ATAA certification, in the space below. Submit any available information or evidence that shows that the worker group is eligible as an attachment to the petition form.

8. Check the box below if you have attached any additional information or supporting documents.

[] I have attached additional information or supporting documents.

The information you provide on this petition form will be used for the purposes of determining worker group eligibility and providing notice to petitioners, workers, and the general public that the petition has been filed and whether the worker group is eligible. Knowingly falsifying any information on this Petition Form is a Federal offense (18 USC § 1001) and a violation of the Trade Act (19 USC § 2316). Each of the petitioners listed in Question 1 must sign below and the petition must be dated in order to be valid. By signing below, you agree to the following statement:

"Under penalty of law, I declare that to the best of my knowledge and belief the information I have provided is true, correct, and complete."

- a) Signature _____
b) Name (Print) _____
c) Date of Petition _____

The petition will be made available for public inspection and copying under the Freedom of Information Act, as amended (5 USC § 552), Executive Order 12600, and 29 CFR Part 70, upon written request to the Department of Labor.

<p style="text-align: center;">State of Michigan Department of Labor & Economic Growth UNEMPLOYMENT INSURANCE AGENCY www.michigan.gov/uia</p> <p style="text-align: center;">Request for Determination of Entitlement to TAA/TRA</p> <p style="text-align: center;">STATEMENT REQUIRED UNDER THE PRIVACY ACT OF 1974 FOR THE TRADE ACT OF 1974 PROGRAM, AMENDED</p> <p>Information requested for use by the State Agency and the U.S. Department of Labor is authorized under Section 231 of the Trade Act of 1974, as amended, and Section 806 of the Social Security Act (42 U.S.C. 1106). All information furnished except to the extent that release of all such information is authorized in the processing of this application and will not be released or used for any purpose other than for establishing entitlement to benefits and allowances under the Trade Act Program for statistical and research studies, and to ensure that benefits and allowances have been paid properly.</p>	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <th colspan="3" style="text-align: center; background-color: #333; color: white;">FOR OFFICE USE</th> </tr> <tr> <td colspan="3" style="text-align: center;"> <input type="checkbox"/> TRADE ADJUSTMENT ASSISTANCE <input type="checkbox"/> TRA ENTITLEMENT </td> </tr> <tr> <td style="width:33%;">BYB DATE</td> <td colspan="2">EMPLOYER NUMBER</td> </tr> <tr> <td colspan="3">PETITION NO.</td> </tr> <tr> <td>CLAIM DATE</td> <td colspan="2">RELEASE AUTHORIZATION <input type="checkbox"/> YES <input type="checkbox"/> NO</td> </tr> <tr> <td>WEEKS OF UC ENTITLEMENT</td> <td>WEEKS OF EB PAID</td> <td>WEEK ENDING UI EXHAUSTED <small>(If not exhausted, use BYE):</small></td> </tr> <tr> <td colspan="3">TRA CLAIM TYPE: R E</td> </tr> <tr> <th colspan="3" style="text-align: center;">INFORMATION SOURCE: NEW CLAIM - N</th> </tr> <tr> <td>IMPACT DATE</td> <td>EXPIRATION DATE</td> <td>PETITION FILING DATE</td> </tr> </table>	FOR OFFICE USE			<input type="checkbox"/> TRADE ADJUSTMENT ASSISTANCE <input type="checkbox"/> TRA ENTITLEMENT			BYB DATE	EMPLOYER NUMBER		PETITION NO.			CLAIM DATE	RELEASE AUTHORIZATION <input type="checkbox"/> YES <input type="checkbox"/> NO		WEEKS OF UC ENTITLEMENT	WEEKS OF EB PAID	WEEK ENDING UI EXHAUSTED <small>(If not exhausted, use BYE):</small>	TRA CLAIM TYPE: R E			INFORMATION SOURCE: NEW CLAIM - N			IMPACT DATE	EXPIRATION DATE	PETITION FILING DATE
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WORKER'S NAME <i>(Last, First, Middle)</i>	SOCIAL SECURITY NUMBER																											
ADDRESS <i>(No., Street, City, County, State & ZIP Code)</i>	LAST OCCUPATION	DATE OF SEPARATION <table style="width:100%; text-align: center;"> <tr> <td style="border: 1px solid black; width: 20px;"> </td> </tr> <tr> <td>M</td><td>M</td><td>D</td><td>D</td><td>Y</td><td>Y</td><td colspan="4"></td> </tr> </table>											M	M	D	D	Y	Y										
M	M	D	D	Y	Y																							
A. SEPARATION AND WAGE INFORMATION FOR ADVERSELY AFFECTED EMPLOYMENT																												
NAME OF FIRM:	Employment through first separation on or after Impact Date above: From: _____ To: _____																											
SUBDIVISION	TYPE OF SEPARATION <input type="checkbox"/> TOTAL <input type="checkbox"/> PARTIAL																											
ADDRESS OF FIRM <i>(No., Street, City, State, ZIP Code)</i>	STATE OF SEPARATION																											
ADDRESS OF FIRM <i>(No., Street, City, State, ZIP Code)</i>	REASON FOR SEPARATION <i>(Check Correct One)</i> (1) <input type="checkbox"/> Lack of Work (2) <input type="checkbox"/> Fired (3) <input type="checkbox"/> Quit																											
No. of weeks that you earned \$30 or more in the 52-week period ending with the separation.	GROSS WAGES EARNED IN THOSE WEEKS \$																											
ANSWER ONLY IF THE NUMBER OF WEEKS YOU EARNED \$30 OR MORE IS LESS THAN 26. NUMBER OF WEEKS OF AUTHORIZED LEAVE (vacation, sickness, maternity, inactive duty or active military service for training, disability compensated under a Worker's Disability Compensation law, employment interruption to serve full time as a representative of labor organization). _____ Weeks of authorized leave described above (other than weeks of disability compensated under a Worker's Disability Compensation Law) _____ Weeks of disability compensated under a Worker's Disability Compensation Law.																												
Date of last separation before the Expiration Date (above) _____	TYPE OF SEPARATION <input type="checkbox"/> TOTAL <input type="checkbox"/> PARTIAL																											
No. of weeks that you earned \$30 or more in the 52 week period ending with separation.	REASON FOR SEPARATION <i>(Check Correct One)</i> (1) <input type="checkbox"/> Lack of Work (2) <input type="checkbox"/> Fired (3) <input type="checkbox"/> Quit (4) <input type="checkbox"/> Retired Voluntarily (5) <input type="checkbox"/> Retired Involuntarily (6) <input type="checkbox"/> Labor Dispute (7) <input type="checkbox"/> Other																											
IF REASON FOR EITHER SEPARATION WAS OTHER THAN LACK OF WORK, EXPLAIN.																												
B. RECORD OF EMPLOYMENT DURING PERIOD <i>Complete for last 18 months. Start with last employer and work back.</i>																												
BEGINNING AND ENDING DATES	NAME(S) AND ADDRESS(ES) OF EMPLOYER(S)	GROSS WAGES PAID																										
_____	_____	\$																										
_____	_____	\$																										
_____	_____	\$																										
_____	_____	\$																										

Provide copies of a W-2, pay stub, tax return or other documents to show employment and wages with the employer(s) above.

Unemployed Worker Name:
SSN:

C. OTHER QUALIFYING INFORMATION

(To be completed by worker by checking appropriate boxes. All "YES" answers must be explained.)

1. DID YOU WORK FOR ANY OTHER EMPLOYER AFTER THE EMPLOYMENT SHOWN IN SECTION A?	YES <input type="checkbox"/> NO <input type="checkbox"/>	EMPLOYER NAME _____ ADDRESS _____ DATE OF SEPARATION _____ REASON FOR SEPARATION _____
2. HAVE YOU FILED A REQUEST FOR A DETERMINATION OF ENTITLEMENT TO TRADE READJUSTMENT ALLOWANCES PRIOR TO THIS APPLICATION?	YES <input type="checkbox"/> NO <input type="checkbox"/>	STATE IN WHICH FILED _____ DATE FILED _____
3. DO YOU HAVE ENTITLEMENT TO UNEMPLOYMENT INSURANCE BENEFITS?	YES <input type="checkbox"/> NO <input type="checkbox"/>	PAYING STATE _____
4. HAVE YOU RECEIVED UNEMPLOYMENT INSURANCE BENEFITS OR TRAINING ALLOWANCES SINCE THE EMPLOYMENT SHOWN IN SECTION A?	YES <input type="checkbox"/> NO <input type="checkbox"/>	PAYING STATE _____ NAME OF PROGRAM _____
5. SINCE THE EMPLOYMENT SHOWN IN SECTION A, HAVE YOU REFUSED TO ACCEPT REFERRAL TO, OR HAVE YOU FAILED TO REPORT TO A REFERRED TRAINING PROGRAM, OR HAVE YOU BEEN TERMINATED FROM ANY TRAINING PROGRAM?	YES <input type="checkbox"/> NO <input type="checkbox"/>	STATE IN WHICH OCCURRED _____ NAME OF PROGRAM _____
6. ARE YOU NOW RECEIVING ANY TRAINING?	YES <input type="checkbox"/> NO <input type="checkbox"/>	STATE IN WHICH TRAINING IS BEING CONDUCTED _____ NAME OF PROGRAM _____

D. WORKER CERTIFICATION AND RELEASE AUTHORIZATION

I give this information to support my request for a determination of entitlement to Trade Readjustment Allowances. The information contained in this request is correct and complete to the best of my knowledge. I understand that penalties are provided for willful misrepresentation made to obtain allowances to which I am not entitled. I acknowledge that I must visit a Michigan Works! Service Center for more information and to complete other required paperwork.

I authorize the State of Michigan, Unemployment Insurance Agency, to release information regarding this claim to the involved employer.

SIGNATURE OF WORKER _____ DATE OF THIS REQUEST _____

If you have any question about this form, call our TRA Unit at 1-866-241-0152 (TTY customers use 1-866-366-0004).

**Return this form to: UIA - TRA Unit
 P.O. Box 11080
 Detroit, MI 48211-0080
 Fax #: 1-313-456-3694**



User ID _____	For UIA Use Only	Date ____/____/____
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